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PART I

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(As of January 1, 1966)

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Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 1 (Rev. 1)]

PART 105—STANDARDS OF CONDUCT

Preferential Treatment to or Discrimination Against Private Interests

Part 105 of Chapter I of Title 13 of the Code of Federal Regulations is amended by revising § 105.735–3–4 to read as follows:

§ 105.735–3–4 Preferential treatment to or discrimination against private interests.

No employee or special Government employee in the conduct of official business shall afford preferential treatment to or discriminate against any person, firm, corporation, or other entity.

Dated: May 13, 1966.

This Amendment 1 was approved by the Civil Service Commission on April 14, 1966.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 66–5553; Filed, May 20, 1966; 8:46 a.m.]

[Rev. 5, Amdt. 9]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of a Small Business for Purpose of Bidding on Government Procurements for Janitorial and Custodial Services and Base Maintenance (Housekeeping) Contracts

On March 28, 1966, the Small Business Administration held a public hearing on the definition of a small business for the purpose of bidding on Government contracts for janitorial and custodial services and to determine whether SBA should promulgate a specific size standard for the purpose of bidding on Government procurements for base maintenance (housekeeping) contracts.

Interested persons were given an opportunity to present their comments, arguments and recommendations thereon to the Office of Economic Analysis.

Under the present size regulation, a concern is small for bidding on Government procurements for janitorial and custodial services if it, including its affiliates, has average annual receipts of $1 million or less for the preceding three fiscal years. There is no specific definition of a small business concern for the purpose of bidding on base maintenance contracts, which may include but are not limited to such fields of activities as janitorial and custodial services, protective guard services, commissary services, refuse collection services, safety engineering services, grounds maintenance and landscaping services, construction, manufacturing, transportation, etc.

After consideration of all relevant matters, the Small Business Size Standards Regulation (Revision 5), (30 F.R. 2247), as amended (30 F.R. 4252, 6778, 15323, 8825, 12640, 9055, 15323, 31 F.R. 4340) is hereby further amended by:

1. Adding new paragraph § 121.3–2 (d–1) as follows:

§ 121.3–2 Definition of terms used in this part.

* * * * *

(d–1) "Base maintenance" means furnishing at an installation within the several States, Commonwealth of Puerto Rico, Virgin Islands, or the District of Columbia three or more of the following services: Janitorial and custodial services, protective guard services, commissary services, fire prevention services, refuse collection services, safety engineering services, messenger services, grounds maintenance and landscaping services, and air-conditioning and refrigeration maintenance: *Provided, however,* That whenever the contracting officer determines prior to the issuance of bids that the estimated value of one of the foregoing services constitutes more than 50 percent of the estimated value of the entire contract, the contract shall not be classified as base maintenance but in the industry in which such service is classified.

2. Adding a sentence at the end of the first unnumbered paragraph of § 121.3–8 as follows:

§ 121.3–8 Definition of Small Business for Government Procurement.

* * * * *

* * * If no standard for an industry, field of operation, or activity; e.g. animal specialities, fin fish, anthracite mining, management-logistics support (outside of the several States, Commonwealth of Puerto Rico, Virgin Islands or the District of Columbia) has been set forth in this section, a concern bidding on a Government contract is a small business if, including its affiliates, it is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and has 500 employees or less.

3. Adding subparagraphs (3) and (4) to § 121.3–8(e) as follows:

§ 121.3–8 Definition of Small Business for Government Procurement.

* * * * *

(e) *Services.* * * *

(3) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual sales or receipts for its preceding three fiscal years do not exceed $3 million.

(4) Any concern bidding on a contract for base maintenance is classified as small if its average annual sales or receipts for its preceding three fiscal years do not exceed $5 million.

Because of the pendency of Government procurements for the fiscal year beginning July 1, 1966, which would be affected by these changes, this amendment shall become effective on publication in the FEDERAL REGISTER.

Dated: May 14, 1966.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 66–5554; Filed, May 20, 1966; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 45—OLEOMARGARINE, MARGARINE

Liquid Margarine; Confirmation of Effective Date of Order Establishing Identity Standard

In the matter of establishing a standard of identity for liquid margarine:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of April 6, 1966 (31 F.R. 5434). Accordingly, the regulation promulgated by that order became effective May 7, 1966.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: May 13, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66–5561; Filed, May 20, 1966; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Viable Spores of Micro-Organism *Bacillus Thuringiensis* Berliner; Exemption From Requirement of Tolerance

A petition (PP 6F0471) was filed with the Food and Drug Administration by Markel and Hill, Munsey Building, Washington, D.C., 20004, on behalf of Bioferm Division, International Minerals and Chemical Corp., Wasco, Calif., 93280, proposing the establishment of an exemption from the requirement of a tolerance for residues of the insecticide containing viable spores of the micro-organism *Bacillus thuringiensis* Berliner in or on collards, grapes, kale, mustard greens, strawberries, sweet corn, and turnip greens.

The Secretary of Agriculture has certified that this insecticide is useful for the purposes for which exemption from the requirement of a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs has concluded that a tolerance is not necessary to protect the public health and an exemption should be issued. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008), § 120.1011(b) is revised to read as follows:

§ 120.1011 Viable spores of the micro-organism *Bacillus thuringiensis* Berliner; exemption from the requirement of a tolerance.

* * * * *

(b) Exemption from the requirement of a tolerance is established for residues of the microbial insecticide *Bacillus thuringiensis* Berliner, as specified in paragraph (a) of this section, in or on the following raw agricultural commodities: Alfalfa, apples, artichokes, bananas, beans, broccoli, cabbage, cauliflower, celery, collards, cottonseed, grapes, kale, lettuce, melons, mustard greens, potatoes, spinach, strawberries, sweet corn, tomatoes, turnip greens.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 13, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-5562; Filed, May 20, 1966; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Subpart F—Grants To Improve Quality of Schools of Medicine, Dentistry, Osteopathy, Optometry and Podiatry

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Subpart F—Grants to Improve Quality of Schools of Medicine, Dentistry, Osteopathy, Optometry, and Podiatry, which relates solely to grants. This addition shall become effective on the date of publication in the FEDERAL REGISTER.

1. The heading of Part 57 is amended to read as set forth above.

2. New Subpart F is added as follows:

Sec.
57.501 Definitions.
57.502 Eligibility.
57.503 Application.
57.504 Assurances required.
57.505 Determination of number of students enrolled.
57.506 Grant awards.
57.507 Amount of grants.
57.508 Expenditure of grant funds.
57.509 Nondiscrimination.
57.510 Payments.
57.511 Records, reports, inspection.
57.512 Termination of grants.

AUTHORITY: The provisions of this Subpart F issued under sec. 215(b) of the Public Health Service Act as amended, 58 Stat. 690; 42 U.S.C. 216(b). Interpret or apply secs. 770–774 of the Public Health Service Act as amended, 79 Stat. 1052–1055; 42 U.S.C. 295f–295f–4.

§ 57.501 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Surgeon General" means the Surgeon General of the Public Health Service or any other officer or employee of the Public Health Service to whom the Surgeon General has delegated authority to act in his behalf to carry out the purposes of Part E of Title VII of the Act.

(c) "Full-time student" means a student who is enrolled in and pursuing a course of study leading to a degree of Doctor of Medicine, Doctor of Dental Surgery or equivalent degree, Doctor of Osteopathy, Doctor of Optometry or equivalent degree, or Doctor of Podiatry or equivalent degree and who is enrolled for sufficient number of credit hours or their equivalent to complete the requirements for such degree within the number of semesters or other academic terms usually required therefor by the school in which he is enrolled.

(d) "School" means a public or nonprofit school of medicine, dentistry, osteopathy, optometry, or podiatry which provides training leading respectively to a degree of Doctor of Medicine, Doctor of Dental Surgery or equivalent degree, Doctor of Osteopathy, Doctor of Optometry or equivalent degree, or Doctor of Podiatry or equivalent degree and which is accredited as provided in section 773(b)(2) of the Public Health Service Act.

(e) "Council" means the National Advisory Council on Medical, Dental, Optometric and Podiatric Education (established by section 774 of the Act).

(f) "Budget year" means the 12-month period from July 1 to June 30 specified in the grant award document.

(g) "Construction" includes (1) the construction of new buildings (including related costs such as architects' fees, acquisition of land, and off-site improvements), (2) the expansion, remodeling, alteration and repair of existing buildings except where the cost with respect to any single project is less than $50,000, and (3) the initial equipping of such buildings.

§ 57.502 Eligibility.

(a) *Basic improvement grants.* To be eligible for a basic improvement grant under the Act, the applicant shall:

(1) Meet the applicable requirements of section 773(b) of the Act;

(2) File an application as required by § 57.503; and

(3) Be located in a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

(b) *Special improvement grants.* To be eligible for a special improvement grant under the Act, the applicant must have filed an application for a basic improvement grant which has been approved by the Surgeon General.

§ 57.503 Application.

Each school of medicine, dentistry, osteopathy, optometry, or podiatry de-

siring an improvement grant under the Act shall submit an application in such form and at such time as the Surgeon General may require. Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(a) *Basic improvement grants.* An application for a basic improvement grant shall include a description of the manner and method by which all funds granted will be utilized by the applicant to improve the quality of the applicant's educational programs.

(b) *Special improvement grants.* An application for a special improvement grant shall include a plan setting forth specifically the nature and methods by which both basic and special improvement grant funds will be used to maintain or contribute to accreditation or specialized functions which are served by the applicant.

§ 57.504 Assurances required.

In addition to any other requirements imposed by law, each improvement grant shall be subject to the condition that the applicant will furnish and comply with the following assurances and requirements. The Surgeon General may in individual cases require additional assurances where he finds that such additions are necessary to carry out the purposes of the Act.

(a) With respect to the assurance required by section 773(d)(2) of the Act, relating to the continued expenditure of non-Federal funds, the determination of the amount of non-Federal funds expended during the budget year and the 3 fiscal years immediately preceding the budget year shall exclude cost of construction as defined in § 57.501(g).

(b) With respect to the assurance required by section 771(b) of the Act relating to increased enrollment, the school shall, except as otherwise provided in this paragraph, furnish such reasonable assurances as the Surgeon General may require that for the first school year beginning after the budget year and each school year thereafter during which a grant is made the first-year enrollment of full-time students in such school will exceed the highest first-year enrollment for any of the 5 school years during the period July 1, 1960, through July 1, 1965, by at least 2½ per centum of such highest first-year enrollment, or by five students, whichever is greater. Where the applicant has given an assurance under section 721(c)(2)(D) with respect to a construction grant application, this increase shall be in addition to the increase of 5 per centum or five students required thereunder. Where any school desires that the Surgeon General shall waive, in whole or in part (in accordance with the last sentence of section 771(b) of the Act), the assurance of increased enrollment, it shall so indicate in its application and shall in its application state the reasons why the required increase in first-year enrollment of full-time students in such school cannot, because of limitations of physical facilities available to the school for training, be accomplished without lowering the quality of training for such students.

§ 57.505 Determination of number of students enrolled.

(a) For purposes of computing the amount of the basic improvement grant to which a school is entitled, the number of full-time students enrolled in such school shall be the number of full-time students which the Surgeon General, on the basis of information relating to the school's past and anticipated enrollment, estimates will be the number of first-year, second-year, third-year and fourth-year full-time students enrolled in the school on October 15 of the budget year.

(b) The classification of a full-time student as a first-year, second-year, third-year or fourth-year student shall be in accordance with the policies of the particular school, except that any student who is required to repeat one or more first-year courses after having been enrolled as a full-time student during a previous school year shall not be considered a first-year student.

(c) For purposes of the assurance required by section 771(b) of the Act and § 57.504(b), the number of full-time first-year students enrolled in a school for any of the five school years during the period July 1, 1960, through July 1, 1965, and for any school year after the first budget year shall be the number of such students enrolled in such school on October 15 of such year.

§ 57.506 Grant awards.

(a) *Basic improvement grants.* After consultation with the Council, the Surgeon General shall award a basic improvement grant to each applicant whose application is found by the Surgeon General to meet the requirements of the Act and of the regulations in this subpart.

(b) *Special improvement grants.* The Surgeon General may award a special improvement grant to any applicant where such grant is recommended by the Council, and where the Surgeon General determines that such grant will be utilized by the applicant in accordance with the purposes specified in section 772(b) of the Act. In making special improvement grants, the Surgeon General shall give consideration to the following factors:

(1) The relative financial need of the applicant for such grant.

(2) The relative effectiveness of the applicant's proposal in contributing toward or maintaining accreditation or specialized functions which the school serves.

(3) The extent to which the applicant's proposal contributes to an equitable geographical distribution of schools offering high quality training for physicians, dentists, osteopaths, optometrists and podiatrists.

§ 57.507 Amount of grants.

(a) *Basic improvement grants.* The amount of each basic improvement grant shall be an amount computed in accordance with section 771(a) of the Act. Where the amount of funds available for any fiscal year is less than the total of the amounts computed, the grant awarded to each participating school shall be reduced proportionately.

(b) *Special improvement grants.* Within the limits of available funds and the restrictions specified in section 771(c) of the Act with respect to the maximum amount of the grant, the amount of each special improvement grant shall be that which the Surgeon General deems to be reasonably necessary to carry out the applicant's approved special improvement plan.

§ 57.508 Expenditure of grant funds.

(a) Basic improvement grants: Basic improvement grant funds may be obligated by the school at any time before the end of the 12-month period following the budget year, for any purpose which will improve the quality of the educational program of the school, but may not be expended for the purposes listed in paragraph (c) of this section. Any funds not so obligated must be refunded to the Public Health Service.

(b) Special improvement grants: Special improvement grant funds may be expended only to carry out the purposes of the special improvement plan set forth in the school's application as recommended by the Council and approved by the Surgeon General. Any unobligated special improvement funds remaining in the grant account at the close of a budget year will be carried forward and will be available for obligation during subsequent budget years. The amount of the subsequent award will take into consideration the amount remaining in the grant account. At the end of the last budget year any unobligated special improvement funds remaining in the grant account must be refunded to the Public Health Service.

(c) Basic or special improvement grant funds may not be expended for the following purposes:

(1) Construction (as defined in § 57.501(g)), provided, however, that the Surgeon General may in particular cases approve the expenditure of improvement grant funds for remodeling, alteration, and repair of existing buildings in excess of $50,000 where he finds that such expenditure is necessary in order to improve the quality of the educational program of the school;

(2) Research;

(3) Research training;

(4) Student assistance;

(5) Patient care; or

(6) Operation of teaching hospitals.

§ 57.509 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights

Act of 1964 (78 Stat. 252; P.L. 88-352) which provides that no person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (section 601). A regulation implementing such Title VI, which is applicable to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) Each grant for expansion, remodeling, alteration or repairs shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246 (Sept. 24, 1965), and with the applicable rules, regulations and procedures prescribed pursuant thereto.

§ 57.510 Payments.

The Surgeon General shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement.

§ 57.511 Records, reports, inspection.

(a) *Records and reports.* Each grant award pursuant to this subpart shall be subject to the condition that the grantee shall maintain such progress and fiscal records, and file with the Surgeon General such progress and fiscal reports relating to the use of grant funds as the Surgeon General may find necessary to carry out the purposes of the Act and regulations.

(b) *Inspection and audit.* Any application for a grant award under this subpart shall constitute the consent of the applicant to inspections at reasonable times by persons designated by the Surgeon General of the facilities, equipment and other resources with the principant and to interviews with the principal staff members to the extent that such resources and personnel will be, or are, involved in the project. In addition, the acceptance of any grant award under this subpart shall constitute the consent of the grantee to inspections and fiscal audit by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 57.512 Termination of grants.

Whenever the Surgeon General finds that a grantee has failed to comply with the Act or the regulations of this subpart he may, on reasonable notice to the grantee, withhold further payments.

Dated: April 26, 1966.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: May 12, 1966.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66-5565; Filed, May 20, 1966; 8:47 a.m.]

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Subpart G—Scholarship Grants to Schools of Medicine, Osteopathy, Dentistry, Optometry, Podiatry, or Pharmacy

Notice of proposed rule making, public rule making procedures, and postponement of effective date have been omitted in the issuance of the following Subpart G—Scholarship Grants to Schools of Medicine, Osteopathy, Dentistry, Optometry, Podiatry, or Pharmacy, which relates solely to grants. This addition shall become effective on the date of publication in the FEDERAL REGISTER.

A new Subpart G is added as follows:

Sec.

AUTHORITY: The provisions of this Subpart G issued under sec. 215(b) of the Public Health Service Act as amended, 58 Stat. 690, 42 U.S.C. 216(b). Interpret or apply sec. 780 of the Public Health Service Act as amended, 79 Stat. 1055, 42 U.S.C. 295g.

§ 57.601 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Surgeon General" means the Surgeon General of the Public Health Service or any other officer or employee of the Public Health Service to whom the Surgeon General has delegated authority to act in his behalf to carry out the purposes of Part F of Title VII of the Act.

(c) "School" means a public or nonprofit school of medicine, dentistry, osteopathy, optometry, podiatry, or pharmacy which provides training leading respectively to a degree of Doctor of Medicine, Doctor of Dental Surgery or equivalent degree, Doctor of Osteopathy, Doctor of Optometry or equivalent degree, Doctor of Podiatry or equivalent degree, or Bachelor of Science in Pharmacy or Doctor of Pharmacy, and which is accredited as provided in section 721(b)(1)(B) or section 733(b)(2) of the Public Health Service Act.

(d) "Scholarship" or "scholarship award" means that amount of money awarded to a student by a school as authorized by section 780(c).

(e) "Scholarship grant" means a grant to a school for making scholarship awards as authorized by section 780(a).

(f) "Full-time student" means a student who is enrolled in and pursuing a course of study leading to the degree of Doctor of Medicine, Doctor of Dental Surgery or equivalent degree, Doctor of Osteopathy, Doctor of Optometry or equivalent degree, Doctor of Podiatry or equivalent degree, or Bachelor of Science in Pharmacy or Doctor of Pharmacy, and who is enrolled for a sufficient number of credit hours or their equivalent to complete the requirements for such degree within the number of semesters or other academic terms usually required therefor by the school in which he is enrolled.

(g) "Good standing" means the eligibility of a student to continue in attendance at the school where he is enrolled in accordance with the school's standards and practices.

(h) "National of the United States" means (1) a citizen of the United States or (2) a person who though not a citizen of the United States owes permanent allegiance to the United States (8 U.S.C. 1101(a)(22).

§ 57.602 Eligibility of schools.

To be eligible for a scholarship grant under this subpart, the applicant school shall:

(a) Meet the applicable requirements of section 780(a) of the Act;

(b) Submit an application as required by § 57.603; and

(c) Be located in a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

§ 57.603 Application by school.

Each school desiring a scholarship grant under the Act shall submit an application in such form and at such time as the Surgeon General may require. The application shall be executed by an individual authorized to act for the applicant school and to assume on behalf of the applicant school the obligations imposed by the terms and conditions of any scholarship grant, including the regulations of this subpart.

§ 57.604 Grant award; determination of number of students.

(a) The Surgeon General shall award annually to each eligible school applying therefor a scholarship grant in an amount computed according to section 780(b) of the Act. When the amount of funds available for any fiscal year is less than the total of the amounts so computed, the grant awarded to each participating school shall be reduced proportionately.

(b) For purposes of computing the amount of the scholarship grant to be awarded to any school:

(1) For a grant made during the fiscal year ending June 30, 1966, the number of full-time, first-year students of such school shall be the number which the Surgeon General, on the basis of information relating to the school's past and anticipated enrollment, estimates will be the number of full-time, first-year stu-

dents enrolled in such school on October 15, 1966.

(2) For a grant made during the fiscal year ending June 30, 1967, the number of full-time, first-year, and second-year students of such school shall be the number which the Surgeon General, on the basis of information relating to the school's past and anticipated enrollment, estimates will be the number of full-time, first- and second-year students enrolled in such school on October 15, 1967.

(3) For a grant made during the fiscal year ending June 30, 1968, the number of full-time, first-year, second-year, and third-year students shall be the number which the Surgeon General, on the basis of information relating to the school's past and anticipated enrollment, estimates will be the number of full-time, first-, second-, and third-year students enrolled in such school on October 15, 1968.

(4) For a grant made during the fiscal year ending June 30, 1969, the number of full-time students of such school shall be the number which the Surgeon General, on the basis of information relating to the school's past and anticipated enrollment, estimates will be the number of full-time, first-, second-, third-, and fourth-year students enrolled in such school on October 15, 1969.

(c) The classification of a full-time student as a first-year, second-year, third-year, or fourth-year student shall be in accordance with the policies of the particular school receiving the scholarship grant, except that in the case of schools of pharmacy first-year, second-year, and third-year students shall be those full-time students enrolled in the second from the last, next to the last, and the last year of professional education, respectively: *Provided*, That any student who is required to repeat one or more first-year courses after having been enrolled as a full-time student during a previous school year shall not be considered a first-year student.

§ 57.605 Obligation of grant funds.

Scholarship grant funds shall be obligated by the grantee school solely for awarding scholarships to students during the period specified in the grant award document. Any funds not required to discharge such obligations must be returned to the Public Health Service.

§ 57.606 Eligibility and selection of scholarship recipients.

(a) *Eligibility.* Scholarships may be awarded only to students who are:

(1) Nationals of the United States or are in a State for other than temporary purposes and who intend to become permanent residents of the United States;

(2) Enrolled and in good standing, or have been accepted for enrollment, in the school as full-time students; and

(3) From families whose income is such that the student, without such financial assistance, would be unable to pursue a full-time course of study at the school. The determination that a student is from a low-income family and that the student would be unable to pursue a full-time course of study at the school without such financial assistance is to be made by the school, in accordance with the Act and the provisions of paragraph (b) of this section.

(b) *Selection of scholarship recipients and determination of need.* It shall be the responsibility of the grantee school to select qualified candidates and to make reasonable determinations of need. In determining whether a student would be unable to pursue a course of study at the school without a scholarship award, the school shall take into consideration:

(1) The income, assets, and resources of the student and his spouse;

(2) The income, assets, and resources of the student's family;

(3) Loans under the Health Professions Student Loan Program (Part C of Title VII of the Act) or, in the case of schools which do not participate in that program, loans under the National Defense Loan Program (20 U.S.C. sec. 421–429);

(4) Other scholarships and private grants administered by the school; and

(5) The cost of tuition, fees, books, equipment, and living expenses reasonably necessary for the student's full-time attendance at the institution.

§ 57.607 Scholarship award.

The amount of the scholarship award to any student shall not exceed the amount of such student's financial need, as determined by the school in accordance with § 57.606(b), and shall in no case exceed $2500 for any 12-month period.

§ 57.608 Payment of scholarships.

Scholarships shall be paid to students in such installments as are deemed appropriate by the school, except that no scholarship recipient may receive more during any given installment period (e.g., semester, term, quarter, or academic year) than he needs for such period.

§ 57.609 Termination of scholarships.

A scholarship award shall be terminated if:

(a) The student ceases to be a full-time student in good standing; or

(b) The school subsequently determines that the student misrepresented his financial need.

§ 57.610 Records, reports, inspections.

(a) *Records and reports.* Each scholarship grant shall be subject to the condition that the grantee school shall maintain such records, and file with the Surgeon General such reports relating to the use of scholarship grant funds by the grantee school as the Surgeon General may find necessary to carry out the purposes of the Act and regulations.

(b) *Inspection and audit.* Any application for a scholarship grant shall constitute the consent of the applicant school to inspection and fiscal audit by persons designated by the Surgeon General of the fiscal and other records of the applicant school which relate to the grant. Records, documents, and information available to the school pertinent to the audit shall be retained by the school until completion of the fiscal audit and the resolution of all questions arising therefrom.

§ 57.611 Termination of grants.

Whenever the Surgeon General finds that a grantee school has failed to comply with the Act, or the regulations of this part, he may, on reasonable notice to the grantee school, withheld further payments.

§ 57.612 Nondiscrimination.

(a) No eligible applicant shall be denied a scholarship award on the ground of sex or creed.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88–352) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (sec. 601). A regulation implementing such Title VI, which is applicable to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

Dated: April 26, 1966.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: May 12, 1966.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66–5566; Filed, May 20, 1966; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Section 213.3244 is revoked to reflect the fact that the 10 positions of Zone Intergroup Relations Advisers are no longer excepted under Schedule B. Effective on publication in the FEDERAL REGISTER, § 213.3244 is revoked in its entirety.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–5594; Filed, May 20, 1966; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

President's Council on Equal Opportunity

Section 213.3375 is revoked to reflect the fact that the President's Council on Equal Opportunity has ceased to exist, and that the positions of Executive Secretary and Assistant Executive Secretary are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, § 213.3375 is revoked in its entirety.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-5595; Filed, May 20, 1966; 8:49 a.m.]

PART 630—ABSENCE AND LEAVE

Reduction in Leave Credits

Section 630.208 is amended to require that when an employee has more than one period of employment in a leave year, all hours of nonpay status in periods during which the employee earned annual leave shall be totaled for the purpose of reducing leave credits. Effective on publication in the FEDERAL REGISTER, paragraph (a) of § 630.208 is amended as set out below.

§ 630.208 Reduction in leave credits.

(a) When the number of hours in a nonpay status in a full-time employee's leave year equals the number of basepay hours in a pay period, the agency shall reduce his credits for leave by an amount equal to the amount of leave the employee earns during the pay period. When the employee's number of hours of nonpay status does not require a reduction of leave credits, the agency shall drop those hours at the end of the employee's leave year. For the purpose of determining the reduction of leave credits under this paragraph when an employee has one or more breaks in service during a leave year, the agency shall include all hours in a nonpay status (other than nonpay status during a fractional pay period when no leave accrues) for each period of service during the leave year in which annual leave accrued.

(Sec. 206, 65 Stat. 681; 5 U.S.C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-5679; Filed, May 20, 1966; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of C.C.L. 5]

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

General Notes to Commodity Control List

Part 399 of Title 15 of the Code of Federal Regulations is amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date. May 18, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

General notes to § 399.1 *Commodity Control List* are as follows:

As previously announced, the Department of Commerce held public hearings on export controls over cattle hides, calf and kip skins, and bovine leathers. These hearings were held in Washington, April 18, 19, and 25. As a result of the hearings the Secretary of Commerce announced the decision which appears in section 13.

During the hearings, industry representatives recommended that the controls be modified to alleviate certain business difficulties and hardships arising from the imposition of quantitative licensing limitations on March 11. Each recommendation was considered on its merits from the standpoint of its impact on the basic objectives of the controls.

The accepted recommendations revise the export regulations previously published in Current Export Bulletins No. 929, 930, and 931 (dated Mar. 7, 11, and 18 respectively) (see 31 F.R. 3498, Mar. 8, 1966; 31 F.R. 6829, May 7, 1966; and 31 F.R. 6864, May 10, 1966), and are described below under the following categories:

Section No.	*Title*
1	Increases in Annual Export Quotas.
2	Types of Export Licensing Procedures.
3	Commodities Removed From Quantitative Licensing Quota.
4	Export Commitments Entered Into on or Before March 7, 1966.
5	New Quotas for Licensing Under Past Participation in Exports Licensing Method.
6	Country Quotas Abolished.
7	New Statements of Past Participation in Exports Required for "Cattle Hides, Except Whole".
8	New Statements of Past Participation in Exports Not Required for Other Quotas.
9	Application Submission Dates Under Past Participation in Exports Licensing Method.
10	Completion of License Applications.
11	Amendment of Export Licenses.
12	Restriction on Use of Time Limit, Periodic Requirements, and Project Licenses.
13	Decision.

SECTION 1—INCREASES IN ANNUAL EXPORT QUOTAS

The calendar year 1966 export quotas, previously announced in Current Export Bulletin No. 930 dated March 11, 1966 (see 31 F.R. 6829, May 7, 1966), are increased as follows:

(a) Cattle hides, whole (Export Control Commodity No. 21110)—increased from 9,920,000 hides to 11,220,000 hides.

(b) Cattle hide croupons, crops, dossets, sides, butts, and butt bends (Export Control Commodity No. 21110)—increased from 810,000 pieces to 1,000,000 pieces.[1]

(c) Calf skins and kip skins (Export Control Commodity No. 21120)—increased from 2,140,000 skins to 2,375,000 skins.

(d) Cattle hide and kip side upper leather, grain, except patent and metalized; and cattle hide and kip side leather, n.e.c. (Export Control Commodity No. 61150)—increased from 10,800,000 square feet to 12,500,000 square feet.

(e) Cattle hide and kip side sole, belting, and welting leather, grain; cattle hide and kip side rought, russet, and crust leather; and whole splits, side splits, and bend splits (Export Control Commodity No. 61150)—increased from 1,700,000 pounds to 2,340,000 pounds.[2]

(f) Calf and whole kip upper leather, except patent and metalized; and calf and whole kip leather, n.e.c., except patent and metalized (Export Control Commodity No. 61150)—increased from 1,000,000 square feet to 2,060,000 square feet.

SECTION 2—TYPES OF EXPORT LICENSING PROCEDURES

This revision establishes three procedures for licensing exports of cattle hides, calf and kip skins, and bovine leathers, as follows:

(1) Licensing of commodities removed from licensing quota but retained under validated license requirement (see sec. 3 below).

(2) Licensing of commodities not removed from licensing quota but involving a purchase and export commitment entered into on or before March 7, 1966 (see sec. 4 below).

(3) Licensing of commodities not removed from licensing quota and not involving a commitment entered into on or before March 7, 1966 (see sec. 5 below).

SECTION 3—COMMODITIES REMOVED FROM QUANTITATIVE LICENSING QUOTA

Previously, all types of pieces included under the quota classification of "cattle hides, except whole" were subject to a quantitative licensing quota. This quota classification has been revised to remove cattle hide bellies, splits, shanks, heads, shoulders, and tails from the quantitative licensing quota. Therefore, only croupons, crops, dossets, sides, butts, and butt bends remain subject to the quantitative licensing quota. Likewise, the following types of tanned or partially tanned leathers are removed from the quantitative licensing quotas: Offal leather and splits except whole, side and bend splits.

As a result, license applications covering the types of hides and leather removed from the quantitative licensing quota are no longer subject to the past participation in exports licensing method. Such license applications may be submitted at any time and are not restricted to exporters who have exported the commodity during a previous base period.

Exporters are reminded that all provisions previously published in Current Export Bulletin No. 930 continue in effect except as

[1] Other types of cattle hide pieces such as bellies, splits, shanks, heads, tails, and shoulders are no longer subject to a quantitative licensing quota (see sec. 3 below).

[2] Tanned and partially tanned offal leather and splits except whole, side, and bend splits, are no longer subject to a quantitative licensing quota (see sec. 3 below).

modified by this Current Export Bulletin No. 934. In particular, attention is directed to the following provision which continues in effect:

An application for a license to export cattle hides, calf and kip skins, or bovine leathers will be considered for licensing without a charge against the export quota, provided that the commodities: (a) Were not produced or manufactured in the United States, (b) were imported into the United States under a warehouse entry and stored in a bonded warehouse, and (c) were not and will not be entered under a U.S. Customs Consumption Entry.

Such an application shall be accompanied by the following signed certification:

"I(We) certify that the commodities described on this application for export license: (1) Were not produced or manufactured in the United States; (2) were imported into the United States under a warehouse entry and stored in a bonded warehouse; and (3) were not and will not be entered under a U.S. Customs Consumption Entry."

SECTION 4—EXPORT COMMITMENTS ENTERED INTO ON OR BEFORE MARCH 7, 1966

The following quantities will be set aside out of the 1966 export quotas for the purpose of permitting U.S. exporters to honor purchase and export commitments made on or before March 7, 1966, for export no later than December 31, 1966:

(a) Cattle hides, whole (Export Control Commodity No. 21110)—1,000,000 hides.

(b) Cattle hide croupons, crops, dossets, sides, butts, and butt bends (Export Control Commodity No. 21110)—190,000 pieces.[1]

(c) Calf skins and kip skins (Export Control Commodity No. 21120)—235,000 skins.

(d) Cattle hide and kip side upper leather, grain, except patent and metalized; and cattle hide and kip side leather, n.e.c. (Export Control Commodity No. 61150)—1,500,000 square feet.

(e) Cattle hide and kip side sole, belting, and welting leather, grain; cattle hide and kip side, rough, russet, and whole splits, side splits, and end splits (Export Control Commodity No. 61150)—200,000 lbs.[2]

(f) Calf and whole kip upper leather, except patent and metalized (Export Control Commodity No. 61150)—200,000 square feet.

An exporter who (1) on or before March 7, 1966, had made a commitment with respect to the above commodities to purchase for export, and to export no later than December 31, 1966; and (2) has not exported, nor received a license to export, the commodities covered by the commitment, may apply for a validated license to make this shipment. The Office of Export Control will consider approving such an application without any charge to the exporter's entitlement under the past participation in exports licensing quota.

In order to be considered, the license application must bear a postmark dated no later than June 30, 1966, or must be personally delivered to the Office of Export Control no later than June 30, 1966.

Each such application shall include the following signed certification in item number 13 of the application or on an attachment thereto:

"I(We) certify that: (1) On or before March 7, 1966, I(we) made a commitment (a) to purchase for export the commodities and quantities described on this application, and (b) to export the commodities and quantities described on this application to the named ultimate consignee no later than December 31, 1966; and (2) as of the date of this certification, I(we) have not shipped, nor do we hold a validated export license to ship, the commodities covered by this commitment."

Generally, an ultimate consignee and purchaser statement (Form FC–842 or FC–843) must accompany an application for a license to export these commodities to any destination in a Country Group other than Country Group T. This requirement is rescinded with regard to applications submitted under the provisions set forth in this section 4.

In any instance in which an exporter has an application pending in the Office of Export Control which involves an export commitment entered into on or before March 7, 1966, he may request the Office of Export Control to consider the application under the provisions of this section 4. Such a request shall be submitted no later than June 30, 1966, by letter, including a sufficient identification of the application, such as the exporter's identification number appearing on the application, and including the exporter's certification set forth above.

SECTION 5—NEW QUOTAS FOR LICENSING UNDER PAST PARTICIPATION IN EXPORTS LICENSING METHOD

The quantitative quotas indicated below are established for licensing under the past participation in exports licensing method for the months of May, June, July, and August 1966. Quantities to be established for licensing during the months of September, October, November, and December 1966 will be announced later.

Licensing quotas for May–August licensing period

(a) Cattle hides, whole (Export Control Commodity No. 21110) (hides)	3,288,800
(b) Cattle hide croupons, crops, dossets, sides, butts, and butt bends (Export Control Commodity No. 21110)	([2])
(c) Calf skins and kip skins (Export Control Commodity No. 21120)[1] (skins)	530,700
(d) Cattle hide and kip side upper leather, grain, except patent and metalized; and cattle hide and kip side leather, n.e.c. (Export Control Commodity No. 61150) (square feet)	3,773,300
(e) Cattle hide and kip side sole, belting, and welting leather, grain; cattle hide and kip side rough, russet, and crust leather; and whole splits, side splits, and bend splits (Export Control Commodity No. 61150) (pounds)	935,000
(f) Calf and whole kip upper leather, n.e.c. except patent and metalized (Export Control Commodity No. 61150) (square feet)	808,400

[1] At least 25 percent of the quota for calf skins and kip skins will be used for licensing calf and kip skins weighing up to and including 5 pounds.

[2] This quota will be announced after receipt of the information required by sec. 7.

[1] Other types of cattle hide pieces such as bellies, splits, shanks, heads, tails, and shoulders are no longer subject to a quantitative licensing quota (see sec. 3 below).

[2] Tanned and partially tanned offal leather and splits except whole, side, and bend splits, are no longer subject to a quantitative licensing quota (see sec. 3 below).

The method of dividing these newly established licensing quotas among exporters and the newly established submission dates for license applications are described in sections 7, 8, and 9 below.

SECTION 6—COUNTRY QUOTAS ABOLISHED

The licensing quotas established for licensing under the past participation in exports licensing method (see sec. 5 above) will not be divided into country quotas. Therefore, exporters will not be limited to specified countries in submitting applications for export licenses. The Office of Export Control does, however, reserve the right to reject applications for licenses to any country where a disproportionate share of the quota is being requested for export to that country.

SECTION 7—NEW STATEMENTS OF PAST PARTICIPATION REQUIRED FOR "CATTLE HIDES, EXCEPT WHOLE"

As indicated in section 3 above, cattle hide bellies, shoulders, splits, shanks, heads, and tails have been removed from the past participation in exports licensing method. Since the Statements of Past Participation in Exports previously submitted by exporters included the types of cattle hide pieces removed from this licensing method, the Statements cannot be used to assure a fair distribution of the quota among exporters. Therefore, new Statements of Past Participation in Exports, covering only cattle hide croupons, crops, dossets, sides, butts, and butt bends are necessary.

Each exporter who has exported cattle hide croupons, crops, dossets, sides, butts, or butt bends during the base period of calendar years 1964 and 1965, and who wishes to claim a share of the quota, is required to submit a Statement of Past Participation in Exports for these commodities. This statement shall be submitted, in duplicate, to the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230, and shall bear a postmark, or be submitted in person, no later than May 25, 1966. After evaluating the Statements of Past Participation received from exporters, the Office of Export Control will inform each exporter of his share of the export quota. Shares in the export quota will be allotted in accordance with the percentage relationship of each exporter's shipments to the total exports from the United States during the base period of January 1, 1964 through December 31, 1965.

The Statement of Past Participation in Exports shall include the following information:

(a) *Quantities exported in 1964 and 1965.* The exporter shall show separately for calendar years 1964 and for 1965, the total quantity of cattle hide croupons, crops, dossets, sides, butts, and butt bends he exported, except that such exports shall not include the following types of shipments:

(1) Exports to dependencies and other possessions of the United States;

(2) Intransit shipments exported under the provisions of General License GIT;

(3) Exports to Canada; and

(4) Exports of foreign-origin hides which were not imported into the United States under a Consumption Entry.

(b) *Quantities exported under General License G–DEST in 1966.* The exporter shall show separately the quantity he exported under General License G–DEST from January 1, 1966, through April 7, 1966 (including those shipments exported pursuant to the Saving Clause Exception set forth in Current Export Bulletin No. 929), see 31 F.R. 3498, March 8, 1966, in accordance with the limitations and conditions set forth in paragraph (a) above.

SECTION 8—NEW STATEMENTS OF PAST PARTICIPATION NOT REQUIRED FOR OTHER QUOTAS

Exporters are not required to submit new Statements of Past Participation in Exports except as set forth in section 7 above. The statements previously submitted to the Office

of Export Control for all other quotas will be used to determine each exporter's share of the licensing quotas. As soon as these quantities are computed, each exporter who qualifies as a historical exporter will be informed of his share of the licensing quotas established for the 4-month period ending August 31, 1966. Prior to September 1, 1966, each exporter will also be informed of his share of the licensing quota to be established for the 4-month period ending December 31, 1966.

SECTION 9—APPLICATION SUBMISSION DATES UNDER PAST PARTICIPATION IN EXPORTS LICENSING METHOD

It should be noted that under the past participation in exports licensing method, the bulk of an export licensing quota is reserved for exporters who participated in exports during the specified base period. A small portion of the quota is also reserved for exporters who did not participate in exports during the specified base period. Therefore, separate application submission dates have been established for "historical" and "non-historical" exporters during the 4-month period ending August 31, 1966.

An exporter who qualifies as a "historical exporter" under the past participation in exports licensing method may submit his applications as soon as he receives his notice of entitlement but not later than August 15, 1966. However, if a "historical exporter" finds it necessary to obtain an export license prior to the receipt of his notice of entitlement, the exporter may submit his application for license immediately and explain the circumstances requiring expedited licensing action. If the application is approved, the quantity will be charged against the exporter's share of the export quota.

An exporter who does not qualify as a "historical exporter" and who has not previously submitted his application shall submit his application immediately but not later than May 31, 1966.

SECTION 10—COMPLETION OF LICENSE APPLICATION

Applications for licenses to export cattle hides, calf and kip skins, and bovine leather shall be completed in accordance with the instructions shown on the reverse side of the application form, except for the following modifications:

1. If the application covers cattle hides, the applicant shall specify on the application whether the hides are "whole hides" or "pieces of whole hides" and, if pieces, the type of pieces, e.g., croupons, splits, butts, shanks, etc.

2. If the application covers calf skins or kip skins weighing 5 pounds or less, the applicant shall so specify on the application. In any instance in which the weight limitation is not set forth on the application, the Office of Export Control will assume that the skins proposed for export weigh in excess of 5 pounds each.

SECTION 11—AMENDMENT OF EXPORT LICENSE

Field offices will not take any action on requests to amend or otherwise extend the validity period of any validated license covering the export of cattle hides, calf and kip skins, or bovine leathers. These requests must be submitted to the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230.

SECTION 12—RESTRICTION ON USE OF TIME LIMIT, PERIODIC REQUIREMENTS, AND PROJECT LICENSES

Applications for Time Limit, Periodic Requirements, or Project Licenses will not be considered in connection with the export licensing of cattle hides, calf and kip skins, and bovine leathers.

Accordingly, the Export Regulations are amended as set forth above. Replacement pages for the Comprehensive Export Schedule incorporating these changes will be included in a forthcoming Current Export Bulletin.

SECTION 13—DECISION OF THE SECRETARY OF COMMERCE IN THE MATTER OF CONTROLS ON THE EXPORTS OF CATTLE HIDES, CALF AND KIP SKINS, AND BOVINE LEATHER

Introduction. The Department of Commerce announced on March 7, 1966, that an export license would thereafter be required for shipments of cattle hides and certain related materials to any foreign destination, other than Canada. On March 11, the Department supplemented this control by announcing that licenses would be restricted to specific quantities designed to maintain the total volume of exports during calendar year 1966, including anticipated exports to Canada of 0.8 million hides, at the export level for 1964 of 11.5 million cattle hides. Accordingly the license-quotas announced for calendar year 1966 amounted to 10.7 million hides, consisting of a quota of 9.9 million whole hides and 0.8 million hide pieces.

The Department concluded at that time that, in the absence of controls over exports, the estimated domestic supply of cattle hides in 1966 would fall short of the domestic demand by 2.7 million hides; that this shortage due to abnormal foreign demand was causing and would continue to cause a sharp increase in domestic prices of cattle hides; and that this would have an inflationary impact on such an important consumer item as shoes. These factors led the Department to conclude—with the concurrence of other interested Government agencies—that prompt action under the Export Control Act was required to protect the domestic economy.

On March 22, reasons for controlling the export of cattle hides were explained by the Under Secretary of Commerce during hearings held before the Subcommittee on Livestock and Feed Grains of the House Committee on Agriculture.

On April 4, in response to numerous requests from interested parties, a public hearing was scheduled to obtain the views of all interested parties on the question of whether the controls imposed on March 7 should be rescinded. This public hearing was held at the Department of Commerce on April 18, 19, and 25, and there was a full opportunity for all concerned to present their views orally as well as to file written statements for the record.

The question now before me is whether the controls announced March 7, should be rescinded. In considering this question, careful attention has been given to the views expressed at the recent public hearing as well as the views expressed during the House Subcommittee hearing of March 22.

I. The case brought out at the recent hearing for placing the export controls on cattle hides may be summarized as follows:

The level of exports of cattle hides, which had been fairly stable during the period 1957 through 1963, increased greatly from about 8 million hides in 1963 to 11.5 million in 1964 and to 13.3 million hides in 1965. The effect of this upsurge in foreign demand resulted in a shortage of cattle hides in 1965, which shortage was reflected by drastic increases in hide prices.

Estimates of cattle hide supply for 1966 consisted of domestic production of 34.8 million hides and imports of 0.3 million hides. Against this supply, the estimated demand for 1966 consisted of 14 million hides to be exported and of domestic tanner requirements for 23.8 million hides. (Cattle hide leather imports were not taken into account in estimating either our domestic needs or our domestic supply because these leathers are predominantly of a quality which generally precludes their use as an adequate substitute for domestically produced cattle hide leather.)

Domestic inventory reserves of cattle hides had been reduced to minimum operating balances to offset shortages in recent years; therefore the 2.7 million hide shortage anticipated would have had to be subtracted from the domestic needs of our economy unless controls on exports were established. As an alternative, competitive bidding between domestic and foreign users for an adequate share of this short supply would have sent hide prices spiralling ever higher.

The inflationary impact of such a shortage had even more serious potential consequences in view of the impact of hide prices on the prices of leather shoes, one of the basic items in the Consumer Price Index.

The shoe industry uses approximately 90 percent of all domestically produced cattle hide leather, and an increase in hide prices such as the market experienced during the last year could be reflected in higher prices for shoes.

The principal points raised at the hearing by those opposing the imposition of export controls were as follows:

The estimates relied on by the Department in forecasting a shortage of cattle hides were inaccurate. Domestic supply was underestimated; and demand, both domestic and foreign, was overestimated. Specifically, opponents of the controls contended that Argentina's hide exports are beginning to return to past levels so that these will once again meet a portion of the foreign demand filled by U.S. exports in 1965; that Department of Commerce statistics have underestimated domestic cattle slaughter in 1966 which will be higher than for 1965; that the Department of Commerce considered only commercial cattle slaughter estimates in estimating domestic hide production, and failed to take into account hides obtained from farm slaughter and other sources; that the Department disregarded increasing U.S. imports of cattle hide leather which would have offset any shortage due to exports of cattle hides; and that the Department overestimated domestic demand for cattle hides by including therein the domestic demand for "kip skins," which are hides of young heifers producing lighter leathers not competitive with cattle hides.

Opponents of the controls also questioned the Department's basis for finding a shortage when domestic production greatly exceeds domestic demand, with first choice going to U.S. tanners. The allegation that recent increases in cattle hide prices were having an inflationary impact was claimed to be unfounded since prices were well below the ceiling price established by OPS in 1951. In any event, it was stated that the sharp increases during the first 2 months of 1966 were due to speculation in anticipation of the imposition of controls. Opponents of the controls pointed out that there had been no correlation between hide prices and shoe prices over the years. In their view this was confirmed by the shoe industry's announcement of substantial price increases following a drop in cattle hide prices resulting from the imposition of controls.

According to the opponents of controls, the controls on cattle hides benefit only the shoe manufacturers and are clearly to the detriment of the cattle growers, the renderers, the meat packers, and the hide exporters. They argue that these controls may also be to the detriment of the consumer if the loss resulting from the decrease in prices of cattle hides is passed on to the consumer in the form of increased meat prices.

It is also argued that the export controls on hides have rolled back the export expansion drive urged by the Department of Commerce, and that this will have an adverse impact on our balance of payments and on our

future trade promotion with importing nations and will generally impair the promotion of free trade policies under the Kennedy Round of tariff negotiations.

In addition to the arguments opposing the Department's controls on economic grounds, the opponents of controls maintained that these controls were imposed in violation of law or in an arbitrary manner.

It was alleged that there was no meaningful consultation by the Department of Commerce with other Government agencies or with industry prior to the control; that section 3(c) of the Export Control Act was violated since these controls were imposed without a prior determination of shortage by the Secretary of Agriculture; that the controls were really a disguised and unauthorized price control measure; that several statutes declare it to be the policy of Congress to achieve parity prices for farmers; that the application of controls to prior commitments in many instances will require exporters to carry out purchase commitments made prior to imposition of controls despite the fact that the export sales for which such purchase orders had been placed are now foreclosed by the controls; that this situation is aggravated by the fact that the accumulating hides are not being absorbed by the domestic market, so that further financial losses are being incurred by storage fees and hide spoilage.

As further instances of arbitrary action, it was alleged that the export level of 11.5 million hides in 1964 included only exports of whole hides and "croupons" and did not include exports of smaller hide pieces such as "bellies," "shoulders," and "splits," whereas the 1966 export level of 11.5 million hides includes such smaller pieces in the hide category; that there are certain categories of hides for which there has been very little domestic demand, if any, which hides, either because of their weight, quality, or geographic location, have traditionally been exported so that it is unfair to include these in the export control quotas; and that the imposition of controls represents an unfair or arbitrary reversal of prior encouragement by the Government to develop export markets for hides.

II. In evaluating the above arguments for and against the continuation of the controls, it is desirable to deal first with the claimed legal defects, both as to substance and procedure.

As for the charge of inadequate interagency consultation, the statute, of course, requires no particular form for such consultation. In fact, there was meaningful consultation between the interested agencies prior to imposition of the controls. As stated in testimony before the House Subcommittee on Livestock and Feed Grains on March 22, the Department's decision to impose export controls on cattle hides was concurred in by other interested Government agencies. Also, as stated for the record at the opening of the Department's public hearing, the interagency consultation required under the Export Control Act did occur, and the Department did act with the concurrence of other interested agencies, including the Department of Agriculture.

Further, although there is understandably no statutory requirement for consultations with private groups prior to imposition of controls, some consultations did in fact occur. Government should, of course, consult with private interested parties to the fullest extent feasible prior to decision making. But obviously, a public hearing of the type just held by the Department cannot usually be scheduled prior to imposing export controls on any short supply item because of the type of commodity speculation such a hearing in advance would inevitably engender.

The charge that the requirements of section 3(c) (with respect to surplus determinations by the Secretary of Agriculture on agricultural commodities) were violated is based on a misunderstanding of what the law provides. Section 3(c) in effect prohibits the Secretary of Commerce from imposing export controls on an agricultural commodity when the Secretary of Agriculture determines that this commodity is in surplus. In the absence of such a determination, the imposition of export controls is not prohibited.

The argument that this action is an unauthorized price control measure is without merit. The Export Control Act states that it is the policy of the United States to use export controls to the extent necessary "to protect the domestic economy from the excessive drain of scarce materials and to reduce the inflationary impact of abnormal foreign demand." The statutory reference to reducing the "inflationary impact" of an excessive drain due to exports contemplates that the measures to "protect the domestic economy" will have an impact on prices. The decision of March 7 to impose export controls on cattle hides was based on the conviction that all the economic grounds for controls which are contained in the above quoted provision were met in the hide situation.

A point has been made about the relationship of the Export Control Act to the various statutory declarations of national policy supporting parity for farm prices. Such declarations state general policy objectives which are not intended to preclude the exercise of the authority under the Export Control Act in specific situations. If Congress had intended otherwise, it would have so provided under section 3(c) of the Export Control Act which limits the imposition of controls on agricultural commodities.

Some charges were made that the retroactive application of the controls to exports committed prior to March 7 was arbitrary and resulted in hardship. A charge of arbitrariness was also made with respect to the inclusion under the controls of certain categories of hides which for several reasons are predominantly marketable only abroad or for which the customs classifications and statistics are inadequate.

In view of the facts available at the time of the March 7 decision, and the economic considerations requiring prompt action, I do not believe the measures taken at that time with respect to prior commitments and the allocation of quotas among the various categories of hides were arbitrary. Prompt action was imperative because of the economic factors analyzed below; and it was reasonable to base such action on the best statistics available to the Government through such official channels as the Customs Bureau, the Census Bureau, and offices of the Departments of Commerce and Agriculture regularly concerned with cattle hides and industries associated with this product. On the other hand, the recent hearings have provided us with factual data that now permits more specific judgments to be made concerning special factors causing business difficulties.

Several opponents of controls have stressed the fact that the Departments of Commerce and Agriculture for several years have urged and assisted hide producers and exporters to develop export markets. In their view, it is now unfair or arbitrary for the Government to reverse this policy and reduce the size of the newly developed market. The March 7 decision assuredly does not alter our overall policy of encouraging export expansion. However, in the case of cattle hides, there was a need to protect our domestic economy from inflation resulting from export of a commodity in short supply. The fact that this action is necessary for the short run does not by any means eliminate our continuing long run objective to increase exports on all fronts.

The key issues of judgment in this case are whether there is a shortage, whether there is an abnormal foreign demand, and whether there is an inflationary impact on the domestic economy. On the first two issues the Department has been challenged on its supply-demand statistics; and on the third issue the Department has been challenged on its statistics regarding the relationship of cattle hide prices to shoe prices.

The Departmental hearings on cattle hides produced no new significant evidence challenging our estimate of the 1966 shortage without controls. Nor do the latest estimates from Government sources alter our findings. Thus there are no significant changes in the Department of Commerce cattle hide figures for 1966 slaughter, imports, exports and consumption. On May 10, the Department of Agriculture confirmed a 1966 slaughter estimate of approximately one percent above 34,800,000 (including commercial slaughter, farm slaughter and renderers' hides despite allegations to the contrary in the hearing record).

The 1966 export estimates of 14 million hides without controls would have to stand unless there were a significant drop in foreign demand for U.S. hides. No such drop is presently evident. Our domestic consumption estimate of 23,800,000 cattle hide wettings (no kip skins are included) remains unchanged (at about a 6-percent increase over 1965 cattle hide wettings of 22,500,000) and is supported by the 5.4-percent reported increase of tanners' wettings of cattle hides in the first sixteen weeks of 1966 over the comparable period in 1965. We continue to expect substantial further increases in domestic cattle hide wettings, especially in view of orders for shoes by the military services placed since the public hearing.

The increase in exports of U.S. cattle hides is not due solely to Argentina's temporary drop in exports but also to a worldwide increasing demand for shoes as living standards improve abroad. The latest Soviet 5-year economic plan calls for production of 150 million additional pairs of leather footwear by 1970, which will result in Russian purchases of several million additional cattle hides in world markets over the next 4 years (our minimum estimate is 6 million hides).

The contention that Argentine hide exports will recover significantly in 1966, say by 1.5 to 2 million hides, thereby regaining a share of the world market temporarily held by U.S. exports, is unsound. Qualified observers do not believe that Argentine hide exports will increase by more than 1,000,000 in 1966 over 1965. The U.S. Foreign Agricultural Service anticipates that Argentine slaughter may be 1 million higher in 1966 than in 1965. But uncertainties regarding the export licensing and pricing actions of the Argentine Meat Board appear to inhibit slaughter and exports.

Domestic inventories of cattle hides were reduced in 1965 to the minimum required for domestic cattle hide leather production, so that U.S. consumers of cattle hides in 1966 cannot rely on inventory reserves as an additional source of supply. U.S. imports of cattle hides are negligible. U.S. imports of cattle hide leather, while sharply increasing, do not alter to any significant degree the supply-demand balance between cattle hides, leather, and shoes.

Cattle hide leather imports were not included in the supply and demand figures for cattle hides because so little of these imports are substitutes for domestic cattle hide leather. A small percentage of U.S. imports of cattle hide leather is of a grade suitable for use in shoe production, and an even smaller percentage is suitable for other uses in competition with domestic cattle hide leather. The bulk of these imports has satis-

fied domestic needs for leathers for which domestic cattle hide leather is not used. U.S. imports of cattle hide leather in 1965 showed an increase of approximately 660,000 in cattle hide equivalent over 1964 imports. Of this amount, approximately 100,000 hides could have been added to the domestic supply in 1965 but this does not alter significantly the estimated 1965 shortage of U.S. cattle hides. Based on increased cattle hide leather imports in the first quarter of 1966, the projected 1966 shortage of 2,700,000 hides could be reduced by possibly as much as 200,000 hides as a result of these imports. While the effect of a rise in leather imports and the possible increases in Argentine exports in 1966 could reduce in some degree the estimated shortage in 1966, this potential reduction of the shortage appears to be more than offset by indicated further increases in demand for hides in Europe in 1966 and by current increases in U.S. military footwear demand. Accordingly, we find no basis for any significant change as to the facts of the 1966 shortage.

Turning to the inflationary effect of hide prices on the domestic economy, we must consider the following factors:

Cattle hide leather is the main raw material for leather shoes and about 90 percent of all domestic cattle hide leather is consumed in producing shoes.

Over the past decade, shoe prices in the aggregate have risen in response to hide price changes after a certain time lag. There have been far less variations in shoe prices, however, partly because of the importance of other cost components in shoe production, and partly because of the substitution of other materials for cattle hide leather in shoes whenever cattle hide prices rose significantly. Using 12-month price averages to adjust for monthly fluctuations, we find that a 10 percent change in hide prices usually results in a 1 percent change in the overall wholesale prices of shoes.

Shoe prices are also strongly affected by rising unit labor costs because productivity in the shoe industry has not risen as rapidly as wage rates. As a consequence, there has been an average annual increase in wholesale shoe prices of almost 2.5 percent over the past decade, apart from the effect of hide prices on shoe prices. When these two effects are put together, they explain most of the changes in annual average wholesale prices of shoes.

A 1965 study by the Department of Agriculture shows the relationship between hide costs and shoe prices for the year 1962. That study shows that hide cost represented almost 7 percent of the retail price of a pair of $10 shoes. This confirms that hide cost is equal to approximately 12 percent of the wholesale (factory) price of $5.50 for the same pair of shoes.

Adjusting this data for a lower overall average shoe price, a lower overall average leather content for all shoes, and the increasing cost of leather substitutes in shoes as leather prices increase, the above relationship is consistent with the Department of Commerce analysis which shows that increases in hide prices have resulted in increases in the wholesale shoe price index equal to 10 percent of the hide price changes. In other words, a hundred percent increase in hide prices has resulted in an average 10 percent increase in wholesale or factory shoe prices.

Further, the record for the past decade shows a direct full percentage pass-through of increases in the wholesale shoe price index to the retail shoe price index. Thus percentage price changes at the wholesale level triggered by raw material or other cost increases may be expected to be fully passed through at the retail level with the normal retail mark-up without reference to the dollar ratio of specific production costs to retail prices.

Footwear is a basic component in the Consumer Price Index, and an increase in retail shoe prices is reflected in that price index.

III. A review of the principal arguments for and against the controls establishes that the heart of the controversy between opponents and proponents of export controls on cattle hides does not rest on the facts alone but on the conclusions to be drawn from the facts regarding their future economic consequences. The statutory objective "to protect the domestic economy" is by its very nature one that looks to the future of the economy, using the best statistics available for estimating that future.

Depending on the segment of the industry or section of the nation represented in the hearings, there appears to have been a very clear difference in judgment as to the economic impact on the domestic economy of the recent increases in the price of cattle hides.

After full review of the record, it is concluded that the export controls continue to be necessary for the following reasons:

Statistics through March 1966 show a substantial shortage of cattle hides.

These statistics also show abnormal foreign demand for cattle hides.

The interrelation of hide prices with prices for leather shoes is sufficient, taking into account the importance of shoes as a consumer item, to conclude that this shortage has an inflationary impact on the domestic economy.

IV. During the course of the hearings, the Department was repeatedly requested to modify the controls to alleviate business difficulties and hardships arising from special circumstances under the quotas as announced on March 11.

It is recognized that because of the necessary urgency with which the controls were imposed, all the difficulties that the trade would experience in making the transition to the quota system could not be anticipated. For example, the historical licensing method announced by the Department (and which has generally worked well in the past on other commodities subject to export control) has created difficulties in this case because of special circumstances in the trading patterns in cattle hides during recent months. These difficulties should be alleviated insofar as feasible without impairing the basic economic objectives of the controls.

The Department also must recognize that changes in the reporting categories introduced by the Bureau of the Census on January 1, 1965, resulted in the noncomparability of some of the 1964 and 1965 export statistics. This is true of the cattle hide pieces quota and the leather quotas. The cattle hides pieces category in 1964 did not include bellies, splits, shanks, heads, shoulders, and tails but the newly defined category in 1965 did include these pieces. A further difficulty here was that the trade misunderstood the reporting unit and some exporters defined "piece" to include a varying number of pieces all tied into one bundle.

In light of the above points, it is concluded that some changes in the previously announced quotas are justified. We should like to emphasize that, in our judgment, there is no occasion for further increases in the wholesale prices of shoes in view of the shoe price increases announced in March and April. The following changes in the controls of March 7 and March 11 are hereby adopted, to be effective as published in the Current Export Bulletin No. 934:

1. The licensed-export quotas announced on March 11 are increased:

(a) Cattle hides, whole (Export Control Commodity No. 21110). This quota is increased from 9,920,000 hides to 11,220,000; and from this a quantity not to exceed 1 million hides shall be applied to the licensing of the remaining prior commitments entered into by exporters on or before March 7, 1966.

(b) Cattle hides, except whole (Export Control Commodity No. 21110). This quota is increased from 810,000 pieces to 1 million pieces and from this a quantity not to exceed 190,000 pieces shall be applied to the licensing of the remaining prior commitments entered into by exporters on or before March 7, 1966.

(c) Calf skins and kip skins (Export Control Commodity No. 21120). This quota is increased from 2,140,000 skins to 2,375,000 skins, and from this a quantity not to exceed 235,000 skins shall be applied to the licensing of the remaining prior commitments entered into by exporters on or before March 7, 1966.

(d) Cattle hide and kip side upper leather, grain, except patent and metalized; and cattle hide and kip side leather, n.e.c. (Export Control Commodity No. 61150). This quota is increased from 10,800,000 square feet to 12,500,000 square feet and from this a quantity not to exceed 1,500,000 square feet shall be applied to the licensing of the remaining prior commitments entered into by exporters on or before March 7, 1966.

(e) Cattle hide and kip side sole, belting and welting leather, grain and offal; cattle hide and kip side rough, russet and crust leather; splits (Export Control Commodity No. 61150). This quota is increased from 1,700,000 pounds to 2,340,000 pounds, and from this quantity not to exceed 200,000 pounds shall be applied to the licensing of the remaining prior commitments entered into by exporters on or before March 7, 1966.

(f) Calf and whole kip upper leather, except patent and metalized (Export Control Commodity No. 61150). This quota is increased from 1,900,000 square feet to 2,060,000 square feet and from this a quantity not to exceed 200,000 square feet shall be applied to the licensing of the remaining prior commitments entered into by exporters on or before March 7, 1966.

2. The following types of cattle hide pieces: Bellies, splits, shanks, heads and shoulders, and tails are excluded from numerical quotas but retained under validated licensing. This will leave subject to the quota limitations only croupons, butts, butt bends, crops, dossets, and sides.

3. The following types of tanned or partially tanned leather are removed from the numerical quota in 1(e) above, but retained under validated license:

(a) Splits except whole splits, side splits, and bend splits;

(b) Offal.

4. Country quotas for cattle hides, both whole and pieces, are abolished.

5. Licenses issued before May 1, 1966, and those to be issued from the quantities authorized for prior commitments in 1, shall not be charged to exporters' individual quotas. Instead, all shipments made in 1966 under General License, and all licenses issued before May 1, 1966, and all licenses to be issued covering prior commitments shall be subtracted from the revised annual quotas, and the remainder divided equally into two licensing periods, the first to run until August 31, 1966, and the second from September 1 to December 31, 1966. Individual exporter quotas shall be recomputed in line with the above procedures and exporters notified.

JOHN T. CONNOR,
Secretary of Commerce.

MAY 18, 1966.

[F.R. Doc. 66-5576; Filed, May 20, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7248; Amdt. 475]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FAR VOR	FAR RBn	Direct	2500	T-dn	300–1	300–1	200–½
FA LOM	FAR RBn	Direct	2500	C-dn	500–1	500–1	500–1½
				S-dn-17	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 2500′ within 10 miles of FAR RBn.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 171°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing FAR RBn, climb to 2300′ on 171° bearing from FAR RBn within 15 miles of FAR RBn.
MSA within 25 miles of the facility: 000°–090°—2400′; 090°–180°—2700′; 180°–270°—3200′; 270°–360°—3600′.

City, Fargo; State, N. Dak.; Airport name, Hector Field; Elev., 900′; Fac. Class., H-SAB; Ident., FAR; Procedure No. 2, Amdt. 2; Eff. date, 30 Apr. 66; Sup. Amdt. No. 1; Dated, 2 Apr. 66

MYS VOR	Fort Knox RBn	Direct	2600	T-dn	300–1	300–1	200–½
Nadine Int	Fort Knox RBn	Direct	2600	C-dn	600–1	600–1	600–1½
				S-dn-17	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 353° Outbnd, 173° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 173°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing FTK RBn, make a climbing right turn to 2600′, crs, 266° to MYS VOR, hold NE 1-minute right turns, 212° Inbnd.
NOTE: Authorized for military use only except by prior arrangement.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–270°—2300′; 270°–360°—1900′.

City, Fort Knox; State, Ky.; Airport name, Godman AAF; Elev., 753′; Fac. Class., MH; Ident., FTK; Procedure No. 1, Amdt. 3; Eff. date, 30 Apr. 66; Sup. Amdt. No. 2; Dated, 18 Sept. 65

Valley Int	LYS RBn	Direct	4000	T-dn	300–1	300–1	200–½
Wellsville VOR	LYS RBn	Direct	4000	C-dn	500–1	500–1	500–1½
				S-dn-22	500–1	500–1	500–1
				A-dn*	NA	NA	NA

Procedure turn E side of crs, 041° Outbnd, 221° Inbnd, 3700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2900′.
Crs and distance, facility to airport, 221°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing Olean RBn, make immediate left-climbing turn to 3700′, return to Olean RBn, hold NE left turns, 1-minute, 221° Inbnd.
NOTE: This procedure authorized only during hours of operation from 7 a.m. to 10 p.m. l.t.
Facility owned and operated by city of Olean.
*Alternate minimums of 800–2 authorized for those who have previous arrangement for weather service at airport.
MSA within 25 miles of facility: 000°–360°—3800′.

City, Olean; State, N.Y.; Airport name, Olean Municipal; Elev., 2137′; Fac. Class., MHW; Ident., LYS; Procedure No. 1, Amdt. 5; Eff. date, 30 Apr. 66; Sup. Amdt. No. 4; Dated, 10 July 65

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				S-d-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs. 359° Outbnd, 179° Inbnd, 4300′ within 10 miles.
Minimum altitude over facility on final approach crs, 3600′.
Crs and distance, facility to airport, 179°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing DIK VOR, make left-climbing turn to 4300′ on R 359° within 10 miles, then return to VOR and hold N, 179° Inbnd with right-hand turns.
CAUTION: Runways 17/35 unlighted.
NOTES: (1) When authorized by ATC, DIK DME may be used to position aircraft for straight-in approach at 4300′ between R 245° clockwise to R 079° via 6-mile DME Arc with the elimination of procedure turn. (2) Final approach from holding pattern at VOR not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°–090°—4100′; 090°–180°—4200′; 180°–270°—4600′; 270°–360°—3900′.

City, Dickinson; State, N. Dak.; Airport name, Dickinson Municipal; Elev., 2589′; Fac. Class., BVORTAC; Ident., DIK; Procedure No. 1, Amdt. 8; Eff. date, 28 Apr. 66; Sup. Amdt. No. 7; Dated, 19 Aug. 65

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2
				If Shelly 3-mile DME Fix received minimums become:			
				S-dn-36*	400-1	400-1	400-1

Radar available.
Procedure turn S side of crs, 154° Outbnd, 334° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′ (900′ if Shelly 3-mile DME Fix is received).
Crs and distance, facility to airport, 334°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing DHN VORTAC turn right, climb to 2000′ on R 019° of DHN VORTAC within 20 miles.
NOTES: (1) Procedure turn S side of R 154° due to obstruction. (2) When authorized by ATC, DME may be used from R 140° clockwise to R 060° within 20 miles at 2000′ to position aircraft for straight-in approach with elimination of a procedure turn. (3) *Reduction not authorized.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—2600′; 180–270°—1700′; 270°–360°—1800′.

City, Dothan; State, Ala.; Airport name, Dothan; Elev., 395′; Fac. Class., BVORTAC; Ident., DHN; Procedure No. 1, Amdt. 4; Eff. date, 30 Apr. 66; Sup. Amdt. No. 3; Dated, 9 Oct. 65

				T-dn%	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-d-29	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 146° Outbnd, 326° Inbnd, 7300′ within 10 miles. Nonstandard due to terrain.
Final approach from holding pattern at VOR not authorized. Procedure turn required.
Minimum altitude over facility on final approach crs, 5300′.
Crs and distance, facility to airport, 314°—6.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing VOR, make left-climbing turn to VOR, continue climb on R 146° within 10 miles in order to cross VOR on 326° Inbnd at 7300′, hold in 1-minute pattern SE of VOR, 326° Inbnd with left turns.
CAUTION: Runways 7–25 and 11–29 unlighted.
%Takeoff all runways: Aircraft departing SW on V–536 climb directly to VOR, continue climb on R 146° within 10 miles to cross VOR on Inbnd heading of 326° at 7300′ or above. Continue climb to 9000′ in 1-minute left turn holding pattern SE of VOR on R 146° Inbnd heading 326° before departing VOR on crs. Aircraft departing SW on V–536 cross VOR at 5000′ or above. Aircraft departing S on V–231, climb directly to VOR, then continue climb directly on crs to assigned altitude.
MSA within 25 miles of facility: 000°–090°—10,300′; 090°–180°—8700′; 180°–270°—7800′; 270°–360°—7800′.

City, Kalispell; State, Mont.; Airport name, Flathead County; Elev., 2972′; Fac. Class., BVOR; Ident., FCA; Procedure No. 1, Amdt. 1; Eff. date, 30 Apr. 66; Sup. Amdt. No. Orig.; Dated, 3 Feb. 66

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bowie Int	BAL VOR	Direct	2000	T-dn	300-1	300-1	200-½
Bodkin Int	5-mile Radar Fix (final)	Direct	1900	C-dn	600-1	600-1	600-1½
5-mile Radar Fix	BAL VOR (final)	Direct	546	S-dn-28*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 1900′ within 10 miles of BAL VOR.
Minimum altitude over 5-mile Radar Fix on final approach crs, 746′.
Crs and distance, breakoff point to approach end of runway, 284°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BAL VOR, climb to 2000′ proceed direct to BA LOM, hold W, 102° Inbnd, 1-minute right turns.
CAUTION: Procedure turn not authorized when restricted area R-4001 in use.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intesity runway lights. MSA within 25 miles of facility: 000°-090°—2400′; 090°-360°—2100′.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146′; Fac. Class., BVORTAC; Ident., BAL; Procedure No. TerVOR-28, Amdt. 9; Eff. date, 30 Apr. 66; Sup. Amdt. No. 8; Dated, 13 Nov. 65

				T-dn%	300-1	300-1	200-½
				Minimums when control zone effective:*			
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-dn-31	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				Minimums when control zone not effective:			
				C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				S-dn-31	800-1	800-1	800-1
				A-dn	NA	NA	NA

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 3100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1661′.#
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FRM VOR, climb to 3100′ on R 312° within 10 miles. Return to VOR and hold SE on R 125°.
NOTE: Obtain Mason City altimeter setting when control zone not effective.
CAUTION: Runways 3/21 unlighted.
%Takeoffs Runways 13/31: Westbound aircraft maintain takeoff heading until reaching 2200′. Takeoffs Runway 21: Weather of 500-2 required for westbound aircraft. Restrictions due to 1653′ tower, 2.2 miles W.
*These minimums authorized at all times for air carriers with weather reporting service.
#1961′ when control zone not effective.
MSA within 25 miles of facility: 000°-090°—2400′; 090°-270°—2800′; 270°-360°—3200′.

City, Fairmont; State, Minn.; Airport name, Fairmont Municipal; Elev., 1161′; Fac. Class., T-BVOR; Indent., FRM; Procedure No. TerVOR-31, Amdt. Orig.; Eff. date, 28 Apr. 66

MYS VOR	FTK VOR	Direct	2600	T-dn	300-1	300-1	200-½
Nadine Int	FTK VOR	Direct	2600	C-dn	600-1	600-1	600-1½
				S-dn-15	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 325° Outbnd, 145° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing FTK VOR, make a climbing right turn to 2600′, crs, 266° to MYS VOR. Hold NE, 1-minute right turns, 212° Inbnd.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: 854′ concrete plant, ½ mile N approach end of Runway 15; 1009′ radar antenna, 1.1 miles WSW of airport.
MSA within 25 miles of facility: 000°-270°—2300′; 270°-360°—1900′.

City, Fort Knox; State, Ky.; Airport name, Godman AAF; Elev., 753′; Fac. Class., T-VOR; Indent., FTK; Procedure No. TerVOR-15, Amdt. 3; Eff. date, 30 Apr. 66; Sup. Amdt. No. 2; Dated, 18 Sept. 65

MYS VOR	FTK VOR	Direct	2600	T-dn	300-1	300-1	200-½
Nadine Int	FTK VOR	Direct	2600	C-dn	600-1	600-1	600-1½
				S-dn-17	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				If FTK RBn received following minimums apply:			
				S-dn-17	400-1	400-1	400-1

Radar available.
Procedure turn W side of crs, 004° Outbnd, 184° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Facility on airport, crs and distance, FTK RBn to VOR, 184°—3.1 miles.
If visual contact not established upon descent to authorized landing mimimums or if landing not accomplished after passing FTK VOR, make a climbing right turn to 2600′, crs, 266° to MYS VOR. Hold NE, 1-minute right turns 212° Inbnd.
CAUTION: Concrete plant, 854′—½ mile N approach end of Runway 15.
NOTE: Authorized for military use only except by prior arrangement.
MSA within 25 miles of facility: 000°-270°—2300′; 270°-360°—1900′.

City, Fort Knox; State, Ky.; Airport name, Godman AAF; Elev., 753′; Fac. Class., T-VOR; Ident., FTK; Procedure No. Ter VOR-17, Amdt. 3; Eff. date, 30 Apr. 66; Sup. Amdt. No. 2; Dated, 18 Sept. 65

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				A-d	NA	NA	NA

Radar available.
Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 1600′ within 10 miles.
Minimum altitude over CHS VOR on final approach crs, 1600′; over 9-mile DME Fix, 800′.
Crs and distance, facility to airport, 174°—11.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 11.5-mile DME Fix, climb straight ahead to 13-mile DME Fix, turn right and proceed to 13-mile DME Fix, CHS VOR R 211°, via 13-mile arc, continuing climb to 3000′.
NOTES: (1) When authorized by ATC, DME may be used within 10 miles at 2000′ to position aircraft for a straight-in approach with the elimination of the procedure turn. (2) Aircraft will not takeoff under IFR conditions without prior ATC approval. IFR flight plans must be closed with ATC upon reaching contact at authorized minimums.
MSA within 25 miles of facility: 000°–090°—1300′; 090°–180°—2100′; 180°–270°—1500′; 270°–360°—1400′.

City, Charleston; State, S.C.; Airport name, John's Island; Elev., 16′; Fac. Class., BVORTAC; Ident., CHS; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 28 Apr. 66

				T-dn	800-1	800-1	800-1
				C-dn	1000-2	1000-2	1000-2
				A-dn	NA	NA	NA

Radar available.
Procedure turn N. side of crs, 045° Outbnd, 225° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′; over 14-mile DME Fix, 2000′.
Crs and distance, facility to airport, 225°—19.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 19-mile DME Fix, turn right, climbing to 2000′ and return to VNA VOR via R 225°.
NOTE: (1) When authorized by ATC, DME may be used within 10 miles at 2000′ to position aircraft for a straight-in approach with the elimination of the procedure turn. (2) Aircraft will not takeoff under IFR conditions without prior ATC approval. IFR flight plans must be closed with ATC upon reaching contact at authorized minimums.
MSA within 25 miles of facility: 000°–360°—1800′.

City, Cordele; State, Ga.; Airport name, Cordele; Elev., 308′; Fac. Class., BVORTAC; Ident., VNA; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 28 April 66

				T-d	900-1	900-1	900-1
				C-d	1000-2	1000-2	1000-2
				A-d	NA	NA	NA

Procedure turn N side of crs, 079° Outbnd, 059° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs 2000′; over 13-mile DME Fix, 2000′.
Crs and distance, facility to airport, 259°—18.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 18.5-mile DME Fix, turn left, climbing to 2000′ and return to AMG VOR, direct.
NOTES: (1) When authorized by ATC, DME may be used within 10 miles at 2000′ to position aircraft for a straight-in approach with the elimination of the procedure turn. (2) Aircraft will not takeoff under IFR conditions without prior ATC approval. IFR flight plans must be closed with ATC upon reaching contact at authorized minimums.
MSA within 25 miles of facility: 000°–090°—1500′; 090°–180°—1800′; 180°–270°—2300′; 270°–360°—1600′.

City, Douglas; State, Ga.; Airport name, Douglas Municipal; Elev., 255′; Fac. Class., BVORTAC; Ident., AMG; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 28 Apr. 66

KG LFR	AKN VORTAC	Direct	2000	T-dn	300-1	300-1	200-½
				T-dn-29*	300-1	300-1	300-1
				C-dn*	500-1	500-1	500-1
				S-dn-29#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 111° Outbnd, 291° Inbnd, 2000′ within 10 miles beyond 8-mile DME Fix. Nonstandard.
Minimum altitude over 10-mile DME Fix, 1300′; 8-mile DME Fix, 800′ on final approach crs.
Crs and distance, 8-mile DME Fix to airport, 291°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5-mile DME Fix, climb straight ahead to AKN VORTAC. Continue climb to 1700′ on R 291° within 10 miles.
NOTE: When authorized by ATC, DME may be used to position aircraft for final approach at 2000′ on all radials within 15 miles with elimination of procedure turn.
*Radio towers, 262′—½ mile W of airport.
#400-¾ authorized with operative HIRL except 4-engine turbojet aircraft.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—2000′; 180°–270°—1500′; 270°–360°—1500′.

City, King Salmon; State, Alaska; Airport name, King Salmon FAA; Elev., 57′; Fac. Class., H-BVORTAC; Ident., AKN; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 30 Apr. 66; Sup. Amdt. No. Orig.; Dated, 26 Mar. 66

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10-mile DME Fix, R 059°	PDX VOR	Direct	4000	T-dn*%	300-1	300-1	200-½
10-mile DME Fix, R 329°	PDX VOR (final)	Direct	3000	C-d	900-1	900-1	900-1½
10-mile DME Fix, R 074°	PDX VOR	Direct	4000	C-n	900-2	900-2	900-2
Groves Int	PDX VOR	Direct	5400	A-dn	1000-2	1000-2	1000-2

Radar available.
Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 4000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 159°—9.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.2 miles after passing PDX VOR, turn left and return direct to PDX VOR, climbing to 4000′.
CAUTION: 664′ terrain, 1.8 miles SE of airport.
NOTE: When authorized by ATC, DME may be used between R 160° clockwise to R 329° within 15 miles at 4000′ to position aircraft for straight-in approach with elimination of the procedure turn.
*200-½ authorized on 10R&L/28R&L. 700-2 required on Runways 2 and 20.
%Takeoffs all runways: Proceed direct to PDX VORTAC, climb on R 329° PDX VORTAC within 10 miles to cross PDX VORTAC at or above, northeastbound V-448, 5500′; eastbound V-112, 2900′.
MSA within 25 miles of facility: 090°-180°—5100′; 180°-270°—3100′; 270°-090°—5600′.

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 26′; Fac. Class., H-BVORTAC; Ident., PDX; Procedure No. VOR/DME No. 1, Amdt. 5; Eff. date, 30 Apr. 66; Sup. Amdt. No. 4; Dated, 7 Aug. 65

R 196° DCA VOR clockwise, R 332° DCA VOR.		Via 10 NM Arc	2500	T-dn	300-1	300-1	200-½
				C-dn#	700-1	700-1	700-2
R 022° DCA VOR counterclockwise, R 332° DCA VOR.		Via 10 NM Arc	2500	S-dn-18#*	700-1	700-1	700-2
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn not authorized. Final approach crs, 152° Inbnd, from 10-mile DME Fix.
Minimum altitude over 10-mile DME Fix, 2500′; 7-mile DME Fix, 2000′; 5-mile DME Fix, 1400′; 3-mile DME Fix, 800′, over facility, 715′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of DCA VOR, climb to 1000′ on crs of 152°, make right turn and proceed to Washington RBn at 1500′, climbing to 1800′ in holding pattern, 181° Outbnd, 001° Inbnd, 1-minute left turns.
CAUTION: Washington Monument, 596′, 1.6 miles N of airport.
*Reduction not authorized.
#All turbojet aircraft, 700-2.
MSA within 25 miles of facility: 270°-090°—2500′; 090°-270°—1700′.

City, Washington, D.C.; Airport name, Washington National; Elev., 15′; Fac. Class., L-VORTAC; Ident., DCA; Procedure No. VOR/DME No. 1, Amdt.1; Eff. date, 30 Apr. 66; Sup. Amdt. No. Orig.; Dated, 23 Apr. 66

Potomac Int	DCA VORTAC	Direct	2000	T-dn	300-1	300-1	200-½
Herndon VORTAC	DCA VORTAC	Direct	2000	C-dn	700-1	700-1	700-1½
Nottingham VORTAC	DCA VORTAC	Direct	2000	S-dn-15	700-1	700-1	700-1
R 196° DCA VOR clockwise, R 320°	DCA VOR, 10-mile Arc		2500	A-dn	800-2	800-2	800-2
R 022° DCA VOR counterclockwise, R 320°	DCA VOR, 10-mile Arc		2500				

Radar available.
Procedure turn S side of crs, 320° Outbnd, 140° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 7-mile DME Fix, 2000′; over 5-mile DME Fix, 1400′; over 3-mile DME Fix, 800′ over facility, 715′.
Breakoff point to runway, 1.1-mile DME Fix, 0.6 mile 130°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing DCA VORTAC, climb to 1000′ on crs, 140°, make right turn and proceed to Washington RBn at 1500′, climbing to 1800′ in holding pattern, 181° Outbnd, 001° Inbnd, 1-minute left turns.
CAUTION: Washington Monument, 596′—1.6 miles N of airport. Antenna, 400′—2.8 miles NW of airport.
MSA within 25 miles of facility: 270°-090°—2500′; 090°-270°—1700′.

City, Washington, D.C.; Airport name, Washington National; Elev., 15′; Fac. Class., LBVORTAC; Ident., DCA; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. date, 30 Apr. 66

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Grand Island Int	GB LOM	Direct	2400	T-dn	300-1	300-1	200-½
Buffalo VOR	GB LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Crystal Beach Int	GB LOM (final)	Via BUF VOR R 250° and ILS-5 front crs.	2300	S-dn-6*	300-¾	300-¾	300-¾
			2400	A-dn	600-2	600-2	600-2
Wolcottsville Int	GB LOM	Via BU LOM					

Radar available.
Procedure turn S side of SW crs, 232° Outbnd, 052° Inbnd, 2400′ within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd 2300′.
Altitude of glide slope and distance to approach end of runway at OM, 2270′—4.8 miles; at MM, 933′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles of OM, make left-climbing turn to 2400′; intercept and proceed Outbnd on Buffalo VOR R 302° to Grand Island Int. Hold NW, 1-minute right turns, 122° Inbnd or when directed by ATC, climb to 2000′ on 052° crs, proceed to BU LOM. Hold NE, BU LOM 1-minute right turns, 232° Inbnd.
Other change: 400-½ authorized for ALS, deleted.
*400-¾ required when glide slope not utilized.

City, Buffalo; State, N.Y.; Airport name, Greater Buffalo International; Elev., 722′; Fac. Class., ILS; Ident., I-GBI; Procedure No. ILS-5, Amdt. 1; Eff. date, 30 Apr. 66; Sup. Amdt. No. Orig.; Dated, 13 Nov. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Moline VOR	LOM	Direct	2300	T-dn#	300-1	300-1	200-½
Stockton Int	LOM (final)	Direct	1900	C-dn	600-1	600-1	600-1½
Cordova VOR	LOM	Direct	2600	S-dn-9*	200-½	200-½	200-½
Buffalo Int	LOM	Direct	2300	A-dn	600-2	600-2	600-2
Muscatine Int	Stockton Int	Direct	2300				
CID VOR	Muscatine Int	Via CID VOR, R 124°.	2500				
IOW VOR	Muscatine Int	Via IOW VOR, R 094°.	2300				

Radar available.
Procedure turn S side W crs, 267° Outbnd, 087° Inbnd, 1900′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1825′—4.5 miles; at MM, 774′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 2100′ on crs of 087° within 20 miles or, when directed by ATC, make right-climbing turn to 2300′ and proceed to MLI VOR.
Other changes: Deletes transitions from Cordova VOR and Green River Int.
*600-1 required with glide slope inoperative; 600-½ authorized except for 4-engine turbojets with operative ALS.
#When weather is below 1500-3, aircraft departing Runway 4—turn right and climb to 1500′ on E heading before turning N. Aircraft departing Runways 9 and 31—climb on runway heading to 1500′ before turning N, due to 1067′ tower, 3 miles NE and 1649′ tower, 6 miles NNE.

City, Moline; State, Ill.; Airport name, Quad-City; Elev., 590′; Fac. Class., ILS; Ident., I-MLI; Procedure No. ILS-9, Amdt. 13; Eff. date, 30 Apr. 66; Sup. Amdt. No. 12; Dated, 22 Jan. 66

PDX VOR	Levee Int	Direct	3200	T-dn*%	300-1	300-1	200-½
UBG VOR	Levee Int	Direct	3200	C-dn#	700-1	700-1	700-1½
Pearson Int	Levee Int	Direct	3200	S-dn-101$#	600-1	600-1	600-1
Buxton Int	Levee Int (final)	Direct	2900	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 3200′ within 10 miles of Levee Int.
Minimum altitude over Levee Int on final approach crs, 2900′; over Portal Int, 1000′.
Crs and distance, Levee Int to airport, 098°—9.8 miles; Portal Int to airport, 098°—4.4 miles.
No glide slope, (back crs).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing Portal Int, climb direct to IA LOM, continue climb to 3700′ in a 1-minute left turn, holding pattern E of IA LOM or, when directed by ATC, turn left, climb to 4000′ direct to PDX VOR.
NOTE: Dual VHF receivers required for this approach.
*200-½ authorized Runways 10R/L and 28R/L only. 700-2 required on Runways 2 and 20.
%Takeoffs all runways: Proceed direct to PDX VORTAC, climb on R 329° PDX VORTAC within 10 miles to cross PDX VORTAC at or above, northeastbound V-448, 5500′; eastbound V-112, 2900′.
#CAUTION: 664′ terrain, 1.8 miles SE of airport.
$Sliding scale not authorized for landing.
¢600-¾ authorized, except for 4-engine turbojet aircraft with operative high-intensity runway lights.

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 26′; Fac. Class., ILS; Ident., I-IAP; Procedure No. ILS-10L (back crs), Amdt. 3; Eff. date, 30 Apr. 66; Sup. Amdt. No. 2; Dated, 27 May 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on March 24, 1966.

JAMES S. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-5642; Filed, May 20, 1966; 8:49 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Express Abandonment of Patent Application

The following amended § 1.138 is adopted to take effect upon publication in the FEDERAL REGISTER.

The purpose of the amendment is to make possible the elimination of the delay and difficulty incident to obtaining specific written authorization to abandon the application from the inventor and assignee, if any. Such delay frequently results in inconvenience and sometimes in the loss of material rights.

The text of the proposed amendment was published in the FEDERAL REGISTER of March 31, 1966 (31 F.R. 5202). A hearing was held on April 26, 1966, and all persons, who desired to, were invited to attend and to submit their views, objections, recommendations, or suggestions which were considered in connection with the adoption of the amendment. The rule is being adopted as published with a further amendment to the sentence proposed to be added to the rule. The clause "Except as provided in § 1.262" is added to the sentence as previously published so that the sentence reads: "Except as provided in § 1.262 an application may also be expressly abandoned by filing a written declaration of abandonment signed by the attorney or agent of record."

The full text of the amended rule is as follows:

§ 1.138 Express abandonment.

An application may be expressly abandoned by filing in the Patent Office a written declaration of abandonment signed by the applicant himself and the assignee of record, if any, and identifying the application. Except as provided in § 1.262 an application may also be expressly abandoned by filing a written declaration of abandonment signed by the attorney or agent of record.

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6)

EDWARD J. BRENNER,
Commissioner of Patents.

Approved: May 10, 1966.

J. HERBERT HOLLOMON,
Assistant Secretary for Science and Technology.

[F.R. Doc. 66-5550; Filed, May 20, 1966; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

Miscellaneous Amendments

The regulations of the Post Office Department are amended and revised as follows:

I. In § 17.1 *Mailing preparation*, paragraphs (a), (b), (c), (d), (d)(1) and (d)(2) are redesignated paragraphs (b), (c), (d), (e), (e)(1), and (e)(2) respectively, and a new paragraph (a) is inserted in lieu thereof. The purpose of these amendments is to make reference to sections explaining in detail how postage is computed on parcels for overseas military post offices. As so added, new paragraph (a) now reads:

§ 17.1 Mailing preparation.

(a) *Postage.* See § 25.2(b)(1) of this chapter for parcels sent by surface mail and § 26.2(c)(4) of this chapter for parcels sent by air.

* * * * *

NOTE: The corresponding Postal Manual section is 127.11.

II. In § 17.2 *Conditions prescribed by the Defense Department applicable to mail addressed to certain military post offices overseas*, make the following changes:

A. In paragraph (a) *Military post offices*, make the following changes:

1. Amend the data opposite the following numbers to read:

Military post office No.	*See footnotes*
09019	B–C–I[1]
09120	B*–C
09125	B*–C
09127	B*–C
09168	B–C–I[1,3]
09179	B*–C
09193	B*–C
09194	B*–C
09199	B*–C–J
09202	B*–C–J
09212	B*–C
09218	B*–C
09221	B*–C–I[1,2]
09238	B*–C
09240	B–C–I[1]
09241	B*–C
09293	B–C–I[1]
09378	B*–C
09405	B*–C
09527	A–N
09607	B*–C
09616	B–F–I
09659	B*–C
09667	B
09671	I
09672	B–F–I
09674	B–D–F–I
09678	B–I
09683	A–B–F–I
09689	B–C–I[1]
09694	B–I
09697	B–F–I
09755	B*–C
09794	B–C–I[1]
96274	K
96277	K
96298	K
96311	K
96528	K

2. Delete the following post office numbers and their accompanying data:

Military post office No.	*See footnotes*
09085	A
09670	B–C–D

3. Insert in proper numerical order the following post office numbers and their accompanying data:

Military post office No.	*See footnotes*
09146	B–C–D
09149	B–C–D
96225	A
96289	A
96294	A
96362	A
96363	A

4. Footnote A following the tabular material is amended to read:

A. No mail of any class may contain securities or currency. Precious metals in their raw, unmanufactured state are also prohibited. Official shipments are exempt from these restrictions.

5. A new footnote N is added to read:

N. No personal registered mail accepted.

NOTE: The corresponding Postal Manual section is 127.21.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505, 705, 706, 712)

TIMOTHY J. MAY,
General Counsel.

MAY 18, 1966.

[F.R. Doc. 66-5574; Filed, May 20, 1966; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

PART 5-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5-2.2—Solicitation of Bids

POSTPONEMENT OF BID OPENINGS

This amendment authorizes the postponement of bid openings without prior notice to prospective bidders when emergencies or unanticipated events make the use of normal bid postponement procedures impracticable.

Section 5-2.202-50 is amended as follows:

§ 5-2.202-50 Postponement of bid openings.

(a) Whenever such action is determined by the contracting officer to be in the best interest of the Government, bid openings may be postponed by issuance and distribution to all prospective bidders of an amendment (see § 1-2.207 of this title) to the invitation for bids. Notices of postponement shall be issued by mail or telegraph as early as possible and prior to the time specified for the opening of bids. However, when emergencies or unanticipated events of the type referred to in paragraph (c) of this § 5-2.202-50 occur, and the use of normal bid postponement procedures is impracticable, bid openings may be post-

poned without prior notice to prospective bidders. The new time and date set for the opening of bids shall be as soon thereafter as practicable. Where circumstances will permit, prior notice of the new time and date set for the opening of bids shall be given to all prospective bidders originally solicited.

* * * * *

(c) Bid openings may be postponed, if determined by the contracting officer to be in the best interest of the Government, when an emergency interrupts the normal governmental processes so as to make the conduct of bid openings as scheduled impracticable, or when the contracting officer has reason to believe that the bids of an important segment of bidders have been delayed in the mails for causes beyond their control, and without fault or negligence of the bidders concerned, such as, but not limited to, flood, fire, accident, heavy snow, or strikes.

(d) Under the circumstances described in paragraph (c) of this § 5–2.202–50, bids and modifications received before the new time and date set for the opening of bids shall be considered for award. Bids and modifications received thereafter shall be handled in accordance with the provisions of §§ 1–2.303 and 1–2.305 of this title regarding late bids and modifications.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective on publication in the FEDERAL REGISTER.

Dated: May 16, 1966.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 66–5548; Filed, May 20, 1966; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 14; Amdt. 3]

PART 527—SHIPPERS' REQUESTS AND COMPLAINTS

Reporting Requirements

Pursuant to sections 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841(a)), the Federal Maritime Commission hereby amends its General Order 14, 46 CFR Part 527.

The purpose of this amendment is to eliminate the requirement for filing of yearly reports by ratemaking groups, which presently results from compliance with the provisions of § 527.3 of General Order 14. Section 527.3 presently requires ratemaking groups, in January of each year, to file a report showing any changes made during the year in their shippers' request and complaint procedures. Section 527.6 requires these same ratemaking groups to publish shipper request and complaint information in their tariffs which they must file with the Commission. The tariff information is published in the form of instructions as to where and by what method shippers may file their requests and complaints, together with a sample of the rate request form, if one is used, or, in lieu thereof, a statement as to what supporting information is considered necessary for processing the request or complaint.

In view of the requirement that such information be reported in the tariffs, any change in such information required from shippers would result in a modification of the tariff and would, in accordance with section 18(b) of the Shipping Act, 1916, have to be filed with this Commission.

The elimination of the above-described filing requirement can best be achieved by deleting the annual reporting requirement contained in the last sentence of § 527.3, and by adding a sentence at the end of § 527.6 to further elucidate the tariff filing requirements in this respect.

Since § 527.3 will relieve restrictions and § 527.6 merely clarifies an existing condition the Commission is of the opinion that notice and public procedure and delayed effective date are unnecessary for the promulgation of this order. Therefore Part 527 of Title 46 CFR is hereby amended as follows:

1. Section 527.3 is amended by deleting the last sentence thereof reading: "In January of each year thereafter, each of the above shall file a report covering all changes made in these procedures during the past year, and, in the event the procedures have continued unchanged, the report shall so state."

2. Section 527.6 is amended by adding at the end thereof the following sentence: "All changes made in such instructions shall be published in said tariffs, supplements thereto, or reissues thereof, in accordance with the tariff filing requirements of section 18(b) of the Shipping Act, 1916."

Effective date. These amendments shall become effective on the date of their publication in the FEDERAL REGISTER.

By the Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 66–5577; Filed, May 20, 1966; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–30]

PART 170—COMMERCIAL ZONES

Cincinnati, Ohio, Commercial Zone

Order. At a session of the Interstate Commerce Commission, division 1, held at its office in Washington, D.C., on the 4th day of May A.D. 1966.

It appearing, that on March 5, 1964, the Commission, division 1, acting as an appellate division, entered its order, 94 M.C.C. 766, establishing the limits of the zone adjacent to and commercially a part of Cincinnati, Ohio, within the meaning of section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), within which zone transportation by motor vehicle, in interstate or foreign commerce, is partially and conditionally exempt from regulation;

It further appearing, that the limits thus established include as a boundary a portion of U.S. Highway 25 lying in Butler County, Ohio, and extending between Allen Road and the Butler-Hamilton County, Ohio, boundary;

It further appearing, that by petition filed April 7, 1966, the Greater Cincinnati Chamber of Commerce confirms that a recent relocation of U.S. Highway 25 renders this description inaccurate, for the reason that the highway intended to constitute the boundary is now properly known as Cincinnati-Dayton Road;

And it further appearing, that notice and public procedure thereon to render the above description accurate and unambiguous are impracticable and unnecessary, for the reason that the substitution of "Cincinnati-Dayton Road" in lieu of "U.S. Highway 25" will not alter in any respect the boundary as formerly established in this proceeding; and good cause appearing therefor:

It is ordered, That said proceeding be, and it is hereby, reopened for further consideration.

It is further ordered, That § 170.7 as prescribed in the order entered in this proceeding on March 5, 1964 (49 CFR 170.7), be, and it is hereby, vacated and set aside, and the following revision is hereby substituted in lieu thereof:

§ 170.7 Cincinnati, Ohio.

The zone adjacent to, and commercially a part of, Cincinnati, Ohio, within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act is hereby defined to include the following:

Addyston, Ohio.	Mariemont, Ohio.
Cheviot, Ohio.	North Bend, Ohio.
Cincinnati, Ohio.	Norwood, Ohio.
Cleves, Ohio.	St. Bernard, Ohio.
Elmwood Place, Ohio.	Covington, Ky.
Fairfax, Ohio.	Newport, Ky.

That part of Ohio bounded by a line commencing at the intersection of the Colerain-Springfield Township line and corporate limits of Cincinnati, Ohio, and extending along said township line in a northerly direction to its intersection with the Butler-Hamilton County line, thence in an easterly direction along said county line to its intersection with Ohio Highway 4, thence in a northerly direction along Ohio Highway 4 to its intersection with Mulhauser Road, thence in an easterly direction along said road to the terminus thereof west of the

tracks of the Pennsylvania Railroad, thence continuing in an easterly direction in a straight line to Allen Road, thence along the latter to the junction thereof with Cincinnati-Dayton Road, thence in a southerly direction along Cincinnati-Dayton Road to the Butler-Hamilton County line, thence along the said county line and the Warren-Hamilton County line in an easterly direction to the Symmes-Sycamore Township line, thence in a southerly direction along the Symmes-Sycamore Township line to its intersection with the Columbia Township line, thence in a westerly direction along the Sycamore-Columbia Township line to Madeira Township, thence in a clockwise direction around the boundary of Madeira Township to the Sycamore-Columbia Township line, thence in a westerly direction along said township line to Silverton Township, thence in a southerly direction along the Silverton-Columbia Township line to the Cincinnati corporate limits, thence in a southerly direction along said corporate limits to junction with Red Bank Road, thence in a southerly direction over Red Bank Road to the Cincinnati corporate limits.

That part of Kenton County, Ky., lying on and north of a line commencing at the intersection of the Kenton-Boone County line and Dixie Highway (U.S. Highways 25 and 42), and extending over said highway to the corporate limits of Covington, Ky., including communities on the described line.

That part of Campbell County, Ky., lying on and north of a line commencing at the south corporate limits of Newport, Ky., and extending along Licking Pike (Kentucky Highway 9) to junction with Johns Hill Road, thence along Johns Hill Road to junction with Alexandria Pike (U.S. Highway 27), thence northward along Alexandria Pike to junction with River Road (Kentucky Highway 445), thence over the latter to the Ohio River, including communities on the described line.

That part of Boone County, Ky., bounded by a line beginning at the Boone-Kenton County line west of Erlanger, Ky., and extending in a northwesterly direction along Donaldson Highway to the Greater Cincinnati Airport, thence clockwise around the outer perimeter of said airport to the northern tip thereof, thence in a northeasterly direction along Kentucky Highway 1334 to junction with Kentucky Highway 20, and thence along the latter to the Boone-Kenton County line.

That part of Boone and Kenton Counties, Ky., bounded by a line commencing at the intersection of the Boone-Kenton County line with the southern corporate limits of Elsmere, Ky., and extending in a southerly direction along said county line approximately 0.9 mile to the northern boundary of the Northern Kentucky Industrial Foundation, thence in a westerly direction along said boundary to its intersection with the southern corporate limits of Florence, Ky., thence in a westerly direction along said corporate limits to their intersection with U.S. Highway 42, thence in a southwesterly direction along said highway to its intersection with Interstate Highway 75, thence in a southerly direction along Interstate Highway 75 to a point 2 miles south of the Florence, Ky., corporate limits, thence in a straight line in a northeasterly direction to Richardson Road, thence in an easterly direction over Richardson Road to junction with Kentucky State Route 1303 (Turkeyfoot Road), thence in a northerly direction over Kentucky State Route 1303 to the southern boundary of Edgewood, Kenton County, Ky.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective June 20, 1966, and shall continue in effect until the further order of the Commission.

And it is further ordered, That 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 at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-5589; Filed, May 20, 1966; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Crop Disposition Dates

(1) *Basis and purpose.* This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.), the Agricultural Act of 1948, as amended (7 U.S.C. 1441 et seq.), the Food and Agriculture Act of 1962 (Public Law 87-703, approved September 27, 1962, and Public Law 87-801, approved October 11, 1962), the Feed Grain Act of 1963 (Public Law 88-26, approved May 20, 1963), the Agricultural Act of 1964 (Public Law 88-297, approved April 11, 1964), and the Food and Agriculture Act of 1965 (Public Law 89-321, approved November 3, 1965), for the purpose of: (1) Amending the disposition dates for corn and grain sorghums in certain counties; (2) establishing disposition dates for corn and grain sorghums in certain counties. These dates are based on State committee recommendations. Since the amendments herein contain only disposition dates for corn and grain sorghums, they relate to loans, grants, and benefits. They are therefore exempted from the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) relating to notice, public procedure thereon, and effective date.

(2) Section 718.16 of the regulations for Determination of Acreage and Compliance (31 F.R. 5812) is amended by revising the disposition dates for corn and grain sorghums for the States of California and Louisiana to read as follows:

CALIFORNIA

* * * * *

(2) *Corn.* (i) *May 1.* Imperial (early seeded) and Riverside (early seeded).
(ii) *August 1.* San Diego.
(iii) *August 15.* Fresno, Kern, Kings, Madera, Merced, San Bernardino, San Joaquin, Santa Barbara, Stanislaus, and Tulare.
(iv) *September 1.* Butte, Colusa, Glenn, Imperial (late seeded), Lake, Mendocino, Orange, Placer, Riverside (late seeded), Sacramento, San Benito, Santa Clara, Shasta, Solano, Sonoma, Sutter, Tehama, Yolo, and Yuba.
(v) *September 15.* Amador, Contra Costa, El Dorado, Los Angeles, Monterey, Napa, and San Luis Obispo.
(3) *Grain Sorghums.* (i) *May 1.* Imperial (early seeded) and Riverside (early seeded).
(ii) *July 1.* San Bernardino.
(iii) *August 1.* San Diego.
(iv) *August 15.* Fresno, Kern, Kings, Madera, Merced, San Joaquin, Santa Barbara, Stanislaus, Tulare, and Ventura.
(v) *September 1.* Butte, Colusa, Glenn, Imperial (late seeded), Lake, Mendocino, Orange, Placer, Riverside (late seeded), Sacramento, San Benito, Santa Clara, Shasta, Solano, Sutter, Tehama, Yolo, and Yuba.
(vi) *September 15.* Alameda, Amador, El Dorado, Contra Costa, Los Angeles, Monterey, Napa, and San Luis Obispo.
(vii) *October 1.* Sonoma.

* * * * *

LOUISIANA

* * * * *

(2) *Corn, Cotton, Grain Sorghum, and Rice. August 1.* All parishes.
(3) (Revoked.)

* * * * *

Effective date. Since corn and grain sorghums for harvest in 1966 are being planted, or plans for planting are now being made, and farmers need to know the disposition dates herein, it is imperative that this amendment become effective as soon as possible; accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 17, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-5567; Filed, May 20, 1966; 8:47 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 1]

PART 780—APPEAL REGULATIONS

Basis, Purpose, and Applicability

Section 780.1 of the appeal regulations, 7 CFR Part 780, is amended as follows: Paragraphs (d), (k), (l), and (m) are amended, and paragraphs (n) and (o) are added.

The amended and added portions of § 780.1 read as follows:

§ 780.1 Basis, purpose, and applicability.

* * * * *

(d) Allotment Programs for cotton (Part 722 of this chapter), tobacco (Part 724 of this chapter), wheat (Part 728 of this chapter), peanuts (Part 729 of this chapter), and rice (Part 730 of this chapter), except when marketing quotas are in effect for the commodity and the matter being appealed is a factor bearing upon a marketing quota being determined for the farm in which case review under Part 711 of this chapter shall be applicable.

* * * * *

(k) Wheat Diversion Program (Part 728 of this chapter).

(l) Farm Wheat Marketing Certificate Program (Part 728 of this chapter).

(m) 1964 and 1965 Cotton Domestic Allotment Program (Part 1427 of this title).

(n) 1966 Upland Cotton Program (Part 722 of this chapter).

(o) Regional Agricultural Conservation Programs (Part 755 of this chapter).

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 17, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-5568; Filed, May 20, 1966; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 162]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.462 Valencia Orange Regulation 162.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, 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, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 19, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 22, 1966, and ending at 12:01 a.m., P.s.t., May 29, 1966, are hereby fixed as follows:

(i) District 1: 750,000 cartons;

(ii) District 2: 334,053 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 20, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-5703; Filed, May 20, 1966; 11:22 a.m.]

[Lemon Reg. 215]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.515 Lemon Regulation 215.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, 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, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 17, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., May 22, 1966, and ending at 12:01 a.m., P.s.t., May 29, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "Carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 19, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-5634; Filed, May 20, 1966; 8:49 a.m.]

[Avocado Reg. 8]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

§ 915.308 Avocado Regulation 8.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados

grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 23, 1966. This section establishes grade and maturity requirements designed to prevent the shipment of avocados which are immature or otherwise of poor quality; it is necessary that such requirements be made effective at the time and for the periods specified herein in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., May 23, 1966, and ending at 12:01 a.m., e.s.t., April 30, 1967, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade;

(2) After the effective time of this section, except as otherwise provided in subparagraphs (9) and (10) of this paragraph, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 2 of such table, except that avocados of the Arue variety which weighs at least 17 ounces may be handled prior to the date so listed, and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), and (6) hereof.

TABLE I

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Arue	5-23-66	17 oz.	7- 4-66	14 oz. 3 3/16 in.	7-25-66		
Fuchs	6-20-66	14 oz. 3 4/16 in.	7- 4-66	12 oz. 3 9/16 in.	7-25-66	10 oz. 2 13/16 in.	8- 8-66
K-5	7-11-66	14 oz. 3 3/16 in.	7-25-66	12 oz. 3 1/16 in.	8- 8-66		
Dr. DuPuis No. 2	7-18-66	10 oz. 3 3/16 in.	7-25-66				
Hardee	7-11-66	13 oz. 3 9/16 in.	7-18-66	10 oz. 2 13/16 in.	7-25-66		
Pollock	7-18-66	16 oz. 3 2/16 in.	8- 1-66				
Simmonds	7-18-66	14 oz. 3 7/16 in.	8- 1-66				
Nadir	7-18-66	10 oz. 2 15/16 in.	8-15-66	7 oz.	8-22-66		
Katherine	7-18-66	12 oz.	8- 8-66				
Trapp	8-15-66	12 oz. 3 7/16 in.	9- 9-66				
Waldin	8-15-66	16 oz. 3 3/16 in.	8-29-66	14 oz. 3 7/16 in.	9- 9-66	10 oz. 3 1/16 in.	9-26-66
Peterson	8-15-66	10 oz. 3 3/16 in.	8-29-66	8 oz. 2 13/16 in.	9- 9-66		
Pinelli	8-29-66	16 oz. 3 1/16 in.	9- 9-66				
Tonnage	8-29-66	14 oz. 3 4/16 in.	9- 5-66	12 oz. 3 9/16 in.	9- 9-66	10 oz. 2 13/16 in.	9-19-66
Booth 8	9-12-66	16 oz. 3 3/16 in.	9-26-66	15 oz. 3 7/16 in.	10-10-66	13 oz. 3 4/16 in.	10-17-66
Fairchild	9-12-66	16 oz. 3 1/16 in.	9-19-66	14 oz. 3 7/16 in.	10- 3-66	12 oz. 3 4/16 in.	10-17-66
Nirody	9-19-66	18 oz. 3 1/16 in.	10- 3-66	15 oz. 3 1/16 in.	10-17-66	12 oz. 3 2/16 in.	10-31-66
Black Prince	10- 3-66	16 oz. 3 2/16 in.	10-24-66				
Blair	10- 3-66	14 oz. 3 1/16 in.	10-24-66				
Collinson	10- 3-66	16 oz. 3 1/16 in.	10-31-66				
Monroe	10- 3-66	26 oz. 4 3/16 in.	10-17-66	24 oz. 4 1/16 in.	11-21-66		
Rue	10- 3-66	30 oz. 4 3/16 in.	10-10-66	24 oz. 3 15/16 in.	10-24-66	18 oz. 3 9/16 in.	11- 7-66
Booth 5	10-10-66	16 oz. 3 1/16 in.	10-31-66				
Hickson	10-10-66	15 oz. 3 5/16 in.	10-24-66	12 oz. 3 1/16 in.	10-31-66		
Simpson	10-10-66	16 oz. 3 3/16 in.	10-31-66				
Vaca	10-10-66	16 oz. 3 2/16 in.	10-31-66				
Sherman	10-10-66	16 oz.	10-24-66	14 oz.	11-7 -66	10 oz.	11-28-66
Mareus	10-10-66	32 oz.	11-21-66				
Booth 10	10-17-66	16 oz. 3 9/16 in.	11-14-66				
Booth 7	10-17-66	16 oz. 3 1/16 in.	10-31-66	14 oz. 3 3/16 in.	11-14-66		
Avon	10-17-66	15 oz. 3 1/16 in.	11- 7-66				
Booth 11	10-17-66	16 oz. 3 1/16 in.	11- 7-66				
Leona	10-17-66	14 oz. 3 1/16 in.	10-31-66				
Winslowson	10-17-66	18 oz. 3 1/16 in.	11- 7-66				
Nelson	10-17-66	14 oz. 3 5/16 in.	10-31-66	12 oz. 3 1/16 in.	11-14-66	10 oz. 3 1/16 in.	12- 5-66
Catalina	10-24-66	18 oz.	11-14-66				
Hall	10-24-66	20 oz. 3 9/16 in.	11- 7-66				
Lula	10-24-66	18 oz. 3 1/16 in.	11- 7-66	14 oz. 3 9/16 in.	11-21-66		
Choquette	10-24-66	24 oz. 4 1/16 in.	11-21-66				
Herman	10-24-66	16 oz. 3 9/16 in.	11- 7-66	14 oz. 3 9/16 in.	11-21-66		
Chica	10-24-66	15 oz.	11- 7-66	13 oz.	11-21-66	10 oz. 3 1/16 in.	12-12-66
Murphy	10-24-66	16 oz.	11- 7-66	14 oz.	11-21-66	11 oz.	12-12-66
Ajax (B7-B)	10-31-66	18 oz. 3 1/16 in.	11-21 66				
Booth 1	10-31-66	16 oz. 3 1/16 in.	11-21-66				
Booth 3	10-31-66	16 oz. 3 1/16 in.	11-21-66				
Taylor	10-31-66	14 oz. 3 5/16 in.	11-21-66				
Dunedin	11-14-66	16 oz. 3 1/16 in.	11-28 66	14 oz. 3 9/16 in.	12-12-66	10 oz. 3 1/16 in.	1- 2-67
Byars	11-21-66	16 oz. 3 1/16 in.	12-12-66				
Linda	11-21-66	18 oz. 3 1/16 in.	12-12-66				
Nabal	11-21-66	14 oz. 3 9/16 in.	12-12-66				
Wagner	12-12-66	12 oz. 3 5/16 in.	1- 2-67				
Schmidt	1-23-67						
Itzamna	2-20-67						

(3) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 2 of Table I and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 4 of Table I and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 6 of Table I and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is of at least the diameter specified for such variety in said Column 7;

(6) During the period beginning at 12:01 a.m., e.s.t., October 17, 1966, and ending at 12:01 a.m., e.s.t., November 7, 1966, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 10 ounces or is at least 3 1/16 inches in diameter, and during the period beginning at 12:01 a.m., e.s.t., November 7, 1966, and ending at 12:01 a.m., e.s.t., November 14, 1966, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 8 ounces or is at least 2 13/16 inches in diameter;

(7) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to 12:01 a.m., e.s.t., July 4, 1966.

(ii) During the period beginning at 12:01 a.m., e.s.t., July 4, 1966, and ending at 12:01 a.m., e.s.t., July 11, 1966, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iii) During the period beginning at 12:01 a.m., e.s.t., July 11, 1966, and ending at 12:01 a.m., e.s.t., August 1, 1966, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(iv) During the period beginning at 12:01 a.m., e.s.t., August 1, 1966, and ending at 12:01 a.m., e.s.t., September 19, 1966, the individual fruit in each lot of such avocados shall weigh at least 10 ounces.

(8) Except as otherwise provided in subparagraphs (9) and (10) of this para-

graph, varieties of avocados not covered by subparagraphs (2) through (7) hereof shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to 12:01 a.m., e.s.t., September 19, 1966.

(ii) During the period beginning at 12:01 a.m., e.s.t., September 19, 1966, and ending at 12:01 a.m., e.s.t., October 17, 1966, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) During the period beginning at 12:01 a.m., e.s.t., October 17, 1966, and ending at 12:01 a.m., e.s.t., December 19, 1966, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(9) Notwithstanding the provisions of subparagraphs (2) through (8) hereof regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in subparagraphs (6), (7), and (8). Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(10) The provisions of subparagraphs (2) through (9) of this paragraph shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(c) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 2" shall have the same meaning as set forth in the U.S. Standards for Florida Avocados (7 CFR 51.3050–51.3069).

(d) The provisions of this regulation shall become effective at 12:01 a.m., e.s.t., May 23, 1966.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 19, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–5678; Filed, May 20, 1966; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Payment-In-Kind (GR–369); Rev. III, Amdt. 1]

PART 1481—RICE

Subpart—Rice Export Program

SUBMISSION OF OFFERS, AND EXPORT PAYMENT RATES

The regulations issued by the Commodity Credit Corporation governing the Rice Export Payment-in-Kind Program (GR–369) (30 F.R. 778) are, with regard to any offer to export submitted by an exporter on and after date of publication of this Amendment 1, amended as follows:

The closing paragraph of § 1481.106 *Submission of offers*, is amended to read:

§ 1481.106 Submission of offers.

* * * * *

An exporter may submit more than one offer for consideration on any stated date. CCC reserves the right to accept or reject any or all offers and to waive any informality in connection with any offer. An offer will be considered in its entirety only, and any offer containing terms or conditions other than those authorized in this subpart will not be considered.

Paragraph (a) of § 1481.113 *Export payment rates*, is amended to read:

§ 1481.113 Export payment rates.

(a) CCC will issue rate schedules prior to the effective date of such schedules listing the rates expressed in dollars and cents per hundredweight applicable to various classes and kinds of rice exported in accordance with this program. All rate schedules will be numbered, dated, and identified with this program, and will be effective for a period which shall be the longer of (1) the period specified in the rate schedule, or (2) a period which ends on the calendar day preceding the effective date of the next rate schedule issued.

* * * * *

Effective date: On date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 18, 1966.

C. R. ESKILDSEN,
Acting Vice President, Commodity Credit Corporation, Administrator, Foreign Agricultural Service.

[F.R. Doc. 66–5596; Filed, May 20, 1966; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 991]

[Docket No. AO-357]

HOPS OF DOMESTIC PRODUCTION

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision of the Department, with respect to a proposed marketing agreement and order (hereinafter referred to collectively as the "order") regulating the handling of domestically produced hops. Any order that may result from this proceeding will 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.), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250. To be considered, exceptions must be filed not later than June 3, 1966. They should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the order is based was held in Yakima, Wash., March 1, through March 8, 1966, pursuant to a notice of hearing which was published in the FEDERAL REGISTER on February 8, 1966 (31 F.R. 2479). The notice contained a proposed marketing agreement and order prepared and submitted by a group of hop growers from the States of Washington, Oregon, Idaho, and California, known as the "Four State Hop Study Committee."

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared policy of the act;

(3) The specific terms and provisions of the order, including:

(a) Definitions of the commodity, the area, the persons to be regulated, and those other terms set forth in the notice of hearing which are applicable to the provisions of the proposed program;

(b) The establishment, maintenance, powers, and duties of a Hop Administrative Committee, which shall be the administrative agency for the program;

(c) The establishment, maintenance, powers, and duties of a Hop Advisory Board which shall be advisory to the committee;

(d) Procedures applicable to the committee and the Board;

(e) Authority for marketing research and development projects and the method of financing them;

(f) Authority for quality control and provisions for hop inspection and identification;

(g) Exemption of hops harvested prior to effective date of the program;

(h) Annual marketing policy procedures and a method for limiting the quantity of hops to be handled to normal market requirements;

(i) Allotment of the quantity to be handled among the producers thereof;

(j) Reserve pooling of hops in excess of normal market requirements;

(k) Transfer of producer allotment bases;

(l) The authority for the committee to incur expenses and for the Secretary to levy assessments on handlers;

(m) Establishment of reporting and related record keeping requirements; and

(n) Additional terms and conditions as set forth in the notice of hearing as §§ 991.70 through 991.83.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

The proposed program should regulate the handling of hops by restricting the volume of hops which may be freely handled by handlers. It should provide a method for allotting the quantity of hops from any crop among handlers based on amounts sold by producers during a representative period determined by the Secretary to the end that the total quantity to be handled from such crop will be apportioned equitably among producers. This is for the purpose of carrying out the declared policy of the act by establishing and maintaining orderly marketing conditions and increasing returns to producers of hops as provided therein.

(1) Hops are baled by growers and sold to dealers for shipment throughout the world. No significant differentiation occurs in producer sales or processing as between hops for use within the State of production as compared with hops for use in other parts of the United States or the world. If a program regulating only interstate commerce in hops were to be made effective, the market for hops in some States of production would be greatly overburdened with the unregulated supplies, and this would result in differing and lower prices in such States. The evidence of record is that all movement of hops in marketing channels is inextricably intermingled and in direct competition, and hence, it is concluded that the handling of hops within the respective States of production directly burdens, obstructs, and affects interstate and foreign commerce to such an extent as to make necessary the regulation of intrastate commerce in hops as well as the interstate and foreign commerce.

(2) Prices received by growers of hops averaged 45.8 cents on the 1965 crop of 56.1 million pounds, or about 70 percent of the February 1966 parity of 65.7 cents per pound. Recent acreage and production trends indicate a buildup in inventories, and such are normally accompanied by lower grower returns in later years. Hop stocks on September 1, 1966, are expected to be between 26.8 and 27.5 million pounds or an increase of between 4.7 and 5.4 million pounds when compared to the last year level of 22.1 million pounds. Hop production in the States of Washington, Oregon, Idaho, and California during the years 1961–1965 has ranged from a low of 35.5 million pounds in 1961 to 56.1 million pounds in 1965. Harvested acreage has increased from a post World War II low of 22,900 acres in 1961 to 32,700 acres in 1965.

Current production exceeds utilization and has caused an increase in inventory. As previously discussed, such an increase is generally accompanied by lower prices to growers in ensuing years. Downward adjustments in inventory can be expected in the future either as a result of economic pressures, acreage reduction, or as a result of production guides which would be reflected by operation of the proposed order.

The demand for hops, both in the United States and abroad is inelastic. This is reflected by wide fluctuations in the spot market prices of hops in response to relatively small supply changes in world production. In the United States, use of future contracts has somewhat stabilized prices but not supplies, and a substantial price response to changes in supply is still evident in the spot market. While growers endeavor to protect their investments through use of long-term contracts, it must be noted that the contracts do not contain provisions for increased costs of production nor for any general inflation. Instead, the contract prices recognize trends in inventory and spot market prices. It is the combination of both the spot and contract prices that determines the average price received by growers.

Hence, a falling price for hops results in a reduced average grower price.

A potentially important factor in the future demand for hops is the increasing use of hop extract. An equivalent amount of hops in the form of extract makes considerably more beer than when hops are used in the traditional manner. The quantity of hops used in the production of extract in the United States has risen from 281,000 pounds in 1960 to 1,975,000 pounds in 1964. However, due to their high brewing value and price differential from foreign hops, U.S. hops are expected to have a high demand for use in extract.

U.S. production of beer which held at close to 90 million barrels per year from 1946 to 1958, has taken an upward trend and has increased from 94.4 million barrels in 1960 to 106.7 million barrels in 1964. For the same period, the quantity of hops used as hops and the hop equivalent of extract has ranged from 29.8 million pounds in 1960 to 32.3 million pounds in 1964. The "hopping rate," which is the quantity of hops or hop equivalent of extract used per barrel of beer, has had a long time decline and decreased from 0.316 pound per barrel in 1960 to 0.303 pound per barrel in 1964. U.S. exports of hops have increased from 17.4 million pounds in 1960 to 22.5 million pounds in 1964. Imports of hops have ranged from 5.4 million pounds in 1960 to 6.5 million pounds in 1964. Foreign hops are priced considerably higher than domestic hops. However, certain brewers have been willing to pay the higher prices because of special characteristics of the imported hops.

Concern was expressed at the hearing that the order would constitute acreage control. However, the effect of the program will be to institute poundage allotments, and the program will not deal with production or acreage controls per se. The act specifically provides for limiting the quantity which handlers may handle on the basis of that which producers have sold in a representative period. This authorization is the basis of the order and provision is made to cause hops in excess of the quantity that may be handled in a crop year, to be pooled and disposed of by the committee.

It was also contended that the order would deny entry into hop growing to any new producer, would restrict expansion of acreage, would create a monetary value for an allotment base, and would restrict plantings on new varieties needed. However, the evidence of record is that consideration has been given to these matters; and the program has been designed to give the fullest possible flexibility to producers consistent with program objectives. It was stated further that, should the order become effective, European acreage would expand, foreign imports into the U.S. would increase, U.S. exports would decrease as U.S. hops would lose their price advantage and, without the order, the entire U.S. current production can be sold. However, the record shows that any likely price increase under the proposed regulatory program would have little effect on U.S. exports and that the sale of present production at existing price levels is not economically feasible.

It was also contended, that the world-wide supply of hops is in balance with demand and that as a result of future contracts, stability and orderly marketing prevail in the U.S. hop industry. However, there is evidence that the existing methods of sale permit wide fluctuations in production and in spot market prices and declines in contract prices to producers to cost of production levels or below. Producers of hops have substantial investments in their trellis systems, drying kilns and picking machines which can be used only for the production and processing of hops. Hence, removal of hop lands and the shifting to other crops could cause substantial economic losses to producers. The order could, through providing the equivalent of production guides, tend to tailor the supply of hops consistent with trade demand, discourage excessive stock build-up, and stabilize returns to producers, and thereby tend to effectuate the declared policy of the act.

(3) (a) "Secretary" should be defined to include the Secretary of Agriculture of the United States, and in recognition of the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the U.S. Department of Agriculture who is or who may hereafter be authorized to act in his stead.

"Act" should be defined within the order to provide a ready and correct legal citation for the statutory authority pursuant to which the order is to be operative and to make it unnecessary to refer to the citation whenever the word "act" is used.

"Person" should be defined as it is in the act to ensure that when it is used in the order it has the same meaning.

"Hops" should be defined as the green or dried pistillate cones of the vine Humulus lupulus or Humulus americanus grown in the production area and should include any residues from the preparation of hops for market, whether or not in the form of whole hops or portions of hops or lupulin, which can be used for a purpose for which hops are used. The cones are the portion of the hop plant sold commercially and the definition should cover all hops grown in the production area for sale. It is necessary to include residues, such as lupulin, because they compete with hops for use in the production of malt beverages and extract.

"Salable hops" should be defined as those hops released for handling (including commercial acquisition or use) by the allotment percentage pursuant to § 991.37 and which constitute the annual allotments of producers. This definition is also needed to describe the hops which dealers and brewers may freely acquire and use.

"Production area" should be defined to mean all States with commercial hop production, i.e., Washington, Oregon, Idaho, and California. If other States become commercial producers, they should, if necessary for successful program operation, by amendment of the order, become part of the production area and subject to program regulation thereunder. In such case, producers therein could obtain allotment bases pursuant to § 991.38 of the order, or, if impracticable, an allotment base should be issued so as to achieve a like method of allotment. For purpose of representation on the administrative committee, hereinafter discussed, the production area under the order should be divided into four districts:

District 1—State of Washington.
District 2—State of Oregon.
District 3—State of Idaho.
District 4—State of California.

The term "Producer" should be deemed to be synonymous with "grower" and should be defined to mean any person engaged in a proprietary capacity in the commercial production of hops. Such producers should be described as cooperative producers—those who are members of, and market their hops through, a cooperative hop marketing association—and independent producers—those who are not members of a cooperative marketing association. This distinction is needed in connection with the Hop Administrative Committee hereinafter discussed. A producer should be the person who produces the hops and has a proprietary interest therein and, hence, the one engaged in a proprietary capacity in production. In sharecropping arrangements, each person receiving a share of the crop would be a producer. A cash renter of hop acreage who produces hops therein and has the full right of disposition of the crop, would be the producer.

"Handler" should be defined as any person who handles hops. For regulatory, assessment and reporting purposes, certain obligations are placed on handlers and such persons should be defined.

"Handle" should be defined to mean to prepare hops for market, acquire hops, use hops commercially of own production, or sell, transport, or ship (except as a common or contract carrier of hops owned by another) or otherwise place hops into the current of commerce within the production area or from the area to points outside thereof, except that the preparation for market of salable hops by producers, not dealers or brewers, or the sale, transportation or shipment of such hops by a producer to a handler of record shall not be construed as handling. This definition is to so define "handle" as to assure that all hops grown in the production area are subject to control under the proposed order. Failure to include all such hops would impair the ability of the order to effectuate the purpose of the act.

Hops are normally dried and baled on the ranch by the producer. In doing so, he performs the preparation for market—handling function—as well as the production function. Preparation for market of salable hops (i.e. hops other than reserve hops or substandard hops) or the sale, transportation or shipment of salable hops to a handler of record should not be considered handling as

such hops would be acquired by handlers who would dispose of them into normal channels of distribution. Some brewers grow hops and their acquisition and use should be considered handling to avoid their escaping regulation. Such brewers should be regarded as acting in three separate capacities, first as producers, second as handlers, and third as consumers and in their handling capacity should be subject to the regulatory provisions of the order. Sale, transportation or shipment of hops from the point of production should be included to cover those further acts of handlers which directly place hops into the current of commerce. However, the movement of hops by a producer to storage, or custom drying and baling, within the area of production need not be construed as handling as such acts would not be placing the hops into the current of commerce. Hops produced and prepared by the producer-brewer for its own use, and hops produced and prepared for market by a producer-dealer, should each be considered as acquired (i.e. handled) for regulatory and administrative purposes, at the time they are prepared for such use or prepared for market (i.e. dried and baled). Since both such producers perform handling activities with respect to hops, they should similarly be covered by the order to avoid their escaping regulation. The transportation or shipment of hops is not intended to apply to persons acting for handlers such as common or contract carriers since such persons perform a service, for a fee, and have no control over the acquisition or disposition of the commodity.

"Marketing year" should be defined to mean the period August 1 through July 31, inclusive, as this covers the period when new crop hops become available and are largely shipped, and it establishes an operation period for the levying of assessments and hence a fiscal year.

"Part" should be defined to mean the order regulating the handling of hops and all rules, regulations and supplementary orders issued thereunder. The order itself should constitute a subpart of such part. This use of such terms is in conformity with the practices of the Office of the Federal Register.

(b) The program should be administered by a Hop Administrative Committee. The committee should consist of 13 grower members and their respective alternates. Representation on the committee should be distributed among the States in the production area on the basis of their past records of production, the number of growers in each district and recognition of the principal producing areas. This basis of representation would provide equitable representation on the committee and would also provide the separate geographical districts with reasonable representation. This should be accomplished by giving District 1, with somewhat over half of the total production and approximately two-thirds of all hop producers, 7 positions (positions 1 through 7) on the committee. Each of the remaining districts due to similar production levels, should have 2 positions each (positions 8 through 13) on the committee. In District 1, approximately one-third of the 245 producers belong to one cooperative marketing association. A few other growers have also entered into various cooperative arrangements and, to the extent that such growers engage in cooperative marketing of hops, they, too, are categorized as cooperative producers. To provide cooperative producers with representation, roughly commensurate with their numbers and to ensure that they do not gain an undue number of members on the committee, by virtue of their voting capacity, they should be allocated positions 1 and 2 of the 7 District 1 positions on the committee. Hence, for purposes of nominating committee members, cooperative producer members should vote only for the two cooperative member positions and not for any of the five independent producer positions on the committee.

Due to the large size of District 1, said District should be divided into three subdistricts to permit nomination and selection of the independent producer members. The three subdistricts, as contained and described in § 991.15, are appropriate divisions of District 1 in that the three subdistricts follow natural boundaries and contain approximately 58, 52, and 55 producers, respectively. In recognition of such factors, each subdistrict should be assured one member each (positions 3, 4, and 5) on the committee and the producers in such subdistricts should be afforded opportunity to nominate persons for such positions. The remaining two positions (positions 6 and 7) should be "at-large" positions with the nominees chosen from among, and by, all independent producers in District 1. This would be a practical method for choosing 5 producer nominees from the three subdistricts. If the number of producers in any of the subdistricts should change so as to render the subdistricts unrepresentative, in terms of numbers of producers, the committee should be authorized to recommend to the Secretary realignment of the subdistricts into appropriate subdistricts; and to realign such subdistricts with the approval of the Secretary.

In other districts of the production area, cooperatives are not comprised of a significant portion of the total number of growers in those districts. Hence, all producers in such a district should participate in the nomination of the persons to represent the district.

To ensure that members of the committee have a direct interest in hop production, each member and alternate of the committee should at the time of his selection, and during his term of office, be a producer or an officer or employee of a producer in the district or subdistrict from which selected. At the hearing, considerable attention was devoted to the question of whether cooperatives would be represented on the committee in their capacity as a grower or as a handler. The cooperative positions on the committee should be for grower members of the cooperatives. Full time employees of cooperatives should not be eligible for committee membership even though they may also be growers of hops as their primary interest would likely be that of handlers. To ensure true representation by persons serving on the committee, eligibility on the committee should be limited to hop producers in the district or subdistrict which they represent, and if a committee member or alternate ceases to qualify as a producer at any time during his term of office, his position should be automatically vacated. No one individual should occupy more than one position on the committee simultaneously. In the case of growers or grower-dealers participating in more than one separate producing entity, each such entity would be considered a producer for purposes of voting at nomination meetings, and any officer or employee should be eligible for a position on the committee. This would provide each person as herein defined, who is a producer, an opportunity to serve on the committee.

Provisions should be included for growers in each district or subdistrict to nominate persons for each committee member and alternate position to represent them on the committee. Since the terms of office hereinafter provided will begin on January 1, nominations should be certified and submitted by the committee, to the Secretary not later than December 1 in order for the Secretary to complete his selection in time to coincide, to the extent practicable, with the beginning of the term of office. If, for any reason, the committee does not submit nominees to the Secretary by December 1, he should have the authority to select other qualified persons for the positions without nomination. This would be a safeguard to permit selection by the Secretary in instances where committee action is not completed. In submitting its nominees to the Secretary, the committee should provide such related information as it deems appropriate or as the Secretary may request. For purposes of obtaining the initial nominations (no committee being in existence), the Secretary should perform the functions of the committee.

Election procedures should be provided to give growers a method of selecting nominees for member and alternate member positions on the committee. The most practical method is for nominations to be submitted to the Secretary as a result of nomination meetings held by producers in each district or subdistrict. On the other hand, cooperative associations should submit their candidates for each position directly to the committee for certification to the Secretary, hence there is no need for the committee to convene cooperative marketing association nomination meetings. The committee should hold and give reasonable publicity to nomination meetings and should be permitted to use the principal grower organizations in each district or subdistrict to convene such nomination meetings. The principal grower organization is not intended to mean the Hop Commissions now operating, nor cooperative marketing associations, but

rather the dominant grower trade or service association in each of the districts or subdistricts. Each nominee member position and each alternate member position should be voted on separately, and the person receiving the highest number of votes for a particular position should be the nominee. The committee should supervise the conduct of nomination meetings and advise the Secretary of the election results. Eligibility to vote should be the same as eligibility to serve on the committee and no producer should have more than one vote for one position on the committee. Since producers' interest under the order would be generally similar in all districts, or subdistricts, each producer should choose the district or subdistrict in which he wants to participate in election of committee nominees if he produces hops in more than one district or subdistrict and he should be limited to voting in that district or subdistrict only. Changing conditions may make it desirable to change the nominating procedures. Therefore, provisions should be included for the Secretary, based on a committee recommendation, to modify such procedures if the need arises.

At an assembled meeting of the committee, all votes should be cast in person and a quorum of ten members should be required for the transaction of business and nine concurring votes should be required as a basis for committee decisions. If neither the member nor alternate for a particular committee position can attend a meeting, another alternate from the same district if not acting in lieu of the member to whom he is an alternate, should be permitted to serve in the place of the absent member and alternate. This is to provide, to the extent practicable, for full representation of each district. The voting requirement of nine affirmative votes is desirable so that representatives of more than one district must concur in all committee actions.

In order to facilitate the transaction of routine business by the committee without entailing the expense of attendance at assembled meetings, provisions should be made for the committee to vote by mail, telephone, telegraph, or other means of communication upon due notice to all members and alternates acting as members and upon the proposition being explained accurately, fully, and reasonably identical to all of them. It is possible that a member and his alternate may not be available at the time the vote is solicited. However, committee management should make every effort to contact all of the voters. If any such proposition is sufficiently controversial to cause a dissenting vote or if ten concurring votes cannot be obtained, the proposition should be presented at an assembled meeting. In obtaining a vote by one of these methods, a time limit should be announced to members and alternates acting as members to return their votes. Since this method of voting should be used largely for noncontroversial questions, a time limit is desirable to expedite the committee's business.

The enabling act provides in section 8c(7)(C) for the selection by the Secretary of an agency and defining its powers and duties which include only specified powers. These powers should be included in the order and thus would serve to notify the committee and other interested persons as to the extent of the powers of the committee.

In administering a program such as is herein set forth, the administrative committee would have many duties. To assist the committee in carrying out its responsibilities, it is desirable that its important duties be set forth in the order.

In order to carry out its business in an orderly manner, the committee should select from among its members such officers as it deems necessary and it should also adopt such bylaws or rules of procedure for the conduct of its operations as it deems necessary. It is intended that the committee should serve as a "board of directors" under a chairman, and that most of the operational functions of the committee be carried out by employees. It should, therefore, be one of the duties of the committee to appoint such employees as it deems necessary and to determine their compensation, and the duties to be performed by each.

The committee should have the power to collect assessments on handlers for administrative expenses and, with the approval of the Secretary, require various reports. With this responsibility, the committee should also have the obligation to the hop industry and the Secretary to keep adequate minutes, books and records to reflect program operations, prepare regular financial statements for the information of the Secretary and for producers and handlers, and have its books audited by a certified public accountant at least once each year. Audits may be desirable in connection with changes of management or for other reasons and should be made whenever the committee deems necessary or when requested by the Secretary. Two copies of all audit reports should be made available to the Secretary and, with confidential information deleted, a copy should be available to producers and handlers at the committee office.

It should be a duty of the committee to act as intermediary between the Secretary and producers and handlers. Since the committee is the administrative agency under the order, it would be in a position to handle most problems connected with program administration; and producers or handlers should not need to go to the Secretary on questions that can be handled by the committee. However, this is not intended to preclude any person going directly to the Secretary should he so desire.

To meet its marketing policy responsibilities and its reserve pool management responsibilities, it will be necessary for the committee to have data on crop and marketing conditions on which to make its decisions. It should, therefore, be a duty of the committee to investigate and assemble such information.

In its operation, the committee would necessarily be a primary source of information on the hop industry, and it should provide the Secretary, on request or as it deems desirable, any available information.

Because of the importance of committee actions to both the producers and the handlers, all meetings of the committee to consider regulatory actions should be made known to them. All handlers should be given individual notice of such meetings and notice should be made available to producers through press releases or other methods considered appropriate by the committee. Producers and handlers should be advised of regulatory actions taken.

Since the Secretary has responsibility for the order, he should be given the same notice of committee and subcommittee meetings as is given the members. Notice of committee meetings should also be regularly mailed to any person who requests such notification.

One of the primary duties of the committee should relate to compliance. In this connection, the committee should make every effort to keep producers and handlers informed of their responsibilities under the program and should assist those involved in areas of compliance to conform their activities with program requirements. Committee employees authorized access to confidential information should make regular periodic audits of handlers' operations to the extent necessary to enable the committee to ascertain compliance with the program's requirements.

(c) At the hearing considerable attention was directed to how the Hop Administrative Committee should be constituted and the role of handlers in administering the proposed marketing order program. The record shows that the program could be operated with some handlers (i.e., hop dealers) on the committee or with a grower committee assisted by an advisory board of such handlers. Also, that grower-dealers and grower-brewers should be permitted to be members of the committee in their capacity as growers. Thus, some hop dealers may have employees, concerned with production or working with producers, who are committee members. Since a major portion of the committee responsibilities will be concerned with producer allotments, it is not deemed essential that persons, in their capacity as dealers or brewers, be members of the committee. However, where matters of trade demand and marketing policy are concerned, the committee should have the advice of dealers and extractors, the persons concerned with buying, selling, or otherwise handling hops or hop products. Hence, there should be established a Hop Marketing Advisory Board made up of five members and their alternates—a board of adequate size and representation of handlers.

The Board should include representatives of the important segments of the hop distribution business. It should, therefore, include three positions (positions one through three), one position for each of the three largest hop handlers (as they handle the major portion of each crop), one position (position four) for all other hop handlers except

hop extractors, and one position (position five) for hop extractors. An extractor should mean a person primarily engaged in extracting from hops their commercially important components and sell such extract. The committee should obtain a nominee for each position on the board from the persons to be represented by that position and certify such nominees to the Secretary by December 1 of even numbered years for consideration and selection. Each member or alternate should be a handler, or an officer or employee of a handler, in the position or group represented. Each of the respective handlers entitled to one member and alternate member should select and submit to the committee the nominees for such positions. For each of the remaining positions where several handlers are represented by the same member, the respective handlers should be selected at meetings or by mail ballot. Each such eligible handler should have one vote for each position and the person with the highest number of votes should be the nominee. Thus, the selection of nominees from among handlers for these two positions will conform to the nomination of producer representatives.

Duties of the board should include selection of officers and establishment of such bylaws as it deems necessary, and providing information and advice to the committee on marketing policy and other matters considered pertinent by it or requested by the committee. The board should accept any information pertinent to marketing policy it may receive from handlers (including any brewer or consumer of hops) and consider it in making recommendations to the committee. Since operation of the order would affect handlers, the committee should make extensive use of the board and both groups should be free to convene separately or jointly as circumstances warrant.

(d) Provisions should be included for selection by the Secretary of qualified persons for each position on the committee and the board. Selection should normally be from nominees submitted by the committee, but in the event nominees are not submitted or those submitted are not deemed qualified or acceptable by the Secretary, provisions should be included for the Secretary to select committee and board members from among other eligible persons. In order to verify their willingness to serve, persons selected should qualify by filing a written acceptance with the Secretary prior to assuming the duties of their respective positions.

To maintain continuity of experience gained under the order, membership on the committee should extend for 2-year terms with the terms of those occupying odd numbered positions ending on December 31 of odd numbered years and those holding even numbered positions ending on December 31 of even numbered years. Due to the nature and size of board membership, handler composition thereof would not be likely to change very often and continuity would not appear to be a problem. Therefore, there is no need to stagger the terms of board members and they should serve for 2-year terms ending on December 31 of even numbered years. However, to avoid initial short terms of office of committee and board memberships, in the event the order should be approved and become operative during the current year, the terms of the initial even numbered positions on the committee and of all positions on the board should extend to December 31, 1968. The December 31 expiration date will permit the new committee membership to organize, consider, and adopt the marketing policy prior to March 1. Also, in the interest of continuity, the committee and board members should serve for the term for which they are selected and until their respective successors are selected and have qualified.

Provisions should be included for alternate members to act in place of committee or board members when the member is absent from a meeting or unable to participate in a vote on a matter for which a meeting is convened. Alternates may also be needed to act in places of members whose positions have been vacated for such reasons as death, resignation, removal or disqualification.

Vacancies occasioned by death, removal, resignation, or disqualification of committee and board members can be expected from time to time. Provisions should be made, in such cases, for the committee to certify to the Secretary a successor for the unexpired term depending upon the remaining length of the term and other aspects of the situation at the time. Vacancies should not be required to be filled, but should be filled at the discretion of the Secretary. In this connection, where a vacancy occurs near the end of the term when little or no further business by the committee or board is contemplated, filling such a vacancy would appear to serve no useful purpose.

Evidence was presented at the hearing that committee and board members, as well as alternates, should be willing to serve without compensation. However, since they will incur certain expenses in connection with their committee and board duties, provisions should be included in the order for payment by the committee of necessary expenses incurred by committee and board members, and alternates, in performance of their authorized duties.

(e) Provisions should be included for the committee to engage in marketing research and development projects designed to assist, improve, or promote the marketing, distribution and consumption of hops. Such projects should be financed through regular assessment funds, except that if they involve reserve hops, the cost should be allocated as an expense to the reserve pool. While the hearing record shows a strong interest in hop production research, projects are presently limited by the act to the area of marketing research and cannot include research on hop culture. No commitments or expenditures for any appropriate project should be made until the project is approved by the Secretary. This safeguard is important to ensure that projects will be within the scope of the authorized area of activity and will not duplicate other projects being undertaken by members of the industry or other agencies.

Hop dealers have done a great deal of effective promotional work in foreign markets and the U.S. Brewer's Association has done considerable work on hop quality. The State universities and hop commissions of the various States also have engaged in various marketing research projects. Marketing research and development projects undertaken by the committee could be done in cooperation with such persons and should not involve duplication.

While the committee may not engage in cultural research, it should facilitate projects that may contribute to more efficient production and thereby improve returns to producers. For instance, to permit the handling of hops that were grown for experimental purposes, provision should be included in the order for the committee, with the approval of the Secretary, to adopt rules and regulations whereby such hops are granted exemption from part or all of the regulations pursuant to the proposed order.

(f) Provisions should be included in the order for the Secretary, based on the committee's recommendation or other information, to establish minimum quality standards for hops. Some poor quality hops are likely to be produced and, under conditions of limited supply, they would tend to be sold in normal markets; however, sales of such hops could be to the detriment of the long run demand for hops grown in the production area. The committee should, therefore, have authority to recommend such standards for hops setting forth a maximum tolerance for leaf and stem content and such other quality factors as may be found necessary to protect the demand for hops in the domestic and foreign markets. Therefore, upon the basis of such recommendation or information, the Secretary should establish such minimum quality standards as would tend to effectuate the objectives of the program and the declared policy of the act. In the event such standards are made effective, hops not meeting such standards should be designated "substandard hops" and should not be acquired or used by any handler. Except for disposition within a producer's own farming operations, substandard hops should be prohibited from being disposed of to persons other than the committee or its designees. This will permit only the committee to divert such hops away from normal trade channels, and thereby assure achievement of program objectives. Net returns from the disposition of such hops should be distributed to equity holders as their interest appear.

It is now normal industry practice to have all hops inspected and certified by the Federal-State inspection services for leaf and stem content. These quality factors are generally used as a basis for determining the value of the hops and the price paid to the producer. Also, a significant part of the crop is in-

spected by buyers for other factors of quality, including laboratory tests for brewing value. Both the opponents of a marketing order and those advocating it agreed that quality maintenance was essential to growth of the market for hops.

Emphasis which different brewers, both in the United States and in foreign countries, place on certain quality factors varies considerably. However, any industry, whether or not operating under a marketing order may contact the applicable commodity division of the Consumer and Marketing Service, U.S. Department of Agriculture, for assistance in developing U.S. Standards for voluntary use. If such U.S. Standards are issued, they could prove useful as a basis of reference in recommending and establishing minimum quality standards under the order. It was proposed at the hearing that any proposed quality regulations should be submitted to a producer referendum for approval. However, producers, through their representatives on the committee, are assured adequate protection of the producer's interest, hence a referendum is not necessary. Since the committee would have access to knowledgeable people in the industry and could obtain the assistance of USDA Standardization Personnel, it should be able to conclude on adequate quality standards. Hence, a separate quality control board as was proposed by a brewer representative, to establish quality standards and administer all aspects of their operation, is not essential nor can the cost of another agency be justified. However, the committee may need the technical advice of brewers and dealers and they should be consulted whenever the technical aspects of quality are under consideration by the committee.

The order should require such inspection and identification of all hops as is essential for sound administration of the program, determination of compliance and relative values of salable and reserve pool hops. The committee will need inspection to obtain data on the quality of producer deliveries as a guide to industrywide production capability in complying with minimum quality standards that may be made effective. Should minimum standards be prescribed under the order, inspection and certification would be the means of determining whether or not the hops conform with such standards. The inspection agencies should be the Federal-State inspection services (those presently performing hop inspection and with inspectors licensed by the U.S. Department of Agriculture); and the cost of inspection should be borne by the applicant. The committee should use the inspection services, whose inspectors will be on the premises and have inspected the hops, to assist with any identification requirements under the order. For compliance purposes, no hop identification should be altered or removed by any handler while hops are under his control, except when incidental to disposition of such hops.

Most hops are delivered to dealers by November 1. In keeping with this normal practice and in order to facilitate delivery of reserve hops to the committee, the inspection and identification for all hops should be completed prior to November 15 or such other practicable date as may be established for those hops that are to be delivered to the reserve pool. This is necessary to avoid compliance problems, to minimize the cost of program administration and to permit the committee to plan the most advantageous disposition of reserve hops.

(g) The order should not cover hops harvested and baled prior to its effective date. The evidence of record is that no regulation should be applied to hops of the 1965 or earlier crops nor to any 1966 crop hops that have been harvested and baled prior to the effective date of the order. However, so that hops held by producers may be exempt from regulations, they should be released upon application made by the producer, to the committee, within 30 days after the establishment of the committee. Such release action should be performed by the committee at no expense to the producer, and upon release, any handler should be able to handle such hops free of regulation. Also, hops held by handlers on the effective date of the order should be exempt from its provisions but such hops need not be specifically released as they are already past the basic point of regulation, the point of acquisition by the handler.

(h) Producers begin to incur production cost shortly after March 1, and it is desirable to provide them with definite marketing guides as to the quantity of hops that may be salable so they can adjust their cultural and production plans accordingly. Since the marketing policy meeting is of importance to all segments of the hop industry, except as otherwise provided by the Secretary, but no later than March 1, or such earlier date as the committee, with the approval of the Secretary may establish, the committee and the board should meet jointly and the committee adopt its marketing policy for the ensuing marketing year.

It was testified that if the committee were to meet later than March 1 for the purpose of adopting marketing policy, producers would be placed in a position of attempting to "second guess" what action would be subsequently taken by the committee. Such uncertainty could disrupt cultural and production plans and restrict the benefits of the program.

In making its estimates, the committee should consider the prospective carryin of producers, handlers, and brewers, the desirable carryout, prospective imports, and other factors affecting market conditions. If these considerations indicate a need for limiting the quantity of hops marketed, the committee should recommend to the Secretary a salable quantity and allotment percentage, hereinafter discussed, for the ensuing marketing year. Also, the committee should consider all information and recommendations of the board in reaching marketing policy decisions.

The committee should meet again prior to August 1 of each year to review its marketing policy and, if conditions warrant, recommend to the Secretary an appropriate increase in the salable quantity and allotment percentage for the ensuing crop. Any increase should be to assure availability of adequate supplies in view of changes in market conditions that may have taken place. A decrease would not be practical in view of the time needed for rule making on the allotment percentage and to change producer allotments.

This is a "safeguard" provision and is included for that purpose as there is little likelihood, based on the data in evidence, that an August 1 change will be made.

Notice of marketing policy recommendations for a marketing year and any later changes shall be submitted promptly to the Secretary and also to all producers and handlers. This is necessary so all interested persons will be made aware of the marketing policy and can plan accordingly.

If for any reason the Secretary finds on the basis of the committee's recommendation or other information that limiting the quantity of hops that may be freely marketed from a given crop would tend to effectuate the declared policy of the act, he should determine the total salable quantity of hops that may be acquired by handlers to meet normal market requirements and establish an annual allotment percentage for the purpose of releasing such total salable quantity. If market requirements warrant release of supplies in excess of the total producer allotment base, an annual allotment percentage of over 100 percent should be established. The Secretary's action should normally be based on the committee's recommendation, but should also take into consideration other information. Other information might include such items as changes in crop or market conditions, the estimated season average price for hops and legal limitations, if any, that may be applicable. The salable quantity should be apportioned among producers on the basis of their individual allotment bases as discussed hereinafter. The order should provide that, in years when regulations are in effect, handlers are prohibited from handling other than salable hops so as to assure the handling of hops not in excess of the salable quantity. The prohibition should not apply to handling in the form of preparation of hops for market or of delivery of hops to the committee for pooling as the subsequent handling of such hops is subject to control under the order.

Due to the general practice of forward contracting by all segments of the hop industry, most of the 1966 crop of hops is already contracted to dealers and large parts of the 1967 crop are also committed. So that the order will cause a minimum of interference with existing contract commitments, the allotment percentage applicable to the 1966 and 1967 crops should not be established at less than 93 percent. Not less than 85 percent should be the allotment percentage in subsequent years so that dealers, exporters, and brewers, both domestic and foreign, will be assured an

adequate supply of hops to meet such contracts for future delivery. Since any volume regulation established after August 15, 1966, would not apply to the early deliveries in California, and hence, not the entire 1966 crop, no volume regulation should be established on or after that date for the 1966–67 marketing year, should the order be approved and become effective.

(i) Operation of the order should provide for apportioning among hop producers the total quantity of hops that may be purchased from them. To equitably apportion this quantity of hops, reliance should be based on past sales histories of the producers. This is appropriate for producers with mature hop yards; and producers with new acreage should have allotment bases consistent with that established for old acreage. The former method should rely on the most recent 4 years. The evidence of record is that the base for a producer with established and harvested acreage should be either the highest average amount per acre sold from any three of his 1962, 1963, 1964, and 1965 harvested acreages multiplied by his 1965 acreage on which a bona fide effort was made to produce and harvest hops, or 95 percent of the highest average amount per acre sold from either his 1962, 1963, 1964, or 1965 harvested acreage multiplied by his 1965 acreage on which a bona fide effort was made to produce and harvest hops. In 1961, total hop acreage harvested was reported at 22,900 acres as compared with 29,300 to 32,700 acres in the years 1962 through 1965. Hence, the latter 4 years are deemed to be a representative period for a producer allotment program. In view of the increase in acreage to 32,700 acres in 1965, the average per acre sales of the highest 3 years should be applied to the current 1965 acreage to equitably apportion, among the producers, the future quantities that may be purchased by handlers. The use of the average is to moderate the influence of the unusually bountiful year for any producer while providing each with a base reflecting his best years. The same principle is carried forward to permitting each producer 95 percent of his best year. Based on average yields for the four States, most producers had their bumper crop in 1965 and 95 percent of this is about equal to the previous 3-year average. The evidence of record is that 95 percent should be used.

It is the custom in some districts that hops planted in 1966 will be harvested in 1966 and in other districts harvested in 1967. Such acreage of hops if of the same variety should be multiplied by the average sales per acre in the producer's allotment base, in 1966 and 1967 respectively, and the poundages added to such base. This simplifies the subsequent granting of annual allotments. For purposes of allotment base determination, hops produced by brewers who use them in brewing should be treated as hops sold by producers.

If a producer does not have any applicable sales history, his allotment base should be determined so as to reflect allotments granted other producers. This approach for computation would be applicable in situations such as a new producer of hops, a current grower of hops who has shifted to a different variety of hops having substantially different yield characteristics, or to a producer who planted and harvested hops in 1965 in a district where first year harvesting is not a normal practice. For these situations, the allotment base for such acreage should be established at an amount equal to the average amount per acre for the like variety in the allotment base of other producers in the state or locality, whichever is applicable, in which the acreage is located. Such a system of arriving at an allotment base is considered equitable for overall operations of the order and should be used.

Granting of allotments on new acreage should be limited to firm commitments entered into and effective by February 8, 1966, the date the notice of hearing was published in the FEDERAL REGISTER and, to prove the intention to grow hops, be planted to hops no later than 1966. It is a normal practice for hops from both existing and planned acreage to be sold on future contracts one or more years beyond actual production. Under such contracts, producers incur various costs as well as obligations to deliver specified quantities of hops. It is also normal for handlers when entering into such contracts with producers to contract for delivery to brewers. With respect to new acreage where no hops were produced in 1965, it would be inequitable to both producers and handlers to deny allotment bases to producers who had made such firm contract commitments prior to the official notice. The industry had notice as early as November 18, 1965, the time of the producer meeting at which a decision was made to proceed with a potential marketing order. It was accepted by a majority of people attending the meeting that if such order was to contain poundage allotments for growers based upon existing production or commitments, a cutoff date had to be set for the purpose of computing allotments for commitments for new and additional acreage and to preclude the possibility of inflated allotment bases. Also, since hop production requires extensive preparation prior to actual harvesting, indications of commitments should include the actual planting of hops, completing construction of trellis, or such other indications of commitment as the committee, with the approval of the Secretary, concludes as clearly showing commitment.

The order should provide for the committee to establish each producer's allotment base, consistent with the allotment base provision and based on reports of handlers, producer certifications or other information, and to assign such base to each producer. The right of a producer receiving an allotment base, or his legal successor in interest, to retain all or a part of such allotment base should be dependent on a bona fide effort to produce the annual allotment. Failure to so do should result in such allotment base, being reduced by an amount equivalent to the unproduced portion of the annual allotment. To be construed as a bona fide effort, the producer should show the quantity of land involved, the year in which hops were planted, the quantity under trellis and such other indications which would conclusively indicate an effort to produce his annual allotment. Once a salable quantity is determined, every effort should be made by producers to fill the quantity. However, during the initial years of the program, trade demand and carryover may be such that to encourage producers to produce their full allotments would be to increase unnecessarily the quantity of hops which could be marketed. Hence, such requirement should be waived for the 1966 and 1967 crops for producers who apply for a waiver to the committee and who receive acknowledgement of such. Under the waiver, a producer with an allotment base established pursuant to § 991.38(a)(1) need not attempt to grow all his 1966 or 1967 annual allotment in order to maintain his allotment base. Future waiving of this requirement should be permitted to be established by the committee, if needed, with the approval of the Secretary, through rules and regulations.

The committee should consider the need for new allotment bases each year, both for new growers and existing growers. Some reasons for such action would be to satisfy demand for new or special varieties or to take care of an increased trade demand. It is possible that future demands for hops could exceed 100 percent of the total producers' allotment bases or whenever the committee determines that the maintenance of orderly marketing conditions will permit, the committee should be authorized, with the approval of the Secretary, to issue additional bases to either existing producers or new producers. However, the issuance of such bases should be pursuant to rules and regulations setting forth the conditions for issuance of such bases, and have the approval of the Secretary.

To permit sound administration of the program, it is necessary for each producer to annually advise the committee of the location(s) where he intends to produce his annual allotment, that he recognizes his obligation to report his production to the committee as well as other information. This should be facilitated by each producer filing an application data form with the committee confirming his recognition of obligations incidental to various provisions of the order, prior to the issuance to him of his annual allotment. The committee should then qualify and issue each producer his appropriate annual allotment. However, where the committee is notified by the producer that he intends to leave his acreage lie fallow or otherwise reduce his harvest, it should reduce the annual allotment consistent with the producer's action.

Producers have entered into various long-term contracts obligating them to deliver hops in future years, some of these running through the calendar year 1972. It was proposed that these contracts to exempt from quantity limitations under the regulatory program be-

ing considered if they were so worded as to constitute a legal obligation, to deliver a specific quantity of hops from specified acreage, and the contract was entered into and effective by February 8, 1966. Also, if the contract required, delivery of hops produced prior to 1971, such delivery of hops of his own production should be permitted, through 1970, to fulfill such contract terms. However, the delivery was not to exceed 100 percent of the allotment base of the producer. Objections were made, not to the principle of granting the exemption, but rather to the restrictions proposed which would preclude some long-term contracts from being eligible for the exemption. The producers were held to be subject to suit by dealers or brewers demanding full delivery on contracts whether or not permitted by the order. This was proposed to be corrected by permitting a producer with any written contract, with a handler or a brewer, to deliver hops if the contract were valid and enforceable in the absence of the order. The total number of these contracts is not known, nor the poundage of hops thereunder, but the evidence is that volume of hops under contract decreases sharply beyond 1968. Producers would continue to have their annual allotment determined by the application of the allotment percentage to the individual producer's allotment base. This percentage would be determined, without regard to the long-term contracts by dividing the total salable quantity by the total producer allotment base. Since substantial interference with contract obligations is not essential to achievement of the objectives of the order and to recognize that producers with long-term contracts at generally fixed prices, will not share in the possible increase in returns on salable hops sold by producers without such contracts, a provision to grant the exemption for all contracts on a specific quantity from specified acreage, and at a specified price, which would be valid in the absence of an order, is deemed appropriate and consistent with providing equity of treatment to the producers who may be affected by the order. In addition, such exemption should be applicable only to deliveries of hops produced prior to 1971 in fulfillment of contracts. However, the delivery limitation of 100 percent of the producer's allotment base should be included in the order to preclude deliveries in excess of the producer's production level (as determined by his allotment base) and to restrict the delivery of indefinite volumes as "overages" when permitted by the contract.

Provisions should be included in the order for a producer, who despite a bona fide effort produces less than his annual allotment of hops, to obtain hops at time of harvest from another producer who has grown supplies in excess of his allotment. The order should not permit a grower to intentionally not produce all or part of his annual allotment and still be qualified to acquire hops from another producer, that would otherwise be reserve hops, as this could permit a windfall to the nonproducer and thereby create a situation objectionable to producers generally. However, once a salable quantity has been established for a crop, due effort should be made to place that quantity on the market. In situations such as under production, the most expeditious way of doing so would be to provide for free transfers of hops from producers with an excess to producers with deficits in production. Whether a producer has made a reasonable effort to produce his annual allotment should depend on such things as whether he has sufficient hops under trellis to produce his allotment considering his previous yields, when the hops were planted, and whether he has followed normal commercial practices in growing and harvesting the hops. By time of harvest, the committee members and the manager should have knowledge of where deficits are likely to occur. Also, annual allotments would have been made and each producer informed as to the poundage of his salable hops. The transfers should occur prior to the time excess hops become reserve hops so as to freely permit the fulfillment of annual allotments. However, the committee should obtain the names of persons involved, the quantity, and such other information as it may need to administer the eligibility requirements of this provision. Experience may indicate the desirability of changing the foregoing requirements with respect to filling deficits and they should, therefore, be subject to modification by the committee, with the approval of the Secretary.

A producer producing less than his annual allotment, due to failure to make a bona fide effort, should not qualify to fill his deficiency with hops from another producer nor should a producer who did make the effort to produce but failed to exercise his option to fill all of his allotment by the date excess hops become reserve hops. This is necessary to cause valid transactions to be completed prior to such date and to limit the use of allotments to those producers making a bona fide effort to produce the hops and who exercise the option. Administration of this provision should be covered by rules and regulations to be prescribed by the committee with the approval of the Secretary.

The committee should set up means to act as a clearing house of information so that it may assist producers and handlers in locating and identifying any excess hops and in obtaining, insofar as practical, the total release of salable hops.

(j) Provisions should be made in the order whereby hops may be placed by producers into a reserve pool managed by the committee and available to it, for disposition as circumstances may warrant, to maintain and expand the demand for hops, and to meet trade requirements not satisfied by salable hops. Despite the guides to production created by the order, fluctuating yields and other factors can result in some hops being produced in excess of the salable quantity each year. Moreover, to preclude the possibility of excess hops entering normal channels of trade, all hops which have been prepared for market and are in excess of a producer's annual allotment should become reserve hops subject to committee control on November 1 or such other appropriate date as the committee, with the approval of the Secretary, may prescribe. Harvesting and baling operations are completed before this date. Contracts with dealers generally require delivery by the producer to the dealer by November 1 and hence hops held by producers, on and after that date would, in many cases, be reserve hops only. Hence, November 1 is a suitable date by which hops in excess of salable will be known and can be placed in the reserve pool. Delivery, storage, and disposition decisions by the committee, with respect to reserve pool, may differ from year to year and the committee should, therefore, be authorized to establish different dates if necessary. Only reserve hops delivered to the committee or its designees should be included in the reserve pool. Producer-handlers not wishing to deliver reserve hops to the pool should have the option, upon reporting the quantity, quality, and variety of hops to the committee, of disposing of such hops at the direction of the committee in nonnormal outlets. If a producer-handler decides to so dispose of any of his reserve hops that have already been inspected and identified, such disposition and the removal of identification should, for purposes of control, be done at the direction of the committee.

To assure fair and equitable pooling of reserve hops, the committee should establish a closing date for pooling and should pool reserve hops in a manner so as to accurately account for their receipt, storage, and disposition. The terms and conditions of receipt should be made known, by the committee, prior to the date such excess hops become reserve hops, so that pooling can begin promptly. To assure an equitable settlement of pool accounts, the committee should establish categories of reserve hops that are deemed necessary to reflect market differentials, i.e., categories in terms of quality and varieties and a schedule of relative values for the pooled reserve hops; and hops of different years' production should be in separate pools. So as to effectively administer the functions of the reserve pool, the committee should designate one of its employees as a reserve pool manager. Administration of the reserve pool should be in accordance with administrative rules and regulations prescribed by the committee, with the approval of the Secretary.

Since hops deteriorate with age, the committee should endeavor to dispose of reserve hops as soon as practicable following the date established in § 991.39 for delivery of reserve hops to the committee or its designees. Reserve hops should be released for the purpose of filling deficits in domestic and export trade requirements. However, consideration should be given to the current supply and demand conditions at the time such disposition is being considered, including the need and capability of producers first disposing of salable

hops. Hops in the reserve pool should be disposed of: (1) For use in normal market outlets to meet domestic and export trade requirements not satisfied by salable hops; (2) by release by the committee for use in marketing development projects; and (3) by disposal in nonnormal outlets to the extent that there is clearly no need to hold them in the pool until termination of the pool or (4) by permitting producers to exchange salable hops for reserve hops.

To enable it to dispose of pooled reserve hops in the best interest of the industry and to meet both domestic and export trade demand not satisfied by salable hops, the committee should be authorized to sell hops to handlers from the reserve pool. All offers to sell pooled reserve hops, extension of offer periods and withdrawals of offers prior to the expiration of such periods should be subject to the approval of the Secretary. In making an offer, the committee should look to the board for information as to supplies and usage, both domestic and foreign. To provide for orderly disposition of reserve pool hops, the committee should submit to the Secretary for his approval, rules or regulations, governing offers to handlers.

It is possible that pooled reserve hops which would otherwise be diverted should be made available for use by the committee, directly or through handlers, for marketing development projects, with the approval of the Secretary. Within such a project, pooled reserve hops could be provided to handlers at price levels which would enable handlers to penetrate difficult markets and so increase the demand for hops.

It should be provided that before the disposition of any pool in nonnormal outlets, producers be given an opportunity to exchange salable hops they hold for hops from the reserve pool. Such exchanges would be for the purpose of removing damaged or unsuitable hops from delivery as salable and should be subject to such terms and conditions as the committee, with the approval of the Secretary, establishes. Such exchanges should not be made until such time as is apparent that sales and dispositions from the pool into normal outlets or approved purposes have been completed.

To minimize pooling expenses, the committee should be authorized, with the approval of the Secretary, to divert as soon as practicable after delivery of reserve hops to the pool such quantities of reserve hops to mulch, fertilizer or other nonnormal outlets as the committee determines to be in excess of foreseeable needs for reserve hops. Such excess hops, including hops of low quality, should not be held to accrue unnecessary storage and administrative expenses. Moreover, hops remaining at the end of a pooling period should be disposed of to permit liquidation of the pool and avoid a buildup of holdings of reserve hops.

Proceeds from the disposition of reserve hops in each year's pool, after deduction of committee expenses of pooling, including expenses incurred by the committee in receiving, handling, holding or disposing of hops in such pool, should, except as otherwise prescribed, be distributed on a pro rata basis to all equity holders, or their succcessors in interest, taking into consideration the relative values of the hops and the quantity in the pool referable to the equity holders. To protect the pool income of those producing close to their annual allotment from those producing greatly in excess of their allotment, distribution of net proceeds should be so made that payment with respect to a quantity of hops not in excess of 10 percent of an individual producer's annual allotment is first made, in terms of the relative values thereof. In the case of a cooperative marketing association, committee expenses may be minimized by paying such pool proceeds to the association for inclusion in its returns to individual producer members and such should be done. The committee should make advance partial payments to equity holders or their successors in interest, whenever sufficient monies are received from sales or other dispositions of reserve hops, in excess of estimated total pool expenses. Operation of such pool will entail a certain amount of expenses for which the committee must be reimbursed. Since the committee is prohibited by the act from using administrative assessments to finance pooling costs of commodities held, the only source of funds to cover such expenses are those derived from disposition of hops in the pool or from advance payments from the participants in the pool. To pay expenses which exceed pool receipts, the committee should have a method of obtaining funds to cover such expenses. Therefore, provisions should be included in the order for the committee to require advances by equity holders to cover anticipated expenses. Persons not wishing to participate in the pool and to make such advances are provided, under the order, the option of disposing of their hops, under the supervision of the committee, in nonnormal outlets. The committee should provide a full accounting to the Secretary and to each equity holder, or his successor in interest, of reserve pool transactions. Such report should be made on or before December 1 or such other date as the committee, with the approval of the Secretary, may prescribe.

(k) According to the record, the order should not police or exercise jurisdiction over the transfer of hop production, by a producer with an allotment base, from one location to another. Moreover, local law and courts should protect persons concerned with any such transfer. A producer should be permitted to transfer from the location(s) where he grows hops to other land which he owns or leases, whether to shift to a different variety, utilize more efficient land or for other reasons. The committee should keep abreast of all changes of location of hop production by such means as are provided in § 991.38(c).

Transfers of allotment bases, in whole or in part, to other producers should be permitted to provide for continued use of allotment bases in such instances as a producer discontinuing the production of hops. Such transfers of allotment bases should be made only upon the person relinquishing the base and the applicant for the allotment base notifying the committee in writing and the transferee submitting evidence of capability to produce and harvest the applicable annual allotment in the first marketing year. However, he should be eligible, along with other producers, for any waiver of the production requirement pursuant to § 991.38(a)(2) of the order. In this manner, full freedom of transfers under the order would be permitted with respect to any purchase of hop acreage occurring subsequent to the 1965 hop harvest but prior to the effective date of the order, such purchase should be recognized as a transfer of such portion of the alltoment base applicable to the acreage purchased and in production in 1965.

(l) Operation of the order would involve certain administrative and other expenses. Therefore, the committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred under the act. In order for these determinations to be made, the committee should submit a budget for each marketing year to the Secretary along with sufficient explanation of the budgeted items to enable the Secretary to make his determinations. The committee should also recommend an appropriate rate of assessment to obtain the necessary funds on the basis of the estimated salable quantity of the hops to be handled in such year.

The act requires that such expenses be borne by the handlers who are regulated under the program. Each handler should be required to pay to the committee, on demand, his pro rata share of the authorized expenses for each marketing year. Such pro rata share should be the rate of assessment fixed by the Secretary times the number pounds of salable hops which each handler handles. Assessments should be levied on only salable hops each year, as reserve hops should not be assessed as they would either go to the reserve pool or be disposed in nonnormal outlets. To avoid duplication of assessments on hops, assessments should be levied on the handler acquiring hops of his own production or from the original producer. If funds to operate the program are not available due to an unanticipated reduction in the salable amount, provisions should be included for the Secretary to increase the assessment rate to cover authorized expenses. To cause equitable sharing of expenses, irrespective of the proportion of his needs a handler has acquired, increased rates should apply to all hops handled during that particular marketing year. There may be years when a short crop or excessively high prices make operation of the regulatory provisions of the program unwarranted, but certain administrative costs would continue and provisions should be made in the order for payment of such expenses as may be necessary to maintain continuity of the committee and administrative functions.

An operating reserve fund, not to exceed approximately one marketing year's operational expenses should be authorized to provide funds for operation during the early months of the marketing year prior to the availability of assessment income from that year's crop and to provide an optional source of funds in marketing years when the assessable quantity is insufficient. When it approaches the maximum authorized amount, or such lower limit as the committee, with the approval of the Secretary, may establish, subsequent assessment rates should be reduced to draw the reserve fund down to the desired level or, where circumstances dictate, the excess assessment money should be refunded to handlers on a pro rata basis, by returning sums which each paid in excess of his share of actual expenses and of the year's addition, if any, to the operating reserve. Only by permitting a refund of excess assessment money can the committee set a target sum in the operating reserve and definitely not exceed it at the end of a season.

Provision should be made, consistent with the concept of pro rata sharing of expenses, for disposition of any unexpended funds on termination of the program to be in such manner as the Secretary may direct, but to the extent practical, on a pro rata basis to the persons from whom collected.

(m) The committee would be expected to meet no later than March 1 to adopt and recommend its marketing policy and should meet prior to August 1 to review such marketing policy. In considering its marketing policy, the committee will need various statistical information, an important item in arriving at the salable quantity and computation of annual allotments being the quantity of hops held by handlers. Each handler should, therefore, be required to provide the committee with such information as it may request on hops held by him on January 1 and June 1 of each year. Under unusual marketing conditions, the committee may want to consider its marketing policy at other times and provisions should be included for the committee to get such inventory information on other dates if it becomes necessary.

For purposes of marketing policy consideration and as a basis for collection of administrative assessments, the committee should have regular reports from handlers on their receipts and acquisitions of hops from producers. Provisions should be included in the order for each handler to report to the committee on December 31 and such dates as the committee may designate, identifying marks, variety, weight, place of production and other necessary information for each lot of hops received. In addition, handlers should file with the committee, upon request, information on the weight and variety of hops acquired from each producer to assist the committee in establishing producer allotment bases.

In addition to these basic reports, the committee should be authorized, with the aproval of the Secretary, to obtain other reports from handlers when necessary to enable it to exercise its powers and perform its duties.

For compliance purposes and to provide opportunity to investigate and audit, records relating to the handling of hops and necessary to substantiate the required reports should be maintained and held by all handlers for at least 2 years after the end of the marketing year to which they apply. Also, provision should be made to permit conduct of audits by the Secretary or committee management of each handler's pertinent records and examination of the hops he receives and has on hand. Such audits would be necessary and should be made to resolve questions of program compliance. All such investigations should be carried out during normal business hours and should be limited to matters relating to administration of the order and regulations issued thereunder.

To protect each handler against disclosure of confidential information regarding his business to his competitors or to unauthorized persons, the order should provide that all reports and records furnished or submitted by handlers to, or obtained by, employees of the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition or business operations of the particular handler from whom received, should be treated as confidential and should at all times be kept in the custody and under the control of one or more employees of the committee who shall disclose the information to no person other than the Secretary. Committee and Department employees are precluded from disclosing such information by Department regulations and the act. Information on individual handler operations is not needed for marketing policy considerations by members of the committee and the information that is needed should be prepared by committee employees in consolidated form in such a way as not to reveal the position of individual handlers. Since the Secretary's responsibility includes disposition of individual cases of alleged violations of the order, it is necessary that he have access to confidential information relating to individual handlers.

(n) Except for § 991.78(b), the provisions of §§ 991.70 through 991.80, as hereinafter set forth are common to marketing agreements and orders now operating. The provisions of §§ 991.81 through 991.83 as hereinafter set forth are applicable only to the marketing agreement and are also generally common to the marketing agreements now operating. These provisions of the marketing agreement and order set forth certain rights, obligations, privileges or procedures which are necessary and appropriate for effective operation of the program. The provisions are incidental to and not inconsistent with section 8c (6) and (7) of the act and are necessary to effectuate the other provisions of the order, and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each of these provisions in the order.

Provisions should be included in § 991.78(b) requiring the Secretary to terminate the provisions of the order at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers who, during a representative period determined by the Secretary (for purposes of this program, the preceding marketing year), produced for market more than 50 percent of the hops so produced. Such determination should be made on the basis of a referendum conducted by the Secretary to determine whether the requisite number of producers favor termination of the program. So that due notice is given and producers and handlers may prepare for possible termination, any referendum should be held during the first 15 days of October of a marketing year and if termination is favored it should be announced as soon as practicable, but not later than November 15, and be made effective as of the end of such marketing year.

Rulings on proposed findings and conclusions. The Presiding Officer announced at the hearing that interested persons could, not later than April 14, 1966, file with the Hearing Clerk proposed findings and conclusions, and written arguments or briefs, based on evidence received at the hearing. Briefs were filed by The United States Brewers Association, Inc., S. S. Steiner, Inc., John I. Haas, Inc., L. Oppenheimer & Company, Inc., Keller Hops Co., Inc., J. Sonnenschein Hop Co., Inc., John Barth, Inc., Hans Hinrichs Co., Inc., Martin Weilheimer, Inc., F. Bing, Inc., The Free Enterprise Hop Committee (a group of hop growers), George H. Gannon, doing business as Yakima Chief Ranch, and the proponent hop growers.

Each point included in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that any suggested findings or conclusions contained in any of the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with this recommended decision.

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) The said marketing agreement and order regulate the handling of hops grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a 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, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the produc-

tion area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of hops grown in the production area which make necessary different terms and provisions applicable to different parts of such area, and

(5) All handling of hops grown in the production area, 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 marketing agreement and order (the sections identified with asterisks (***) apply only to the proposed marketing agreement) are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 991.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the U.S. Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 991.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 48 Stat. 31, as amended).

§ 991.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 991.4 Hops.

"Hops" means the green or dried pistillate cones of the vine Humulus lupulus or Humulus americanus grown in the production area and includes residues from the preparation of hops for market, whether or not such residues are in the form of whole hops, portions of hops or lupulin, which can be used for a purpose for which hops are used.

§ 991.5 Salable hops.

"Salable hops" means those hops released for handling, including commercial acquisition or use by the allotment percentage pursuant to § 991.37 and which constitute the annual allotments of producers.

§ 991.6 Production area.

"Production area" means all States with commercial production of hops and shall be divided into the following districts:

(a) District 1—Washington.
(b) District 2—Oregon.
(c) District 3—Idaho.
(d) District 4—California.

§ 991.7 Producer.

"Producer" is synonymous with "grower" and means any person engaged in a proprietary capacity in the commercial production of hops, including "cooperative" producers who are members of a cooperative hop marketing association and "independent" producers who are not.

§ 991.8 Handler.

"Handler" means any person who handles hops.

§ 991.9 Handle.

"Handle" means to prepare hops for market, acquire hops, use hops commercially of own production, or sell, transport or ship (except as a common or contract carrier of hops owned by another) or otherwise place hops into the current of commerce within the production area or from the area to points outside thereof, except that the preparation for market of salable hops by producers not dealers or brewers, or the sale, transportation or shipment of such hops by a producer to a handler of record, shall not be construed as handling.

§ 991.10 Marketing year.

"Marketing year" means the 12 months from August 1 to the following July 31, inclusive.

§ 991.11 Part and subpart.

"Part" means the order regulating the handling of hops grown in the production area and all rules, regulations and supplemental orders issued thereunder, and the aforesaid order shall be a "subpart" of such part.

HOP ADMINISTRATIVE COMMITTEE

§ 991.15 Establishment and membership.

A Hop Administrative Committee (hereinafter referred to as "committee") consisting of 13 members, each of whom shall have an alternate, is hereby established to administer the terms and provisions of this part. Positions 1 and 2 shall be for cooperative producers in District 1. Positions 3 through 7 shall be for independent producers in District 1, and shall be as follows: Positions 3 through 5 each representing one of three subdistricts of District 1; positions 6 and 7 representing independent producers-at-large in District 1. Positions 8 and 9 shall be for District 2 producers, 10 and 11 for District 3 producers, and 12 and 13 for District 4 producers. The subdistricts in District 1 shall be as follows: Subdistrict 1 shall be all that portion of the State of Washington lying north of the south line of Township 12 N. Subdistrict 2 shall be all that portion of the State of Washington lying south of the south line of Township 12 N, and west of the east line of Range 20 E. Subdistrict 3 shall be the rest of the State of Washington. The committee, with the approval of the Secretary, may change subdistrict boundaries to reflect significant changes in numbers of producers.

§ 991.16 Eligibility.

Each member and alternate of the committee shall be at the time of his selection and during his term of office, a producer, or an officer or employee of a producer, in the district or subdistrict for which selected and shall not be a full-time employee of a cooperative hop marketing association.

§ 991.17 Nominations.

(a) *General.* Producers in each district or subdistrict shall nominate persons for each committee member and each alternate position prescribed in § 991.15. Nominations shall be certified by the committee and submitted to the Secretary by December 1 of each year, together with information deemed by the committee to be pertinent or requested by the Secretary. If nominations for any position are not submitted in the specified manner by such date, the Secretary may select the representative for that position without nomination. For the purpose of obtaining the initial nominations, the Secretary shall perform the functions of the committee.

(b) *Committee members.* Nominations, other than for position 1 and 2, shall be submitted to the Secretary on the basis of nomination meetings held by producers in each district or subdistrict. The committee shall hold and shall give reasonable publicity to nomination meetings and may use the principal grower organizations in each district or subdistrict to convene meetings of producers; and the nominees for positions 1 and 2 shall be submitted directly to the committee for certification to the Secretary by the cooperative associations. The eligible person receiving the highest number of votes for a member or alternate position shall be the nominee for that position. Only producers eligible to serve on the committee from the district or subdistrict in which the nominations are being conducted shall be eligible to vote, and each producer shall have one vote for each position to be filled. No producer shall participate in the election of nominees in more than one district. In case he is a producer in more than one district or subdistrict, he shall select in which of such district or subdistrict he will vote and notify the committee as to his choice. If the Secretary concludes, on the basis of a recommendation of the committee, that this procedure is unsatisfactory, or should be changed for any reason, he may change this procedure through formulation and issuance of superseding regulations.

§ 991.18 Procedure.

At an assembled meeting, all votes shall be cast in person and 10 members of the committee shall constitute a quorum. Decisions of the committee shall require the concurring vote of at least nine members. If both a committee member and his alternate are unable to attend a committee meeting, any other alternate from the same district, if not acting, may act in the place of the absent member and alternate. The committee may vote by mail, telephone, telegraph, or other means of communications: *Provided*, That each proposition is explained accurately, fully and reasonably identical to each member. All votes shall be confirmed in writing. A reasonable time limit may be set by the committee for receipt of written confirma-

tion. Ten concurring votes and no dissenting vote shall be required for approval of a committee action by such method.

§ 991.19 Powers.

The committee shall have the following powers:

(a) To administer this subpart in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part;

(d) To recommend to the Secretary amendments to this subpart.

§ 991.20 Duties.

The committee shall have, among others, the following duties:

(a) To select from among its membership such officers and adopt such rules or bylaws for the conduct of its operations as it deems necessary;

(b) To appoint such employees as it may deem necessary, and to determine the compensation and to define the duties of each employee;

(c) 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;

(d) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers and handlers for examination at the office of the committee;

(e) To cause the books of the committee to be audited by a certified public accountant at least once each marketing year and at such other times as the committee may deem necessary, or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(f) To act as intermediary between the Secretary and any producer or handler;

(g) To investigate and assemble data on the growing, handling and marketing conditions with respect to hops;

(h) To submit to the Secretary such available information as he may request or the committee may deem desirable and pertinent;

(i) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;

(j) To give the Secretary the same notice of meetings of the committee and its subcommittees as is given to its members; and

(k) To investigate compliance and use means available to prevent violations of the provisions of this part.

HOP MARKETING ADVISORY BOARD

§ 991.22 Establishment and membership.

A Hop Marketing Advisory Board (hereinafter referred to as "board") consisting of 5 members, each of whom shall have an alternate, is hereby established to advise and assist the committee. Positions 1, 2, and 3 shall be one position each for each of the 3 handlers who handled the largest quantity of hops during the preceding marketing year. Position 4 shall be for all other handlers, other than extractors. Position 5 shall be for extractors of hops. Each member or alternate shall be a handler, or an officer or employee of a handler, in the position or group represented. For the purposes of this section, an extractor means a person primarily engaged in extracting from hops their commercially important components and selling such extract.

§ 991.23 Nomination.

Nominations for the respective positions shall be made by the handler or handlers involved and shall be submitted to the committee for certification and transmission to the Secretary, by December 1 of even numbered years, together with information deemed to be pertinent or requested by the Secretary. For member and alternate representation for positions 4 and 5, the nominees shall be selected at a meeting or by mail ballot, each eligible handler shall have one vote for each position and the person receiving the highest number of votes shall be the nominee.

§ 991.24 Duties.

The duties of the board shall consist of selecting officers from its members, establishing such bylaws as it deems necessary for performing its functions, making recommendations with respect to marketing policies, and the consideration of such other matters as it may deem advisable or the committee may request. It shall accept from any brewer or consumer of hops such information pertinent to marketing policy as may be offered and consider the same in making recommendations to the committee.

COMMITTEE AND BOARD

§ 991.25 Selection and term of office.

(a) *Selection.* Committee and board members shall be selected by the Secretary from nominees submitted by the committee or from among other eligible persons. Each person so selected shall qualify by filing a written acceptance with the Secretary prior to assuming the duties of the position.

(b) *Term of office.* The term of office of committee members shall be for a period of 2 calendar years except that the term of office of committee members holding odd numbered positions shall end on December 31 of odd numbered years, and committee members holding even numbered positions as set forth in § 991.15, shall end on December 31 of even numbered years. The terms of office of board members shall be 2 calendar years ending on December 31 of even numbered years. However, the initial term of office of each even number position on the committee and of each position on the board shall end on December 31, 1968. Committee and board members shall serve for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 991.26 Alternate members.

An alternate for a member shall act in the place of such member (a) in his absence, or (b) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ 991.27 Vacancy.

Any vacancy occasioned by the death, removal, resignation, or disqualification of any committee or board member shall be recognized by the committee certifying to the Secretary a successor for the unexpired term, unless selection is deemed unnecessary by the Secretary.

§ 991.28 Expenses.

Members and alternates of the committee, and of the board, shall serve without compensation but shall receive such allowances for necessary expenses incurred in connection with their duties as may be approved by the committee.

RESEARCH

§ 991.30 Marketing research and development projects.

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 hops. The expense of such projects shall be paid from funds collected pursuant to § 991.56, but the expenses of any projects involving reserve hops shall be allocated, as appropriate, in whole or in part, to funds obtained from the disposition of reserve hops. The handling of hops grown or used for research purposes may be exempted from regulation pursuant to such rules and regulations as the committee, with the approval of the Secretary, may adopt.

QUALITY REGULATION, INSPECTION, AND IDENTIFICATION

§ 991.31 Quality regulation.

Upon recommendation of the committee, the Secretary shall establish such minimum quality standards for hops in terms of their leaf and stem content and other quality factors as will tend to effectuate the objectives of this part and the declared policy of the act; and no handler shall acquire or use hops which fail to meet such standards. Hops failing to meet such standards shall be considered "substandard" hops and, except for disposition within his own farming operations, shall not be disposed of to persons other than the committee or its designees.

§ 991.32 Inspection and identification.

No handler shall handle, nor the committee receive for reserve pooling, hops which have not been inspected and certified for leaf and stem content and identified as prescribed by the committee. When minimum quality standards are established pursuant to § 991.31, only hops inspected and certified as meeting

such requirements shall be eligible to be salable or reserve hops. Inspection and certification shall be by a Federal-State inspection service and the cost borne by the applicant. Inspection and identification shall be completed prior to November 15 or other date established pursuant to § 991.39. Such identification shall not be altered or removed by any handler while in his control except when incidental to their disposition.

§ 991.33 Hops baled prior to effective date of this subpart.

Any producer holding hops baled prior to the effective date of this subpart is entitled, upon application made by the producer to the committee within 30 days after its establishment, to have such hops exempted from regulation under this part. Upon the committee determining the eligible poundage, it shall issue a release permitting any handler to handle such hops. Hops held by handlers on the effective date of this subpart but acquired prior thereto are also exempt from regulation under this part.

VOLUME LIMITATIONS

§ 991.36 Marketing policy.

Except as otherwise provided by the Secretary, but no later than March 1, or such earlier date as the committee, with the approval of the Secretary, may establish, the committee and the board shall hold such joint meetings as will enable the committee to adopt a marketing policy for the ensuing marketing year. The committee shall consider the recommendations of the board, the quantity of hops that should be made available for marketing to meet market requirements and to establish orderly marketing conditions, the prospective carryin of producers, handlers, and brewers, the desirable carryout, the prospective imports, and other factors affecting marketing conditions. If these considerations indicate a need for limiting the quantity of hops marketed, the committee shall recommend to the Secretary, a salable quantity and allotment percentage for the ensuing marketing year. Prior to August 1 of each year, the committee shall review its marketing policy and, if conditions warrant, recommend to the Secretary an appropriate increase in the salable quantity and allotment percentage for the ensuing crop as may be warranted. Notice of the marketing policy recommendations for a marketing year and any later changes shall be submitted promptly to the Secretary and all producers and handlers.

§ 991.37 Establishment.

(a) *Action by the Secretary.* If for any marketing year the Secretary finds, on the basis of the committee's recommendation or other information, that limiting the quantity of hops that may be freely marketed from any crop would tend to effectuate the declared policy of the act, he shall determine the salable quantity for such crop which handlers may handle. The salable quantity shall be prorated among producers by applying an allotment percentage to each producer's allotment base. The allotment percentage shall be established by the Secretary and shall be equal to the salable quantity divided by the total of all producer allotment bases established pursuant to § 991.38. No handler may handle hops other than salable hops, except that a producer-handler may prepare hops for market.

(b) *Limitations on allotment percentage.* The respective allotment percentages applicable to the 1966 and 1967 crops shall be not less than 93 percent each. However, unless such is established prior to August 15, 1966, there shall be no allotment percentage applicable to the 1966 crop. No allotment percentage applicable to the 1968 and subsequent crops shall be less than 85 percent.

§ 991.38 Allotment of salable quantity.

(a) *Allotment bases.* (1) The allotment base for each producer shall be the higher of: (i) The highest average amount per acre sold from any 3 of his 1962, 1963, 1964, or 1965 harvested acreage multiplied by the 1965 acreage on which a bona fide effort was made to produce and harvest hops, or (ii) 95 percent of the highest average amount per acre sold from either his 1962, 1963, 1964, or 1965 harvested acreage multiplied by the 1965 acreage on which a bona fide effort was made to produce and harvest hops. Where a producer's hop acreage is expanding and where a bona fide effort was made to produce and harvest more hops, his allotment base shall include the volume, beginning with the 1966 or 1967 marketing year, whichever is the normal first year of harvest in the district of production, obtained by multiplying the new harvested acreage of the producer planted to the same variety, by his allotment base average sales per acre. If a producer has no applicable sales history, for such reasons as (iii) all his 1965 acreage was unharvested or (iv) part of his acreage was unharvested and planted to a variety with yields per acre substantially different from his harvested acreage, or (v) all of his acreage was planted and harvested in 1965, or part of his acreage was planted to a new variety and harvested in 1965, in a district where first year harvesting is not the normal practice, his allotment base for such acreage, beginning with the first year of harvest, shall be the acreage multiplied by the average amount per acre sold for the like variety in the allotment bases of other producers in the state or locality, whichever is applicable, in which such acreage is located. However, such new harvested acreage must have been planted to hops no later than 1966 and been committed to the production of hops by February 8, 1966, by either entering into a bona fide contract calling for delivery of a specified quantity of hops at a specific price from such new acreage, by completing plantings of hops, by completing construction of trellis or by meeting such other indications of commitment as the committee, with the approval of the Secretary, may prescribe.

(2) In accordance with subparagraph (1) of this paragraph, and based on reports of handlers, producer certification and other information, the committee shall establish each producer's allotment base, and shall assign such allotment base to such producer. The right of each producer receiving an allotment base, or his legal successor in interest, to retain all or part of an allotment base shall be dependent on his continuing to make a bona fide effort to produce the annual allotment referable thereto and failing in any year to do so, such allotment base shall be reduced by an amount equivalent to such unproduced proportion: *Provided,* That the committee, with the approval of the Secretary, may waive such requirement and such requirement is waived for the 1966 and 1967 crops for those producers applying to the committee and receiving acknowledgment of such.

(b) *Additional allotment bases.* Each marketing season the committee shall consider the need for granting, and if appropriate, grant, with the approval of the Secretary, additional allotment bases, to either a new producer or an existing producer, for such purposes as satisfying the demand for one or more varieties or adjusting the total of all allotment bases to the trade demand. Administration of this provision shall be in accordance with such rules and regulations as the committee may prescribe, with the approval of the Secretary.

(c) *Issuance of annual allotments to producers.* As early as possible in each year, and subsequent to the committee's marketing policy meeting, the committee shall furnish each producer a form on which he may qualify for his annual allotment. Such form shall contain space for the producer to show changes in the locations, if any, where he intends to produce his annual allotment, and an agreement by the producer to report his production to the committee, and such other information as is necessary to carry out the provisions of this part. The committee, using such form, shall qualify and issue to each producer his appropriate annual allotment which shall be the allotment percentage times his effective allotment base: *Provided,* That where a producer chooses not to grow and harvest hops from all or part of his acreage, and he notifies the committee thereof prior to allotment issuance, it shall reduce the annual allotment consistent with such producer's action: *And provided further,* That a producer who, except for this part, is legally obligated to deliver at a specific price, a specific quantity of hops, from specified acreage of his own production, pursuant to the terms of any written contract entered into prior to, and effective by February 8, 1966, and calling for delivery of hops produced prior to 1971, shall be permitted through 1970 to deliver hops of his own production to fulfill such contract terms, but the total so delivered by the producer during any marketing year shall not exceed 100 percent of his then effective allotment base.

(d) *Filling deficiencies in salable quantity.* (1) A producer who produced less than his annual allotment under conditions where he had sufficient hops under

trellis to produce his allotment, taking into consideration his previous average yields and who according to normal commercial practice, made a bona fide effort to grow and harvest such hops may, prior to the date excess hops become reserve hops pursuant to § 991.39, fill any deficit in his annual allotment by acquiring hops from another producer that are in excess of such other producer's annual allotment. The committee shall be furnished a full report by such producers of the transaction, including the names of both parties, the quantity and such other information as will enable the committee to administer this provision. These requirements with respect to filling deficits may be modified by the committee with the approval of the Secretary.

(2) Any such producer who did not exercise his option to fill the deficit in his allotment prior to the date excess hops become reserve hops pursuant to § 991.39 or who fails to meet all of the requirements of subparagraph (1) of this paragraph shall be ineligible to acquire any such excess hops. Administration of this provision shall be in accordance with such rules and regulations as the committee may prescribe with the approval of the Secretary.

(e) *Information.* As a service to growers and handlers, the committee shall act as a clearing house of information on producers with deficits in production and the availability of hops in excess of salable. Such information shall be available at the committee office to any producer or handler upon request.

POOLING

§ 991.39 Reserve hops.

Hops baled, packaged, processed, or otherwise prepared for market that are in excess of an effective individual producer annual allotment or the total of such allotments to members of a cooperative marketing association and are held by any producer-handler or association on November 1, or such other date as the committee may prescribe, shall be reserve hops. No handler shall handle reserve hops; and no producer-handler or association shall deliver reserve hops to other than the committee or its designees. Only reserve hops so delivered to the committee or its designees shall be included in the reserve pool and the terms and conditions of delivery shall be made known, by the committee, prior to the date such excess hops become reserve hops. Any producer-handler not delivering his reserve hops by the closing date for pooling shall report the quantity, quality and variety held and may dispose of such hops only at the direction of the committee and only in nonnormal outlets.

§ 991.40 Reserve pool requirements.

(a) *General.* The committee shall pool reserve hops in a manner to accurately account for their receipt, storage and disposition. The committee shall establish categories in terms of quality and varieties and a schedule of relative values for settlement of pool accounts. Reserve hops from each crop shall be pooled separately. The committee shall designate a committee employee as reserve pool manager. Administration of the provisions in this section shall be in accordance with such rules and regulations as the committee may prescribe with the approval of the Secretary.

(b) *Disposition.* The committee shall endeavor to dispose of pooled reserve hops as soon as practicable following the date established in § 991.39 for delivery of reserve hops to the committee, or its designees, for the purpose of filling domestic and export trade requirements, taking into consideration the current supply and demand conditions at the time such disposition of reserve hops is being considered. Pooled reserve hops may be disposed of as follows:

(1) *Normal market outlets.* The committee shall offer pooled reserve hops for purchase by handlers for use in normal market outlets when necessary to meet domestic and export trade demand requirements not satisfied by salable hops. Offers to sell such hops to handlers, extension of offer periods, and withdrawal of offers before an offer period has expired, shall be subject to the disapproval of the Secretary. The committee may establish, with the approval of the Secretary, rules and regulations governing offers to handlers.

(2) *Marketing development.* Pooled reserve hops may be used by the committee in marketing development projects approved by the Secretary and such projects may be conducted by the committee directly or through handlers.

(3) *Nonnormal outlets, exchanges and closing of pools.* The committee shall, at any time, with the approval of the Secretary dispose of pooled reserve hops determined to be in excess of foreseeable needs in mulch, fertilizer or other nonnormal outlets. Prior to such disposition, the committee shall offer such reserve hops in exchange for salable hops held by producers which are damaged or otherwise unsuitable. After the completion of the exchange period, all remaining hops in such pool shall be disposed of in mulch, fertilizer or other nonnormal outlets. All such exchanges and dispositions in nonnormal outlets shall be subject to such terms and conditions as the committee, with the approval of the Secretary, may establish. A pool shall be considered closed when all receipts of hops have been disposed of.

(c) *Distribution of pool proceeds.* The proceeds from the disposition of reserve hops from each pool after deduction of any expense incurred by the committee in receiving, handling, holding, or disposing of hops in such pool, shall be distributed on a pro rata basis to the respective equity holders or their successors in interest on the basis of the quality, variety and the number of pounds credited to each account in the pool, with priority to those hops in the first division of ten percent in excess of the individual producer's annual allotment, except that distribution of the proceeds to members of cooperaive hop marketing associations shall be made to such association. The committee may make payments to equity holders, or their successors in interest whenever sufficient monies are received from the sale or other disposition of pooled reserve hops in excess of estimated total pool expenses. A full accounting to each equity holder, or successor in interest, in each reserve pool shall be made by the committee annually on or before December 1 or such other date as the committee, with the approval of the Secretary, may prescribe. The committee may, with the approval of the Secretary, require advances by equity holders of anticipated expenses at the time hops are pooled.

§ 991.41 Substandard hops.

The committee may establish pools to assist in the disposition of substandard hops and the net proceeds from such disposition shall be distributed to the equity holders on the basis of the number of pounds credited to their account.

TRANSFERS

§ 991.45 Transfer of locations.

Nothing contained in this subpart shall prevent a producer from transferring from the location(s) where he produces his annual allotment to other land which he owns or leases. The committee shall, by such means as are provided in § 991.38(c), obtain information as to the location(s) where each producer intends to produce each annual allotment.

§ 991.46 Transfer to another producer.

A producer may transfer all or part of an allotment base from himself to another producer. Such a transfer shall be recognized, and annual allotments granted thereunder, upon the transferor and transferee so notifying the committee in writing and the transferee submitting evidence of capability to produce and harvest the annual allotment referable thereto in the first marketing year unless waiver is granted pursuant to § 991.38(a)(2). For any purchase of hop acreage occuring subsequent to the 1965 harvest, but prior to the effective date of this subpart, such purchase shall be recognized as a transfer of such portion of the allotment base as is applicable to the acreage purchased and in production in 1965.

EXPENSES AND ASSESSMENTS

§ 991.55 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for such purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate and for the maintenance and functioning of the committee. The committee shall submit to the Secretary a budget for each marketing year, including an explanation of the items appearing therein, and a recommendation as to the rate of assessment for such year.

§ 991.56 Assessments.

(a) *Requirements for payment.* Each handler shall pay to the committee upon demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's

pro rata share shall be the rate of assessment per pound fixed by the Secretary times the quantity of salable hops which he handles as the first handler thereof. At any time during or after a marketing year, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. The payment of expenses for the maintenance and functioning of the committee may be required during periods when no regulations are in effect.

(b) *Excess funds.* At the end of a marketing year, funds in excess of the year's expenses shall be placed in an operating reserve not to exceed approximately one marketing year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 991.55. Funds in excess of those placed in the operating reserve shall be refunded to handlers. Each handler's share of such excess shall be the amount of assessments he paid in excess of his pro rata share of the actual expenses of the committee and the addition, if any, to the operating reserve.

(c) *Accounting of funds upon termination of order.* Any money collected as assessments pursuant to this subpart and remaining unexpended in the possession of the committee after termination of this part shall be distributed in such manner as the Secretary may direct: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REPORTS AND RECORDS

§ 991.60 Reports.

(a) *Inventory.* Each handler shall file with the committee a certified report showing such information as the committee may specify with respect to any hops which were held by him on January 1 and June 1 and such other dates as the committee may designate.

(b) *Receipts.* Each handler shall, upon request of the committee, file with the committee a certified report showing for each lot of hops received, the identifying marks, variety, weight, place of production, and the producer's name and address on December 31, and such other dates as the committee may designate.

(c) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this part.

§ 991.61 Records.

Each handler shall maintain such records pertaining to all hops handled as will substantiate the required reports. All such records shall be maintained for not less than 2 years after the termination of the marketing year to which such records relate.

§ 991.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by producers and handlers, the Secretary and the committee through its duly authorized employees, shall have access to any premises where applicable records are maintained, where hops are received or held, and at any time during reasonable business hours shall be permitted to inspect such handler premises, and any and all records of such handlers with respect to matters within the purview of this part.

§ 991.63 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of, the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 991.70 Compliance.

No person shall handle hops except in conformity with the provisions of this part.

§ 991.71 Rights of the Secretary.

Members of the committee and of the board, and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every decision, determination, and other act of the committee shall be subject to the continuing right of disapproval by the Secretary 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.

§ 991.72 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.

§ 991.73 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 U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 991.74 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.

§ 991.75 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.

§ 991.76 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this part of the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 991.77 Effective time.

The provisions of this subpart, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 991.78.

§ 991.78 Termination.

(a) *Failure to effectuate.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers who during the preceding marketing year produced for market more than 50 percent of the volume of hops so produced: *Provided*, That any referendum pursuant to an order issued by the Secretary to determine whether or not producers favor termination of this subpart shall be held during the first 15 days of October, but such termination shall be effective only if announced on or before November 15 of the then current marketing year.

(c) *Termination of act.* The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 991.79 Proceedings after termination.

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. The said trustees shall (a) continue in such capacity until discharged by the Secretary; (b) 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 (c) 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. 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.

§ 991.80 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, 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 provisions of this subpart or any regulation issued hereunder, or (b) release or extinguish any violation of this subpart or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ 991.81 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. * * *

§ 991.82 Additional parties.

After the effective date thereof, 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. * * *

§ 991.83 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the Act, an order providing for regulating the handling of hops in the same manner as is provided for in this agreement. * * *

Dated: May 18, 1966.

S. R. SMITH,
Administrator.

[F.R. Doc. 66-5597; Filed, May 20, 1966; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BREAD

Proposal To Amend Standard by Listing Tallowyl-β-Lactic Acid as Optional Ingredient

Notice is given that a petition has been filed by Swift & Co., Packers and Exchange Avenues, Chicago, Ill., 60609, proposing amendment of the standard of identity for bread (21 CFR 17.1) by listing tallowyl-β-lactic acid (TBLA) as an optional ingredient in bread in an amount not to exceed 0.6 percent by weight of flour used. Grounds set forth in the petition to support the proposed amendment are that the use of tallowyl-β-lactic acid will aid in producing bread which is more tender and which retains its tenderness for a longer period of time.

The petitioner has also filed a petition, pursuant to section 409 of the act, for the issuance of a food additive regulation to provide for the safe use of tallowyl-β-lactic acid in yeast-leavened bakery products.

Accordingly, it is proposed that § 17.1 (a) (1) be revised to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) * * *

(1) Shortening, in which or in conjunction with which may be used:

(i) Lecithin, hydroxylated lecithin complying with the provisions of § 121.1027 of this chapter, mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, or a combination of two or more of these. The total weight of mono- and diglycerides used, including diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, does not exceed 20 percent by weight of the combination of such a preparation and the shortening, and the total amount of monoglyceride in such mixture does not exceed 8 percent by weight of the combination; but if purified or concentrated monoglyceride is used, the amount of such preparation does not exceed 10 percent by weight of the combination of such preparation and shortening; or

(ii) Tallowyl-β-lactic acid complying with the provisions of § 121._____ (not promulgated at this time) of this chapter, including the quantitative limit of not more than 0.6 percent by weight of the flour used.

For the purposes of this section, the optional ingredients lecithin and hydroxylated lecithin referred to in subdivision (i) of this paragraph may include related phosphatides derived from the corn oil or soybean oil from which such ingredients were obtained.

Because of the cross-references, adoption of the proposed amendment to the standard for bread (§ 17.1) would have the effect of making tallowyl-β-lactic acid a permitted ingredient of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2–17.5).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: May 13, 1966.

J. K. KIRK,
Assistant Commissioner, for Operations.

[F.R. Doc. 66-5563; Filed, May 20, 1966; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—AC 643.3–W]

VINYL ASBESTOS FLOOR TILE FROM CANADA

Determination of Sales at Not Less Than Fair Value

MAY 12, 1966.

On January 7, 1966, there was published in the FEDERAL REGISTER a "Notice of Tentative Determination" that vinyl asbestos floor tile imported from Canada, manufactured by Building Products of Canada, Ltd., Montreal, Canada, is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until February 7, 1966, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

After consideration of all comments received, I hereby determine that vinyl asbestos floor tile from Canada, manufactured by Building Products of Canada, Ltd., Montreal, Canada, is not being, nor likely to be, sold at less than fair value within the meaning of section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of new or additional reasons. In response to the January 7, 1966, "Notice of Tentative Determination," Building Products of Canada, Ltd., furnished clarification of previously submitted information which resulted in a considerable reduction of the margin of price discrimination previously found. In addition, assurances were given that an immediate upward revision of the price to the U.S. customers would be instituted, and that there would be no resumption of sales for exportation to the United States which could be construed to be at less than fair value within the meaning of the Antidumping Act.

The complainant was informed of the new price comparisons and of the assurances. In view of the action taken by Building Products of Canada, Ltd., the complaint was withdrawn.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66–5569; Filed, May 20, 1966; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SWIFT & CO.

Notice of Filing of Petition for Food Additive Tallowyl-β-Lactic Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6A1881) has been filed by Swift & Co., Packers and Exchange Avenues, Chicago, Ill., 60609, proposing the issuance of a regulation to provide for the safe use of tallowyl-β-lactic acid as an emulsifier in bread at a level not in excess of 0.6 percent by weight of flour used.

Dated: May 13, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66–5564; Filed, May 20, 1966; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–240]

GENERAL DYNAMICS CORP.

Notice of Issuance of Construction Permit

Please take notice that no request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Construction Permit No. CPCX–26 to General Dynamics Corp. authorizing the construction of a critical experiments facility designated as the Modified HTGR Critical Facility on the Corporation's laboratory site at Torrey Pines Mesa, Calif.

The construction permit was issued as set forth in the notice of proposed issuance published in the FEDERAL REGISTER April 28, 1966, 31 F.R. 6459.

Dated at Bethesda, Md., this 14th day of May 1966.

For the Atomic Energy Commission.

R. L. DOAN,
Director, Division of Reactor Licensing.

[F.R. Doc. 66–5543; Filed, May 20, 1966; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

ITT WORLD COMMUNICATIONS, INC.

Memorandum Opinion and Order

In the matter of the request that petitions to suspend its tariff F.C.C. No. 54 be required to be filed prior to the time provided for in the Commission's rules of practice and procedure.

1. On April 14, 1966, ITT World Communications, Inc. (ITT), filed a new tariff, F.C.C. No. 54, titled Customer Data Retransmission Service, to enter into effect on October 1, 1966. Such tariff would establish a new service under which data sent by customers over one leased circuit could be switched to another leased circuit of such customers through the use of a computer on ITT premises. This service would enable a leased-circuit user to unite offices located in foreign countries and in the United States through a private communications network composed of leased circuits connected to the computer.

2. In its letter of transmittal accompanying such tariff filing, ITT states that both it and a prospective customer must immediately make sizable expenditures to prepare for service on October 1, 1966, and that such customer does not want to undertake such expenditures unless it has reasonable assurance by May 24, 1966, that the proposed service will be available on such service date. ITT, therefore, requested, in its letter of transmittal, that the usual procedure applicable to petitions for suspension of tariff schedules, set out at 47 CFR § 1.773, be modified to require that any petitions to suspend the subject tariff be filed not later than May 24, 1966. Thereafter, ITT informally advised the Commission's staff that it would be possible to proceed toward establishment of service on October 1 even if the cutoff time for the filing of petitions to suspend the subject tariff were to be set at a date somewhat later than May 24.

3. Section 1.773(b) of the Commission's rules, revised effective May 13, 1966 (31 F.R. 6868), provides that a petition for suspension shall be filed with the Commission and served upon the publishing carrier and the Chief, Common Carrier Bureau, at least 14 days prior to the effective date of the tariff schedule. In the usual case of a tariff filed upon 30 days' notice, a protestant therefore has 16 days in which to prepare and file a petition for suspension. It is noted that on June 7, 1966, the public will have had 44 days' notice of the subject tariff filing. In view of this, the alleged need of both ITT and its prospective customer

to have early notice of petitions to suspend the subject tariff and the possible benefit to the public from the new service, we believe that it would be conducive to the proper dispatch of business and the ends of justice to require the filing of petitions to suspend ITT's tariff by June 7, 1966.

Accordingly, pursuant to section 4(j) of the Communications Act (47 U.S.C. 154(j)): *It is ordered*, This 18th day of May 1966, that, notwithstanding the filing period provided at 47 CFR § 1.773 (b), petitions for suspension of ITT World Communications, Inc.'s Tariff F.C.C. No. 54, issued on April 14, 1966, to become effective on October 1, 1966, shall be filed with the Commission and served on the publishing carrier and the Chief, Common Carrier Bureau, not later than June 7, 1966; *Provided, however*, That nothing herein shall be deemed to affect the Commission's authority to suspend such tariff on its own motion at any time prior to its becoming effective.

It is furthered ordered, That this memorandum opinion and order shall be published in the FEDERAL REGISTER.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-5581; Filed, May 20, 1966; 8:48 a.m.]

[Docket No. 15835 etc.; FCC 66M-692]

LEBANON VALLEY RADIO ET AL.

Order Continuing Hearing

In re applications of Arthur K. Greiner, Glenn W. Winter, William W. Rakow, and Robert M. Lesher, doing business as Lebanon Valley Radio, Lebanon, Pa., Docket No. 15835, File No. BP-16098; John E. Hewitt, Thomas A. Ehrgood, Clifford A. Minnich, and Fitzgerald C. Smith, doing business as Cedar Broadcasters, Lebanon, Pa., Docket No. 15836, File No. BP-16103; Catonsville Broadcasting Co., Catonsville, Md., Docket No. 15838, File No. BP-16105; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP-16106; Commercial Radio Institute, Inc., Catonsville, Md., Docket No. 15840, File No. BP-16107; for construction permits.

The uncertainties attendant upon a number of unsettled problems including the pending agreement of settlement among the Catonsville applicants prompts the putting off of the resumption of hearing now scheduled for May 16. *Accordingly, it is ordered*, This 13th day of May 1966, that the hearing in this proceeding will not resume on May 16 as now scheduled and a new date for hearing will be fixed at an appropriate time.

Released: May 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-5582; Filed, May 20, 1966; 8:48 a.m.]

[Docket No. 15752 etc.; FCC 66M-698]

CHARLES W. JOBBINS ET AL.

Order Continuing Hearing

In re applications of Charles W. Jobbins, Costa Mesa-Newport Beach, Calif., Docket No. 15752, File No. BP-16157; Goodson-Todman Broadcasting, Inc., Pasadena, Calif., Docket No. 15754, File No. BP-16159; Orange Radio, Inc., Fullerton, Calif., Docket No. 15755, File No. BP-16160; Pacific Fine Music, Inc., Whittier, Calif., Docket No. 15756, File No. BP-16161; The Bible Institute of Los Angeles, Inc., Pasadena, Calif., Docket No. 15757, File No. BP-16162; C. D. Funk and George A. Baron, a partnership, doing business as Topanga Malibu Broadcasting Co., Topanga, Calif., Docket No. 15758, File No. BP-16164; California Regional Broadcasting Corp., Pasadena, Calif., Docket No. 15759, File No. BP-16165; Storer Broadcasting Co. (KGBS), Pasadena, Calif., Docket No. 15760, File No. BP-16166; Robert S. Morton, Arthur Hanisch, Macdonald Carey, Ben F. Smith, Donald C. McBain, Robert Breckner, Louis R. Vincenti, Robert C. Mardian, James B. Boyle, Robert M. Vaillancourt, and Edwin Earl, doing business as Crown City Broadcasting Co., Pasadena, Calif., Docket No. 15762, File No. BP-16168; Pasadena Community Station, Inc., Pasadena, Calif., Docket No. 15763, File No. BP-16170; Voice in Pasadena, Inc., Pasadena, Calif., Docket No. 15764, File No. BP-16172; Western Broadcasting Corp., Pasadena, Calif., Docket No. 15765, File No. BP-16173; Pasadena Broadcasting Co., Pasadena, Calif., Docket No. 15766, File No. BP-16174; for construction permits.

The Hearing Examiner having under consideration the motion for extension of procedural dates filed in the above-entitled proceeding on May 11, 1966, by Pasadena Community Station, Inc.;

It appearing, that all parties have consented to immediate consideration and grant of the said motion and that good cause for a grant thereof is shown;

It is ordered, This 13th day of May 1966 that the said motion is granted; the date for exchange of exhibits is extended from June 6, 1966, to June 30, 1966, and the date for resumption of hearing is continued from June 27, 1966, to July 18, 1966.

Released: May 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-5583; Filed, May 20, 1966; 8:48 a.m.]

[Docket Nos. 16290, 16291; FCC 66M-700]

WMGS, INC. (WMGS), AND OHIO RADIO, INC.

Order Scheduling Hearing Conference

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097, for renewal of license, Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BP-16423, for construction permit.

Upon the Hearing Examiner's own motion: *It is ordered*, This 16th day of May 1966, that there will be a further hearing conference in this proceeding on May 26, 1966, 10 a.m., in the Commission's offices, Washington, D.C.

Released: May 17, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-5584; Filed, May 20, 1966; 8:48 a.m.]

[Docket Nos. 16421, 16422; FCC 66M-691]

TWIN-STATE RADIO, INC., AND RICHLAND BROADCASTING CO.

Order Continuing Hearing

In re applications of Twin-State Radio, Inc., Natchez, Miss., Docket No. 16421, File No. BP-16455; A. S. Johnson, trading as Richland Broadcasting Co., Delhi, La., Docket No. 16422, File No. BP-16720; for construction permits.

Upon oral motion of counsel for Richland Broadcasting Co., and with the consent of all other parties hereto, and a waiver of the 4 day rule: *It is ordered*, This 13th day of May 1966, that the hearing presently scheduled for May 16, 1966, be, and the same is, hereby continued to June 16, 1966.

Released: May 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-5585; Filed, May 20, 1966; 8:48 a.m.]

[Docket No. 16600; FCC 66M-699]

SAM ROSENBERG AUTO SALES

Order Scheduling Hearing

In the matter of Sam Rosenberg, doing business as Sam Rosenberg Auto Sales, Ridgefield, N.J., and Fairview, N.J., order to show cause why the licenses for Radio Stations KBI-8988, WB2RKV, and KEV-688 in the Citizens, Amateur and Business Radio Services, respectively, should not be revoked.

It is ordered, This 16th day of May 1966, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; and that the hearing therein shall be convened in the offices of the Commission, Washington, D.C., on June 20, 1966.

Released: May 17, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-5586; Filed, May 20, 1966; 8:48 a.m.]

MUSKEGON TELEVISION SYSTEM AND BOOTH COMMUNICATIONS CO.

[Docket No. 16635; FCC 66M-697]

Order Scheduling Hearing

In the matter of cease and desist order to be directed against Muskegon Television System and Booth Communications Co., owners and operators of a community antenna television system at Muskegon, Mich.

It is ordered, This 13th day of May 1966, that Walther W. Guenther shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 16, 1966, at 10 a.m.; and that a prehearing conference shall be held on June 6, 1966, commencing at 10 a.m.: *And it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: May 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-5587; Filed, May 20, 1966; 8:49 a.m.]

[Docket Nos. 16636, 16637; FCC 66M-693]

HADDOX ENTERPRISES, INC., AND WCJU, INC.

Order Scheduling Hearing

In re applications of Haddox Enterprises, Inc., Columbia, Miss., Docket No. 16636, File No. BPH-4532; WCJU, Inc., Columbia, Miss., Docket No. 16637, File No. BPH-5083; for construction permits.

It is ordered, This 13th day of May 1966, that Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 12, 1966, at 10 a.m.; and that a prehearing conference shall be held on June 17, 1966, commencing at 9 a.m.; *And it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: May 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-5588; Filed, May 20, 1966; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

D. B. TURKISH CARGO LINES

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

D. B. Turkish Cargo Lines, dual-rate contract; notice of application to modify a dual-rate contract filed by:

Mr. M. E. Tumay, D. B. Turkish Cargo Lines, 11 Broadway, New York, N.Y., 10004.

Notice is hereby given that D. B. Turkish Cargo Lines (D. B. Deniz Nakliyati T.A.S.) has filed with the Commission, pursuant to section 14(b) of the Shipping Act, 1916, an application for permission to amend their approved Exclusive Patronage (dual rate) contract to delete the Turkish ports of Izmir, Mersin, Istanbul, and Iskenderun from their presently approved contract applying from U.S. Atlantic and Gulf ports to Turkish ports. The deleted ports are within the scope of the R.C.D. Shipping Services joint service Agreement 9490, approved by the Commission on condition that D. B. Turkish Cargo Lines, a party thereto, after proper notice, discontinue their dual-rate service to said Turkish ports. The signator merchants were notified by letter dated May 16, 1966, with the effective date to be concurrent with the approval of R.C.D. Shipping Services' request for permission to institute an exclusive patronage contract system from U.S. Atlantic and Gulf ports to said Turkish ports, but not sooner than August 15, 1966.

Dated: May 18, 1966.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 66-5578; Filed, May 20, 1966; 8:48 a.m.]

R.C.D. SHIPPING SERVICES

Notice of a Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the proposed contract form and of the petition (as indicated hereinafer), and the comments should indicate that this has been done.

Notice of application to institute a dual-rate system filed by:

Mr. M. E. Tumay, D. B. Turkish Cargo Lines, Agents, R.C.D. Shipping Services, 11 Broadway, New York, N.Y., 10004.

Notice is hereby given that the member lines of the conditionally approved "R.C.D. Shipping Services" joint service Agreement 9490 have filed with the Commission, pursuant to section 14(b) of the Shipping Act, 1916, an exclusive patronage (dual rate) contract and an application for permission to institute such system in the trade from U.S. Atlantic and Gulf ports to the Turkish ports of Izmir, Mersin, Istanbul, and Iskenderun. D. B. Turkish Cargo Lines, a party to the R.C.D. Shipping Services joint service, has applied to the Commission to delete the above specified Turkish ports trade from their approved dual-rate contract, concurrently with the approval of the R.D.C. Shipping Services' dual-rate system, but no sooner than August 15, 1966, 90 days after notice to contract merchants of the proposed change in contract systems, pursuant to section 18(b) of said Act.

Dated: May 18, 1966.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 66-5579; Filed, May 20, 1966; 8:48 a.m.]

TRANS-ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement

should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. I. Knowles, Chairman-Secretary, Trans-Atlantic Passenger Steamship Conference, 17 Battery Place, New York, N.Y., 10004.

Agreement 120–84, between the member lines of the Trans-Atlantic Passenger Steamship Conference, amends the basic agreement to define regular service and modifies the sections entitled "Eligibility" and "Associate Membership" to conform to the requirements of General Order 9 (46 CFR Part 523).

Dated: May 18, 1966.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 66–5580; Filed, May 20, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E–7290]

CENTRAL MAINE POWER CO.

Notice of Application

MAY 16, 1966.

Take notice that on May 9, 1966, Central Maine Power Co. (Central Maine), filed an application with the Federal Power Commission pursuant to section 203 of the Federal Power Act seeking an order authorizing it to acquire all of the assets of Maine Consolidated Power Co. (Maine Consolidated) and its wholly owned subsidiary, Phillips Electric Light & Power Co. (Phillips).

Central Maine is an electric utility organized under the laws of the State of Maine with its principal place of business office at Augusta, Maine, and serves an area of over 9,000 square miles in the central and southern parts of the State of Maine.

Maine Consolidated and Phillips are incorporated under the laws of the State of Maine with their principal place of business office at Farmington, Maine, and operate an electric utility system serving approximately 7,000 customers in portions of Somerset and Franklin Counties. Neither Maine Consolidated nor Phillips have any generating facilities. The territory they serve is located next to, or within, the northern and western parts of the Central Maine system. Currently Maine Consolidated purchases all of its requirements and those of Phillips from Central Maine under a contract filed with the Federal Power Commission. According to the application their rates in general are higher than those now charged by Central Maine.

According to the application Central Maine proposes to exchange that number of shares of its common stock which when multiplied by the closing price of that stock on the New York Stock Exchange on the closing date equals or most nearly equals the total value of $1,525,000 for all of the issued and outstanding capital stock of Maine Consolidated; namely, 680 shares of common stock and 500 shares of preferred stock. Central Maine represents that the integration of the relatively small electric utility systems of Maine Consolidated and Phillips into the larger integrated system of Central Maine will result in assuring a plentiful supply of electric energy in the territories now served by Maine Consolidated and Phillips. Central Maine states that upon acquisition of Maine Consolidated, the general accounting will be carried on at Central Maine's general office in Augusta, and the billing will be handled on Central Maine's new computer. It is expected that system engineering and quantity purchasing will cut down the cost of the territory's operation.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1966, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66–5544; Filed, May 20, 1966; 8:45 a.m.]

[Docket No. CP66–357]

EL PASO NATURAL GAS CO.

Notice of Application

MAY 16, 1966.

Take notice that on May 9, 1966, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP66–357 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of natural gas to Cascade Natural Gas Corp. (Cascade), an existing resale customer of Applicant, for transportation to and resale and general distribution in the community of Prineville, Oregon, and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in order to implement the sales and deliveries of natural gas proposed by the instant application it proposes to utilize a supply of natural gas purchased from Westcoast Transmission Co., Ltd., at a point on the International Boundary near Kingsgate, British Columbia, Canada, such gas to be transported for the account of Applicant by Pacific Gas Transmission Co. (PGT). The proposed project contemplates that PGT will construct, at Applicant's cost, own and operate the measuring and regulating facilities necessary for the delivery of natural gas to Applicant, such facilities to be located adjacent to PGT's existing 36-inch O.D. pipeline located in Jefferson County, Oreg.

Specifically, Applicant proposes to construct and operate approximately 4.3 miles of 6⅝-inch O.D. lateral transmission pipeline beginning at a point of connection with PGT's existing 36-inch O.D. pipeline located in the SE¼ of sec. 27, T. 13 S., R. 14 E., Jefferson County, Oreg., and terminating at a point of connection with Cascade's proposed 6⅝-inch O.D. pipeline located in the SE¼ of sec. 5, T. 14 S., R. 15 E., Crook County, Oreg.

Applicant states that the proposed project contemplates the construction and operation by Cascade of approximately 8.2 miles of 6⅝-inch O.D. transmission pipeline extending from the point of connection with Applicant's proposed facilities to the immediate vicinity of the community of Prineville, Oreg., and the related distribution facilities to serve Prineville and environs.

The application states that deliveries of natural gas by Applicant to Cascade will be at the terminus of the pipeline segment constructed by Applicant and that these deliveries, in the third year, are estimated to be 497 Mcf on a peak day and 55,820 Mcf annually, increasing to 87,404 Mcf annually in the fifth year. The application further states that such deliveries are proposed to be initiated by Applicant in accordance with and at rates contained in Applicant's Rate Schedule DI–3, FPC Gas Tariff, Original Volume No. 3.

The total estimated project cost, including the facilities proposed to be constructed by Applicant and the facilities to be constructed by PGT, for which Applicant will reimburse PGT, is $134,830, which will be financed by Applicant out of currently available working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 10, 1966.

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 without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66–5545; Filed, May 20, 1966; 8:45 a.m.]

[Project No. 2572]

GREAT NORTHERN PAPER CO.

Notice of Application for License for Constructed Project

MAY 16, 1966.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Great Northern Paper Co. (correspondence to: Robert Hellendale, Vice President and Secretary, Great Northern Paper Co., 522 Fifth Avenue, New York, N.Y., 10036), for a license for constructed Project No. 2572, known as the Ripogenus project, located on West Branch of Penobscot River, in the region above and in the town of Millinocket, in Piscataquis and Penobscot Counties, Maine.

The existing project consists of: (1) A concrete gravity dam 73 feet high and 695 feet long including (a) 480 feet of ogee spillway with crest at elevation 929.6 feet topped by 24 bays of stop-log gates 12 feet high, (b) a tunnel intake section 37 feet long, (c) a sluice gate section 178 feet long containing six gates; (2) a reservoir at elevation 941.6 feet about 30 miles long with a surface area of about 27,520 acres and usable storage of about 688,000 acre-feet in Chesuncook, Ripogenus, and Caribou Lakes and Moose Pond; (3) a concrete log sluice, under construction, about 4,300 feet long to the river below the powerhouse; (4) a 16-foot tunnel about 4,100 feet long to a 44-foot diameter surge tank and penstocks; (5) three 10-foot penstocks; (6) a 130 x 45-foot brick powerhouse with two generating units each rated at 12,150 kw totaling 24,300 kw, and with provision for a third unit rated at 13,230 kw to be installed in 1967; (7) an outside substation, adjacent to powerhouse, with two 6.6, 115 kv transformers; (8) a 30-mile 115-kv transmission line to the Millinocket substation (the latter substation is not included in the application); and (9) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 5, 1966. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66–5546; Filed, May 20, 1966; 8:45 a.m.]

[Docket No. CP66–356]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MAY 16, 1966.

Take notice that on May 9, 1966, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich., 48226, filed in Docket No. CP66–356 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing July 13, 1966, and the operation of gas purchase facilities to enable Applicant to take into its certificated main pipeline system natural gas which may be purchased from independent producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of the instant application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system. Applicant further states that the authority requested will be used only to construct facilities necessary to receive natural gas into its system, including main line taps, and that the instant application will not form the basis for service to any new markets or new customers.

The total cost of the proposed facilities will not exceed $3,000,000 and no single project will exceed a cost of $500,000. The application states that the proposed facilities will be financed with cash generated from operations, and it will not be necessary to undertake any new financing for this purpose.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 10, 1966.

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 without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66–5547; Filed, May 20, 1966; 8:45 a.m.]

[Docket No. CP66–167]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Amendment of Application

MAY 19, 1966.

Take notice that on May 3, 1966, Texas Eastern Transmission Corp. (Applicant), Post Office Box 2521, Houston, Tex., 77001, filed in Docket No. CP66–167 an amendment to its application filed on November 29, 1965 (30 F.R. 15336), pursuant to section 7(c) of the Natural Gas Act, to extend the period of the sale of 6,000 Mcf per day of winter service gas to The Manufacturers Light & Heat Co. (Manufacturers), from the 1-year period sought by the original application herein to a primary term of 20 years commencing on the date temporary service was authorized, all as more fully set forth in the application, as amended, which is on file with the Commission and open to public inspection.

Applicant filed an application for a certificate of public convenience and necessity on September 17, 1965 (30 F.R. 12426), in Docket No. CP66–77 seeking, inter alia, authorization to sell up to 6,000 Mcf of winter service gas to The United Gas Improvement Co (UGI) for its upstate divisions at six existing metering and regulating stations owned by Applicant which connect with the facilities of UGI. This application was opposed by Manufacturers. Applicant states that thereafter the parties reached an interim settlement for the 1965–66 winter heating season under which it was agreed that Applicant would sell the aforesaid quantities of winter service gas to Manufacturers at the same delivery points and Manufacturers, in turn, would make available to UGI, under Manufacturers Winter Service Rate Schedule, the quantities of winter service gas which UGI required.

By its original application in the instant docket, Applicant sought authorization to make such sales to Manufacturers during the 1965–66 winter heating season and received temporary authorization therefor by Commission letter dated December 16, 1965.

Applicant states that the parties have now agreed to extend the aforementioned interim settlement for a primary term of 20 years commencing on the date service was authorized under the temporary certificate issued December 16, 1965. Accordingly, Applicant seeks the amendment of its original application in the instant docket requesting authorization to sell not less than a maximum daily quantity of 6,000 Mcf of winter service gas to Manufacturers at the aforesaid six metering and regulating stations owned by Applicant for a primary term of 20 years commencing on the date interim service was authorized by the temporary certificate issued in the instant docket on December 16, 1965. Applicant states

that Manufacturers, in turn, will make available to UGI the quantities of winter service gas which UGI requires pursuant to Commission authorization received by Manufacturers in Docket No. CP65–149 on November 17, 1965.

Applicant states that concurrently herewith it is filing a conditional withdrawal of its application in Docket No. CP66–77 insofar as authorization is sought to make the aforementioned winter service sales to UGI, conditioned upon the issuance of authorization for Applicant to make such winter service sales to Manufacturers in accordance with this amended application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 6, 1966.

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 without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66–5643; Filed, May 20, 1966; 8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. No. A–3]

ESTABLISHMENT AND MAINTENANCE OF INVENTORIES OF ADP RESOURCES

To: Heads of Federal agencies.

1. *Purpose.* This temporary regulation implements Phases B and C of the inventory reporting required by Federal Property Management Regulations (FPMR) 101–6.306(c)(1), and modifies the information reporting requirements of FPMR 101–6.3 and 101–6.49.

2. *Background.* a. The Government-wide Automatic Data Processing Sharing Exchange Program was initiated in November 1964. ADP Sharing Exchanges were established in 12 major metropolitan areas, and Phase A of the inventory phasing was implemented in these areas in January 1965. A pilot operation, successfully implementing Phases B and C in GSA Region 5 (Illinois, Kentucky, Wisconsin, Michigan, Indiana, and Ohio) in April 1965, evidences the necessity to extend the Phases B and C inventory reporting requirements to include all ADP resources in the United States.

b. Federal agencies reported $18 million of reimbursable ADP resource sharing during fiscal year 1965. An additional several million dollars of nonreimbursable ADP resource sharing is estimated for the same period.

3. *References.* a. FPMR 101–6.3 and 101–6.49.

b. Bureau of the Budget (BOB) Circular No. A–55, November 15, 1963, as revised by BOB Transmittal Memorandum No. 2, March 9, 1966.

4. *Information reporting*—a. *GSA Form 2068A, Quarterly Report of ADP Service Provided to Another Agency or Obtained from a Commercial Source.* Although the reporting of ADP resource sharing accomplished is generally to be provided in this report, Federal agencies are authorized to substitute other formats, e.g., machine produced, which will provide the information required by this report. However, quarterly negative reports will be required. GSA Form 2068A, or substituted format, should be initiated by each ADP installation, including installations with punched card accounting machines (PCAM) only, and will include both reimbursable and nonreimbursable ADP resource sharing.

b. *GSA Form 2068B, Computer Facilities on Hand.* The submission of this report is not required in the implementation of Phases B and C if the basic computer inventory data was reported in the BOB inventory of computer facilities required by reference 3b, above. GSA will utilize this inventory pending the implementation of the BOB prescribed Management Information System (MIS).

c. *GSA Form 2068C, Punched Card Facilities.* (1) Since the inventory of computer facilities reported to BOB in accordance with reference 3b, above, does not include the inventory of punched card facilities, the submission of this report by all ADP installations (Phases B and C) in Federal agencies will be accomplished on a one-time basis, pending implementation of the BOB prescribed MIS. The target dates for completion of this reporting requirement are:

(a) Phase C—August 1, 1966; and

(b) Phase B—December 31, 1966.

(2) Reference 3a, above, authorizes agency liaison officers to determine whether to supply resource availability data from central agency headquarters records or from field establishment level. The attachment to this temporary regulation lists the GSA Interregional ADPS Coordinator and the Regional Interagency ADPS Coordinators. If an agency liaison officer elects to supply resource availability data on a centralized basis, these reports will be submitted to the Interregional ADPS Coordinator, GSA Central Office. Otherwise, these reports will be submitted direct to the Regional Interagency ADPS Coordinator of the GSA region involved. The attachment comprises the geographical areas of responsibility of each region.

d. *Policies, directives, and procedures.* Reference 3a, above, prescribes that each Federal agency is responsible for establishing policies, directives, and procedures to encourage maximum participation in the Government-wide ADP Sharing Exchange Program. Copies of these policies, directives, and procedures implemented as of the close of fiscal year 1966, will be furnished to the General Services Administration, Attention: Director, Data Processing Coordination Staff (BD), Washington, D.C., 20405, not later than August 1, 1966.

5. *Effect on other issuances.* This temporary regulation modifies reference 3a, above, as follows:

a. Implements Phases B and C of the inventory reporting requirement to include establishment of target dates.

b. Authorizes Federal agencies to use other formats to report ADP resource sharing in lieu of GSA Form 2068A.

c. Requires quarterly negative reports of ADP resource sharing.

d. Modifies requirement for reporting of computer facilities on hand (GSA Form 2068B).

e. Requires copies of implementing policies, directives, and procedures of Federal agencies.

6. *Availability of forms.* Reference 3a, above, indicates sources of supply of the GSA forms listed in subparagraphs 4 a and c, above.

7. *Effective date.* This temporary regulation is effective May 18, 1966.

8. *Expiration date.* This temporary regulation expires on November 18, 1966, unless sooner revised or superseded. Prior to this expiration date, this temporary regulation shall be codified in the permanent regulations of GSA appearing in Title 41, CFR, Public Contracts and Property Management.

Dated: May 18, 1966.

J. E. MOODY,
Acting Administrator of General Services.

ATTACHMENT

INTERREGIONAL ADPS COORDINATOR

GSA Central Office: T. Fred Noble, Interregional ADPS Coordinator, Data Processing Coordination Staff, General Services Administration, 18th and F Streets NW., Washington, D.C., 20405, IDS Code 183–4964, Area Code 202, 343–4964.

REGIONAL INTERAGENCY ADPS COORDINATORS

GSA Region/Coordinator—Area of Responsibility

Region 1, Boston: Joseph P. Mahoney, Regional Interagency ADPS Coordinator, General Services Administration, Post Office and Courthouse Building, Boston, Mass., 02109, Area Code 617, 223–2997; Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region 2, New York: William B. Klinger, Regional Interagency ADPS Coordinator, General Services Administration, 30 Church Street, New York, N.Y., 10007, Area Code 212, 264–8349; Delaware, New Jersey, New York, Pennsylvania.

Region 3, Washington: (Inventory reporting to be submitted to above GSA Central Office); District of Columbia, Maryland, Virginia, West Virginia.

Region 4, Atlanta: Edward D. Dancy, Jr., Acting, Regional Interagency ADPS Coordinator, General Services Administration, 1776 Peachtree Street NW., Atlanta, Ga., 30309, Area Code 404, 526-5603; Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

Region 5, Chicago: Anton G. Myse, Regional Interagency ADPS Coordinator, General Services Administration, U.S. Courthouse and Federal Building, 219 South Dearborn Street, Chicago, Ill., 60604, Area Code 312, 828-5406; Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin.

Region 6, Kansas City, Mo.: Thomas M. O'Donnell, Regional Interagency ADPS Coordinator, General Services Administration, Federal Building, 1500 East Bannister Road, Kansas City, Mo., 64131, Area Code 816, 361-7540; Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.

Region 7, Dallas:[1] Ralph Hoffman, Regional Interagency ADPS Coordinator, General Services Administration, 1114 Commerce Street, Dallas, Tex., 75202, Area Code 214, 749-2951; Arkansas, Louisiana, Oklahoma, Texas.

Region 8, Denver: William S. Oen, Regional Interagency ADPS Coordinator, General Services Administration, Building 41, Denver Federal Center, Denver, Colo., 80225, Area Code 303, 233-8758; Arizona, Colorado, New Mexico, Utah, Wyoming.

Region 9, San Francisco: Julius O. Engmann, Regional Interagency ADPS Coordinator, General Services Administration, 49 Fourth Street, San Francisco, Calif., 94103, Area Code 415, 556-7877; Nevada, California, Hawaii.

Region 10, Auburn: Donald Ross, Regional Interagency ADPS Coordinator, General Services Administration, Regional Headquarters Building, Auburn, Wash., 98002, Area Code 206, 833-5281; Alaska, Idaho, Montana, Oregon, Washington.

[F.R. Doc. 66-5647; Filed, May 20, 1966; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 14-1]

ELKTON CO.

Order Suspending Trading

MAY 17, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1 cent par value, of The Elkton Co. otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 18, 1966, through May 27, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-5551; Filed, May 20, 1966; 8:45 a.m.]

[File Nos. 54-239, 70-4385]

PENNZOIL CO. AND UNITED GAS CORP.

Notice of Filing of Plan and of Related Declaration

MAY 16, 1966.

Notice is hereby given that Pennzoil Co. ("Pennzoil"), 900 Southwest Tower, Houston, Tex., 77002, a registered holding company, and its gas utility subsidiary company, United Gas Corp. ("United"), 1525 Fairfield Avenue, Shreveport, La., 71102, have jointly filed with this Commission a plan, consisting of Part I and Part II, pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"), and a declaration, and amendments thereto, pursuant to section 12(d) of the Act. Part I of the plan and the companion declaration propose the sale by United of its retail gas distribution systems, franchises and related properties ("Distribution Division") to successful bidders. All interested persons are referred to said plan and said amended declaration, which are summarized below, for a complete statement of the proposed transactions.

Pennzoil, a Pennsylvania corporation, is primarily engaged, directly or through subsidiary companies, in the production, transportation and refining of crude oil and the marketing of motor fuels and lubricants and related products. Pennzoil owns 5,427,598 shares, or 42.18 percent of the 12,868,982 outstanding shares of common stock of United. Pennzoil registered as a holding company under the Act on December 21, 1965, upon its acquisition of United common stock pursuant to a tender offer to the United shareholders.

United, a Delaware corporation, is engaged in the retail distribution of natural gas in 197 communities in Texas, 105 in Louisiana, 84 in Mississippi and 6 in Florida. The Distribution Division includes 11,071 miles of underground mains, 6,671 miles of service lines, meters, service regulators, regulating installations, transportation equipment, lands, and structures including service and warehouse buildings, and related properties. United has one gas transmission subsidiary company from which the Distribution Division purchases approximately 96 percent of its gas requirements. United has five other nonutility companies variously engaged in the production, transportation and sale of natural gas, crude oil and other liquid hydrocarbons, in the mining and processing of sulphur, copper and other minerals, and in the manufacture of electrical, electronic and related products.

At December 31, 1965, United's gross consolidated assets, less related reserves, amounted to $842,344,000 of which $106,029,000 represents the net book value of its Distribution Division. For the year ended the same date the gross consolidated revenues of United amounted to $446,994,000 of which $59,171,000 represented revenues (together with a minor amount of net other income) of the Distribution Division.

United has publicly announced the proposed sale of its Distribution Division, and invitation for bids were advertised during April 1966, in various newspapers of national and local circulation. Bids are required to be submitted by July 15, 1966, or such later date as United may subsequently designate. The proceeds of the sale will be applied to the reduction of United's First Mortgage and Collateral Trust Bonds in accordance with the terms of its Mortgage and Deed of Trust, dated as of October 1, 1944, and supplements thereto. As at April 1, 1966, United had outstanding $219,631,000 of such bonds.

If a satisfactory bid is received and accepted, United proposes to file an amendment regarding the price for the Distribution Division. No order with respect thereto will issue pursuant to the applicable provisions of the Act except upon appropriate further notice.

Part II of the Plan proposes the consolidation of Pennzoil and United into a single corporation ("Consolidated Company"), and thereby the separate existence of Pennzoil and United will be terminated. The capital stock of the Consolidated Company will consist of common stock and $4 dividend preference common stock, both having a par value of $2.50 per share. Under Part II of the Plan each outstanding share of common stock of Pennzoil will be converted into one (1) share of common stock of the Consolidated Company. Each outstanding share of common stock of United, other than shares owned by Pennzoil, will be converted into one-half (½) of a share of $4 dividend preference common stock of the Consolidated Company, or, at the option of a United stockholder, two-thirds (⅔) of a share of the common stock of the Consolidated Company. The 5,427,598 shares of United owned by Pennzoil will be surrendered for cancellation to the Consolidated Company, and shares of common or preference common stocks will not be issued therefor.

Further details of the proposed consolidation are set forth in Part II of the Plan which is on file with the Commission. Copies of the Plan will be mailed to stockholders of Pennzoil and United. At a later date stockholders of Pennzoil and United will receive a notice of the hearing on the proposed consolidation and such stockholders will be afforded an opportunity to be heard with respect thereto.

It is stated that Pennzoil and United, through subsidiary companies, are engaged in various nonutility enterprises which are unrelated to United's retail gas utility business (as defined in the

[1] The following change of address is effective July 15, 1966: General Services Administration, 819 Taylor Street, Fort Worth, Tex., 76102.

Act), and that the sale of the Distribution Division is necessary or appropriate to ensure compliance with the provisions of section 11(b)(1) of the Act by Pennzoil and United. It is further stated that the reduction of United's long-term debt by use of the proceeds of the sale will serve to simplify the corporate structure of the holding-company system, of which Pennzoil and United are a part, under the provisions of section 11(b)(2) of the Act.

Notice is further given that any interested person may, not later than June 15, 1966, request in writing that a hearing be held on all aspects of the sale of the Distribution Division as proposed in Part I of the plan and companion declaration, other than the results of the bidding therefor which are to be filed herein by amendment. Public notice will be given of the filing of such amendment and opportunity afforded for interested persons to be heard in relation thereto. In any request for a hearing as to Part I and the companion declaration, any interested person shall state the nature of his interest, the reasons for such request, and the issue of fact or law which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, Part I of the plan and the companion declaration, as filed or as it may be amended, may be approved and permitted to become effective, subject to a reservation of jurisdiction with respect to the purchase price as aforesaid, in the manner provided in Rule 23 of the general rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-5552; Filed, May 20, 1966; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 576]

MICHIGAN AND OHIO

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1966, because of the effects of certain disasters, damage resulted to residences and business property located in Monroe County in the State of Michigan and all Counties bordering on Lake Erie in the State of Ohio;

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

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

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

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from storms, floods and accompanying conditions occurring on or about April 27, 1966.

OFFICES

Small Business Administration Regional Office, 1249 Washington Boulevard, Detroit, Mich., 48226.
Small Business Administration Regional Office, 1370 Ontario Street, Cleveland, Ohio, 44113.
Small Business Administration Branch Office, 234 Summit Street, Toledo, Ohio, 43602.
(Applicants located in Monroe County, Mich., may file at either the Toledo or Detroit offices.)

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1966.

Dated: May 11, 1966.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 66-5555; Filed, May 20, 1966; 8:46 a.m.]

[Delegation of Authority 30, Omaha, Nebr.; Rev. 1, Amdt. 1]

OMAHA REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority 30 F.R. 2741, as amended 30 F.R. 8080, 30 F.R. 8426 and 30 F.R. 13419; Delegation of Authority 30 F.R. 5774 as revised by 30 F.R. 11983 is hereby amended to add the following authority to Item I.G.:

I. * * *

G. *To Loan Specialists GS-9 and above assigned to all financial assistance division programs in all offices of this region.* Final authority to approve the following actions concerning current direct or participation loans:

1. Use of the cash surrender value of life insurance to pay the premium on the policy.
2. Release of dividends of life insurance or consent to application against premiums.
3. Minor modifications in the authorization.
4. Extension of disbursement period.
5. Extension of initial principal payments.
6. Adjustment of interest payment dates.
7. Release of hazard insurance checks not in excess of $200 and endorse such checks on behalf of the agency where SBA is named as joint loss payee.

Effective date. April 11, 1966.

NORMAN A. OTTO,
Regional Director,
Omaha Regional Office.

[F.R. Doc. 66-5556; Filed, May 20, 1966; 8:46 a.m.]

[Delegation of Authority 30, Wichita Region; Rev. 1, Amdt. 1]

WICHITA REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority 30, F.R. 2741; 30 F.R. 8080; and 30 F.R. 8426: Delegation of Authority 30, F.R. 11985; is hereby amended to add the following authority to Item I.G.:

I. * * *

G. *To Loan Specialists GS-9 and above assigned to all financial assistance division programs in all offices of this region.* Final authority to approve the following actions concerning current direct or participation loans:

1. Use of the cash surrender value of life insurance to pay the premium on the policy.
2. Release of dividends of life insurance or consent to application against premiums.
3. Minor modifications in the authorization.
4. Extension of disbursement period.
5. Extension of initial principal payments.
6. Adjustment of interest payment dates.
7. Release of hazard insurance checks not in excess of $200 and endorse such checks on behalf of the agency where SBA is named as joint loss payee.

Effective date. April 18, 1966.

JOHN E. KIRCHNER,
Regional Director,
Wichita Regional Office.

[F.R. Doc. 66-5557; Filed, May 20, 1966; 8:46 a.m.]

[Delegation of Authority 30, Helena Region; Rev. 1, Amdt. 1]

HELENA REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority 30, F.R. 2741; 30 F.R. 8080; and 30 F.R. 8426: Delegation of Authority 30, F.R. 9968, as revised by 11739; is hereby amended to add the following authority to Item I.G.:

I. * * *

G. *To Loan Specialists GS-9 and above assigned to all financial assistance division programs in all offices of this region.* Final authority to approve the following

actions concerning current direct or participation loans:

1. Use of the cash surrender value of life insurance to pay the premium on the policy.

2. Release of dividends of life insurance or consent to application against premiums.

3. Minor modifications in the authorization.

4. Extension of disbursement period.

5. Extension of initial principal payments.

6. Adjustment of interest payment dates.

7. Release of hazard insurance checks not in excess of $200 and endorse such checks on behalf of the agency where SBA is named as joint loss payee.

Effective date. April 23, 1966.

R. B. ZACHARY,
Regional Director,
Helena Regional Office.

[F.R. Doc. 66-5558; Filed, May 20, 1966; 8:46 a.m.]

[Delegation of Authority 30, Denver Region; Amdt. 1]

DENVER REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority to the Regional Director by Delegation of Authority 30, F.R. 2741, as amended; 30 F.R. 8030, 8426, 13419, and 11938: Delegation of Authority 30, F.R. 11889 is hereby amended to add the following authority to Item I.G.:

I. * * *

G. *To Loan Specialists GS-9 and above assigned to all financial assistance division programs in all offices of this region.* Final authority to approve the following actions concerning current direct or participation loans:

1. Use of the cash surrender value of life insurance to pay the premium on the policy.

2. Release of dividends of life insurance or consent to application against premiums.

3. Minor modifications in the authorization.

4. Extension of disbursement period.

5. Extension of initial payment dates.

6. Adjustment of interest payment dates.

7. Release of hazard insurance checks not in excess of $200 and endorse such checks on behalf of the agency where SBA is named as joint loss payee.

Effective date. March 17, 1966.

LACY L. WILKINSON,
Regional Director,
Denver Regional Office.

[F.R. Doc. 66-5559; Filed, May 20, 1966; 8:46 a.m.]

TARIFF COMMISSION

[AA1921-48]

LEATHER WORK SHOES FROM CZECHOSLOVAKIA

Notice of Hearing

Notice is hereby given that the U.S. Tariff Commission, on May 17, 1966, ordered a public hearing to be held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to work shoes, leather, men's, and boys', imported from Czechoslovakia. Notice of the institution of this investigation was published in the FEDERAL REGISTER on May 18, 1966 (31 F.R. 7266).

The hearing will be held in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., at 10 a.m., e.d.s.t., on June 21, 1966. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least 3 days in advance of the date set for the hearing.

Issued May 18, 1966.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 66-5575; Filed, May 20, 1966; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bamberg Manufacturing Co., Inc., Bamberg, S.C.; effective 5-3-66 to 5-2-67 (men's and boys' slacks).

Bee & Gee Pants Manufacturing Co., Inc., 416-418 Main Street, Dickson City, Pa.; effective 5-4-66 to 5-3-67 (men's and boys' trousers).

Brundidge Shirt Corp., Brundidge, Ala.; effective 5-16-66 to 5-15-67 (men's dress and sport shirts).

Brunswick Manufacturing Co., 1601 Second Street, Brunswick, Ga.; effective 5-6-66 to 5-5-67 (ladies' and children's outerwear jackets).

Chester Sportswear Co., Bypass 72, Chester, S.C.; effective 4-26-66 to 4-25-67 (men's shirts).

Covington Industries, Inc., Opp, Ala.; effective 5-4-66 to 5-3-67 (men's coveralls).

Cowden-Springfield Co., Springfield, Ky.; effective 5-1-66 to 4-30-67 (men's and boys' work pants and dungarees).

Elder Manufacturing Co., Carl Junction, Mo.; effective 5-5-66 to 5-4-67 (shirts and pajamas).

Gwen Fashions, Inc., McAlisterville, Pa.; effective 5-6-66 to 5-5-67 (dresses).

Formflex of Arizona, 1120 West Watkins Road, Phoenix, Ariz.; effective 4-26-66 to 4-25-67 (girdles).

Harris-Hogan Corp., 70 Hazle Street, Wilkes-Barre, Pa.; effective 4-30-66 to 4-29-67 (children's dresses and sportswear).

Hardeman Garment Corp., Box 226, Bolivar, Tenn.; effective 5-9-66 to 5-8-67 (men's and boys' trousers).

Imperial Reading Corp., La Follette, Tenn.; effective 5-7-66 to 5-6-67 (men's dress shirts).

Keyser Garment Co., Keyser, W. Va.; effective 5-5-66 to 5-4-67 (women's dresses).

Lyons Manufacturing Co., Inc., Lyons, Ga.; effective 5-18-66 to 5-17-67 (men's and boys' shirts).

Midland Manufacturing Inc., Railroad Street, Olive Hill, Ky.; effective 4-27-66 to 4-26-67 (men's and boys' dungarees).

Pittston Apparel Co., West Enterprise and Market Streets, Glen Lyon, Pa.; effective 5-7-66 to 5-6-67 (brassieres and girdles).

Putnam Manufacturing Co., Post Office Box 718, Cookeville, Tenn.; effective 5-16-66 to 5-15-67 (men's work pants).

Renovo Shirt Co., Inc., Mena, Ark.; effective 4-28-66 to 4-27-67 (men's shirts and ladies' and girls' blouses).

Sherman Manufacturing Co., 1200 South Main Street, Darlington, S.C.; effective 5-4-66 to 5-3-67 (ladies' dresses).

Washington Garment Co., 2020 Main Street Extension, Washington, Pa.; effective 4-27-66 to 4-26-67 (ladies' pants and shorts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs Manufacturing Co., Spencer, Iowa; effective 5-18-66 to 5-17-67; 10 learners (ladies' and girls' jeans).

Connie Fashions, Inc., 10 North West Street, Shenandoah, Pa.; effective 5-19-66 to 5-18-67; 10 learners (women's dresses).

Eastern Shore Sportswear Corp., 705 Race Street, Cambridge, Md.; effective 4-27-66 to 4-26-67; 10 learners (children's skirts and outerwear jackets).

Eileen Hope, Inc., 122 Juniper Street, Harrisburg, Pa.; effective 5-4-66 to 5-3-67; 10 learners (women's dresses).

Holiday American, Inc., 101 Schuylkill Avenue, Tamaqua, Pa.; effective 4-29-66 to 4-28-67; 5 learners (girls' dresses).

Jacket King, Inc., NAD Area Building 17, Camden, Ark.; effective 5-2-66 to 5-1-67; 10 learners (men's and boys' outerwear jackets).

Monroe Garment Co., Post Office Box 335, Monroe, N.C.; effective 5–14–66 to 5–13–67; 5 learners (men's work shirts).

Southern Maid Garment, Inc., Winnsboro, S.C.; effective 5–5–66 to 5–4–67; 10 learners (children's dresses).

Wallace Sewing Co., Inc., 850 South Wilmington, Wallace, N.C.; effective 5–2–66 to 5–1–67; 10 learners (children's outerwear garments).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Eudora Garment Corp., Eudora, Ark.; effective 5–2–66 to 11–1–66; 30 learners (washable service apparel).

E-Town Sportswear Corp., Elizabethtown, Ky.; effective 4–30–66 to 10–29–66; 50 learners (men's slacks).

The Farmville Corp., Farmville, N.C.; effective 5–4–66 to 11–3–66; 30 learners (women's jeans, slacks, and shorts).

Fortex Manufacturing Co., Inc., Fort Deposit, Ala., Greenville, Ala.; effective 5–5–66 to 11–4–66; 30 learners (pajamas).

Henry I. Siegel Co., Inc., Tiptonville, Tenn.; effective 5–7–66 to 9–17–66; 20 learners. Learners may not be employed at special minimum wages in the manufacture of sport coats of suit type construction and pants which are matched with coats (men's and boys' outerwear coats and pants).

Tom and Huck Togs, Inc., Beaverton, Ala.; effective 4–30–66 to 10–29–66; 30 learners (men's and boys' dress and sport pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., Main Street, Rosiclare, Ill.; effective 5–9–66 to 11–8–66; 40 learners for plant expansion purposes (work gloves).

Indianapolis Glove Co., Inc., Glenwood, Ark.; effective 5–11–66 to 5–10–67; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Philadelphia, Miss.; effective 5–7–66 to 5–6–67; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Becton, Dickinson & Co., S.E. (P.R.), Apartado "S," Juncos, P.R.; effective 4–12–66 to 5–31–66; 30 learners for plant expansion purposes in the basic hand and/or machine production operations in the manufacture of thermometers and thermometer tubes, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.20 an hour for the remaining 240 hours (thermometers).

Caribbean Novelty Co., Inc., Post Office Box 203, Vieques, P.R.; effective 4–4–66 to 4–3–67; 10 learners for normal labor turnover purposes in the occupation of bowtier, for a learning period of 160 hours at the rate of 77 cents an hour (ribbon bows).

Caribe Sports Co., Inc., Apartado 226, San German, P.R.; effective 4–27–66 to 6–30–66; 13 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operating, hand lacing, each for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 78 cents an hour for the remaining 160 hours; and (2) die and clicker machine operating, leather stamping, eyeletting, shell layoff, turning machine operating, final glove layoff, leather regrading, final inspecting; each for a learning period of 160 hours at the rate of 68 cents an hour (baseball, boxing and striking bag gloves and golf club head covers).

Granada Mills, Inc., Apartado 881, Caguas, P.R. effective 4–25–66 to 8–1–66; 25 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (ladies' and children's underwear).

Van Heusen of P.R. Camaceyes Road No. 5, Km. 1, Post Office Box 245, Aguadilla, P.R.; effective 4–11–66 to 10–10–66; 70 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (dress shirts).

Mohawk International, Inc., Calle Comercio No. 66, Apartado 501, Aguadilla, P.R., effective 4–25–66 to 6–30–66; 10 learners for plant expansion purposes in the occupations of: (1) Stitching machine operating, for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 78 cents an hour for the remaining 160 hours; and (2) die and clicker machine operating, final inspecting, each for a learning period of 160 hours at the rate of 68 cents an hour (sport gloves).

Saint Lawrence Garment Co., Inc., Apartado 596, San Lorenzo, P.R.; effective 5–2–66 to 5–1–67; 11 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (ladies' and children's panties).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 13th day of May 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66–5549; Filed, May 20, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 185]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 18, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11207 (Sub-No. 246 TA), filed May 16, 1966. Applicant: DEATON, INC., 3409 10th Avenue North, Post Office Box 1271, Birmingham, Ala. Applicant's representative: J. Carl Preston (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building materials* (except liquid commodities in bulk), from the plantsite of National Gypsum Co. at Westwego, La., to points in Alabama and Mississippi and points in Florida on and west of U.S. Highway 319, for 120 days. Supporting shipper: National Gypsum Co., Gold Bond Building, Buffalo, N.Y., 14202. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala., 35205.

No. MC 11207 (Sub-No. 247 TA), filed May 16, 1966. Applicant: DEATON, INC., 3409 10th Avenue North, Post Office Box 1271, Birmingham, Ala. Applicant's representative: J. Carl Preston (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic conduit and plastic pipe, cement conduit and cement pipe containing asbestos fibre and couplings, rings, and accessories for installation thereof*, from Green Cove Springs, Fla., to points in Virginia, for 120 days. Supporting shipper: Johns-Manville Corp., Manville, N.J. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala., 35205.

No. MC 99213 (Sub-No. 8 TA), filed May 13, 1966. Applicant: VIRGINIA FREIGHT LINES, School Street, Kilmarnock, Va. Applicant's representative: J. R. Pittman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, in bulk (except in tank, hopper and dump type vehicles), from

points in Baltimore County, Md., to points in Caroline, Essex, Gloucester, Lancaster, Mathews, Northumberland, Richmond, and Westmoreland Counties, Va., for 180 days. Supporting shipper: Kilmarnock Feed Supply, Kilmarnock, Va. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 10–502 Federal Building, Richmond, Va., 23240.

No. MC 111401 (Sub-No. 198 TA), filed May 16, 1966. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla., 73701. Applicant's representative: Alvin J. Meiklejohn, Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (1) from Bishop and Corpus Christi, Tex., to points in California, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, and Tennessee, (2) from Freeport, Tex., to points in California, Connecticut, Illinois, Indiana, Iowa, Massachusetts, Maryland, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, and Washington, (3) from North Seadrift and Texas City, Tex., to points in California, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, Tennessee, Utah, West Virginia, Wisconsin, and Wyoming, for 180 days. Supporting shippers: Celanese Chemical Co., Box 2768, Corpus Christi, Tex., 78403, A. DeRouen, traffic manager; the Dow Chemical Co., Freeport, Tex., 77541 H. W. Westerman, traffic manager; Union Carbide Corp., 270 Park Avenue, New York, N.Y., 10017, W. E. Morgan, group manager. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla., 73102.

No. MC 113271 (Sub-No. 26 TA), filed May 16, 1966. Applicant: CHEMICAL TRANSPORT, 1627 Third Street NW., Great Falls, Mont., 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, in hopper type vehicles, from Baker, Oreg., and points within 5 miles thereof, to points in Montana, for 180 days. Supporting shippers: Chemical Lime Co., Post Office Box 711, Baker, Oreg., 97814; Waldorf-Horner Paper Products Co., Missoula, Mont., 59801. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, U.S. Post Office Building, Billings, Mont., 59101.

No. MC 115349 (Sub-No. 8 TA), filed May 16, 1966. Applicant: SOUTHERN TIER GARMENT CARRIERS, INC., 7 Sherwood Boulevard, Owego, N.Y. Applicant's representative: Donald C. Carmien, 300 Press Building, Binghamton, N.Y., 13902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, from points in Tioga and Bradford Counties, Pa., to New York City, N.Y., and points in Hudson County, N.J., and *materials and supplies used in the manufacture of wearing apparel*, uncrated, from New York, N.Y., and points in Hudson County, N.J., to points in Tioga and Bradford Counties, Pa., for 150 days. Supporting shipper: Athens Dress Co., Athens, Pa.; Elkland Dress Co., Elkland, Pa. Send protests to Charles F. Jacobs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 215–217 Post Office Building, Binghamton, N.Y., 13902.

No. MC 117076 (Sub-No. 2 TA), filed May 16, 1966. Applicant: GRIESER TRUCKING CO., a corporation, Route No. 1, Box 151A, Archbold, Ohio, 43502. Applicant's representatives: A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, Ohio, 43215 and Owen Rice, 301½ North Defiorce Street, Archbold, Ohio, 43502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tubular steel scaffolding and accessories*, new and used, and uncrated, and *boarding ramps and stands*, uncrated, new and used, between Archbold, Ohio, on the one hand, and, on the other, points in the United States including the District of Columbia, but excluding Alaska and Hawaii, and from one jobsite to another jobsite, between points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Bil-jax, Inc., Archbold, Ohio, 43502. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio, 43604.

No. MC 119795 (Sub-No. 2 TA), filed May 13, 1966. Applicant: LEONHARDT TRUCKING, INC., 214 South Boston Street, Post Office Box 426, Galion, Ohio. Applicant's representative: Singer and Hardman, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burial vaults*, from Wapakoneta, Ohio, to points in Arkansas, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Colorado, New Mexico, and District of Columbia, for 180 days. Supporting shippers: Galion Metallic Vault Co., Division of Harsco Corp., Wapakoneta, Ohio; Perfection Burial Vault Co., Division of Harsco Corp., Wapakoneta, Ohio. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio, 43604.

No. MC 124062 (Sub-No. 5 TA), filed May 16, 1966. Applicant: FRICK TRANSPORT, INC., Wawaka, Ind. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Wawaka, Ind., to points in Ohio and the Lower Peninsula of Michigan, for 180 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y., 10006. Send protests to: Heber Dixon, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802.

No. MC 125717 (Sub-No. 6 TA), filed May 16, 1966. Applicant: NORMAN JOSEPH CHOPLIN, doing business as JOE CHOPLIN, 1301 North Spring, Independence, Mo., 64050. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo, 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy replacement products*, from Kansas City, Mo., to Fort Smith, Little Rock, and Texarkana, Ark., and Shreveport, La.; and *pulpboard boxes* other than corrugated, knocked down flat, from Garland, Tex., to Kansas City, Mo., for 180 days. Supporting shipper: Presto Food Products, Inc., 1602 Forest, Kansas City, Mo., 64108. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 128024 (Sub-No. 1 TA), filed May 16, 1966. Applicant: BUILDING TRANSPORTATION COMPANY, 422 Maple Street, Richardson, Tex. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex., 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings*, between points in Texas, Arkansas, Oklahoma, Louisiana, and Mississippi, under a continuing contract with Morgan Portable Building Co., for 150 days. Supporting shipper: Morgan Portable Building Co., 9000 Harry Hines Boulevard, Dallas, Tex., 75235. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Dallas, Tex., 75202.

No. MC 128151 (Sub-No. 1 TA), filed May 16, 1966. Applicant: SHAMROCK TRUCKING CORPORATION, 266 Magnolia Avenue, Hillsdale, N.J., 07642. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated cloth*, from East Rutherford, N.J., to points in North Carolina, South Carolina, West

Virginia, District of Columbia, Maryland, Delaware, New York, Pennsylvania, Massachusetts, Rhode Island, and Connecticut, and *returned foam laminated cloth and commodities used in the manufacture of foam laminated cloth* (except in bulk, in tank vehicles), on return, for 180 days. Supporting shipper: Laminac, a division of Bangor Punta Operations, Inc., 415 Route 20, East Rutherford, N.J., 07073. Send protests to: Joel Morrows, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J., 07102.

No. MC 128189 TA, filed May 13, 1966. Applicant: HAROLD BRUNER, 2700 East 175th Street, Lansing, Ill. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tanks, tank car parts and assemblies*, between Edge Moor, Del., on the one hand, and, on the other, Philadelphia, Pa., for 150 days. Supporting shipper: Union Tank Car Co., Tank Car Division, 4809 Tod Avenue, East Chicago, Ind. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Room 1086, Interstate Commerce Commission, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., 60604.

MOTOR CARRIERS OF PASSENGERS

No. MC 128099 (Sub-No. 1 TA), filed May 16, 1966. Applicant: ALAMO BUS LINES, INC., 2350 Fourth Avenue, Yuma, Ariz., 85364. Applicant's representative: Glenn W. Tuttle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express in the same vehicle with passengers*, between Yuma, Ariz., and Parker, Ariz., from Yuma over U.S. Highway 95 to junction with U.S. Highways 60–70 and Interstate 10 at Quartzite, thence over 60–70 and Interstate 10 to Blythe, Ariz., return to unnumbered Arizona Highway at Ehrenburg, thence north over unnumbered Arizona Highway to Parker, and return over the same route, serving all intermediate points, for 180 days. Supporting shippers: Blythe Chamber of Commerce, Drawer 66, Blythe, Calif., 92225; Growers Service & Equipment Co., 2223 Pacific Avenue (2E), Yuma, Ariz., 85364; Braden Machinery Co. of Calif., Post Office Box 95, Blythe, Calif., 92225; New York Life Insurance Co., 1047 Fourth Avenue, Yuma, Ariz., 85364; Sun Valley Bus Lines, Inc., 600 East Jefferson, Phoenix, Ariz., 85004. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 4006 Federal Building, Phoenix, Ariz., 85025.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–5590; Filed, May 20, 1966; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 18, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 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. 40483—*Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 149), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariffs—Supplements 8 and 1 to Southern Motor Carriers Rate Conference, agent, tariffs MF–ICC 1392 and 1403, respectively.

FSA No. 40484—*Grain to Louisiana and Texas Gulf Ports.* Filed by the Kansas City Southern Railway Co. (No. 2), for itself and on behalf of Louisiana and Arkansas Railway Co. Rates on wheat, corn, oats, rye, barley, and grain sorghums, in carloads, subject to minimum of 75 or more covered hopper cars per shipment from Kansas City, Mo.-Kans., to Baton Rouge and New Orleans, La., also Beaumont and Port Arthur, Tex.

Grounds for relief—Barge and market competition, and port equalization.

Tariff—Supplement 3 to Kansas City Southern Railway Co. tariff ICC 5428.

FSA No. 40485—*Tin or terne plate to Fairfield and Greens, Ala.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2841), for interested rail carriers. Rates on tin or terne plate and tin mill black plate, in carloads, from specified points in Maryland, Ohio, Pennsylvania, and West Virginia, to Fairfield and Greens, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 51 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C–428.

FSA No. 40486—*Grain to Louisiana Gulf Ports.* Filed by Missouri Pacific Railroad Co. (No. 1136), for itself and on behalf of the Texas & Pacific Railway Co. Rates on wheat, corn, oats, rye, barley, and grain sorghums, in carloads, subject to minimum shipment of 75 carloads, from Atchison and Wolcott, Kans., Kansas City, Mo.-Kans., St. Joseph and St. Louis, Mo., and East St. Louis, Ill., also Omaha, South Omaha, and Nebraska City, Nebr., to Baton Rouge, New Orleans, and Port Allen, La. (for export).

Grounds for relief—Barge competition.

Tariffs—Supplements 12 and 6 to Missouri Pacific Railroad Co. tariffs ICC 309 and 364, respectively.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–5591; Filed, May 20, 1966; 8:49 a.m.]

[Investigation and Suspension Docket Nos. M–20375, M–20390]

MULTIPLE PICKUP AND DISCOUNT RULES, MIDDLE ATLANTIC AND NEW ENGLAND STATES

Assignment for Hearing and Directing Special Procedure

Investigation and Suspension Docket No. M–20375, Multiple Pickup and Discount Rules, Middle Atlantic and New England States, and Investigation and Suspension Docket No. M–20390, Multiple Pickup Discount Rules, New England and points in New Jersey and New York.

It appearing, that by orders dated March 11 and March 18, 1966, in I. & S. Docket No. M–20375 and I. & S. Docket No. M–20390, respectively, the Commission entered upon an investigation of the lawfulness of the provisions, rules and regulations contained in certain tariff schedules designated in said orders and suspended their operation;

And it further appearing, that upon consideration of the record in these proceedings and having determined that they are of such a nature as to require the adoption of special procedure; that they should be heard on a common record; that they should be referred to a hearing examiner; and for good cause appearing therefor:

It is ordered, That:

(a) These proceedings be, and they are hereby, referred to Hearing Examiner Kenneth J. McAuliffe for hearing and for administrative handling;

(b) The respondents and any interested party in support thereof shall file with the Commission on or before June 27, 1966, their prepared testimony, in writing, together with any cost studies to be offered with a statement where the underlying work papers to such cost studies will be available for inspection by parties to the proceedings, and at the same time serve a copy of such prepared testimony upon all parties to the proceedings;

(c) Persons desiring to receive copies of respondent's material and become parties to the proceedings should notify the Commission, in writing, with a copy to the hearing examiner on or before June 8, 1966;

(d) On or before June 20, 1966, the hearing examiner will prepare and cause to be served a service list containing the names of all persons who have indicated their desire to become parties and participate in the proceedings prior to June 8, 1966;

(e) Parties desiring to cross-examine witnesses who have submitted prepared testimony shall give notice to that effect,

in writing, to the affiant and his counsel, if any, on or before July 11, 1966, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witness will be expected to have available for immediate reference;

(f) A hearing will be held commencing on July 19, 1966, at 9:30 o'clock a.m., U.S. standard time (or 9:30 o'clock a.m., l.d.t., if that time is observed), at the Federal Trade Commission, 30 Church Street, New York, N.Y., for the purpose of cross-examining respondents' witnesses so requested, and at the conclusion of said hearing, the hearing examiner will arrange the procedure to be followed for the filing of further prepared testimony, exhibits or studies and the holding of a further hearing;

(g) An original with the affidavit and signature in ink, together with two copies of all prepared testimony, shall be filed with the Commission;

(h) Evidence presented which fails to conform to the above-outlined procedure will be grounds for its rejection from the record in these proceedings.

It is further ordered, That a copy of this order be served upon all respondents and protestants to these proceedings, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all parties.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Have been identified by name in the order or orders of investigation herein,

(2) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(3) Have appeared at a hearing.

Dated at Washington, D.C., this 16th day of May A.D. 1966.

By the Commission, Commissioner Walrath.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-5592; Filed, May 20, 1966; 8:49 a.m.]

[Notice 184]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 17, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No.-MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 67866 (Sub-No. 20 TA), filed May 13, 1966. Applicant: FILM TRANSIT, INC., 311 South Second Street, Post Office Box 444, Memphis, Tenn., 38103. Applicant's representative: James W. Wrape, Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and livestock), between Memphis, Tenn., on the one hand, and, on the other, points in Mississippi on and north of U.S. Highway 82, and Moorhead, Itta Bena, and State College, Miss.; restricted, however, to shipments of 100 pounds or less and further restricted to perform no service for the transpotration of any package or article weighing in excess of 70 pounds per package or article, nor in excess of 100 pounds per day from one consignor at one location to one consignee at one location, for 180 days. Supporting shippers: The application is supported by statements from approximately 100 shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: W. W. Garland, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn., 38103.

No. MC 112553 (Sub-No. 3 TA), filed May 13, 1966. Applicant: VAN'S TRANSPORTATION, INC., 2803 Cincinnati Dayton Road, Middletown, Ohio. Applicant's representative: Charles E. Van Horn (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated metal pipe and parts and accessories*, from the plantsite of Armco Steel Corp. at Summit, Boyd County Ky., to points in Indiana, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Charles W. Hall, Armco Steel Corp., 703 Curtis Street, Middletown, Ohio, 45042. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio, 45202.

No. MC 128159 (Sub-No. 1 TA), filed May 13, 1966. Applicant: McLAIN TRANSPORTATION, INC., a corporation, 139 Bunn Road, Hillsdale, Mich., 49242. Applicant's representative: Senator Haskell L. Nichols, 401 Dwight Building, Jackson, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sausage, and meat products*, with refrigerated equipment, from Hillsdale, Mich. to points in Michigan, Ohio, Indiana, Illinois, and Pennsylvania, for 180 days. Supporting shipper: Bob Evans Farms, Post Office Box 4143 Station G, Columbus, Ohio, 43207. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich., 48933.

No. MC 128182 TA, filed May 12, 1966. Applicant: DAIRY DISPATCH CORP., 100 Hudson Street, New York, N.Y. Applicant's representative: William D. Traub, 10 East 40 Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, in mechanically-refrigerated vehicles, under contract with Hotel Bar Foods, Inc., from New York, N.Y., to Elizabeth, N.J., for 150 days. Supporting shipper: Hotel Bar Food, Inc., 16 Jay Street, New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 128183 TA, filed May 13, 1966. Applicant: GUNSBERG BROTHERS TRUCKING CO., 2001 Brewster Street, Detroit, Mich., 48221. Applicant's representative: Earl M. Remer, 1828 First National Building, Detroit, Mich., 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerated processed or cured meats*, both frozen and unfrozen, from Detroit, Mich., to Buffalo, Jamestown, Rochester, Elmira, Ithaca, Syracuse, Utica, Norwich, Albany, Troy, Kingston, Poughkeepsie, New York City, and Brooklyn, N.Y., Bradford, Philadelphia, Stroudsburg, Chambersburg, and Pittsburgh, Pa., Pittsfield and Boston, Mass., Hartford, Conn., Baltimore, Md., and Washington, D.C., for 180 days. Supporting shipper: Gunsberg Bros. Packing Co., 2001 Brewster Street, Detroit, Mich., 48207. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich., 48226.

MOTOR CARRIERS OF PASSENGERS

No. MC 128175 TA, filed May 11, 1966. Applicant: H. R. WHALEY, doing business as SERVICE CAB COMPANY, Air Port Road, Gatlinburg, Tenn., 37738. Applicant's representative: Robert F. Worthington, Jr., Valley Fidelity Bank Building, Knoxville, Tenn., 37902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* re-

stricted to traffic originating and terminating at Gatlinburg, Tenn., on round trip sightseeing or pleasure tours, over routes, indicated below, and return to Gatlinburg, Tenn., extending from May 1, 1966, to October 30, 1966, as follows: *Route 1 (Cherokee Tour)*, Highway No. 441 to top of mountain; Park Service road to Clingman's Dome; then return to Highway No. 441; proceeding to Cherokee, N.C., and return to Gatlinburg, Tenn., *Route 2 (Cades Cove Tour)*, Highways No. 441 and No. 73 to Park Service road; proceeding to Cades Cove; and return to Gatlinburg, Tenn., *Route 3 (Fontana Tour)*, Highways No. 441 and No. 73 to Maryville, Tenn.; Highways No. 129 and No. 28 to Fontana; Highways No. 28 and No. 19 to Cherokee, N.C.; Highway No. 441 and Park Service road to Clingman's Dome; and return to Gatlinburg, Tenn., *Route 4 (Asheville, N.C., Tour)*, Highway No. 73E to Highway No. 32 to Newport, Tenn.; Highways No. 25 and No. 70 to Asheville, N.C.; Highway No. 19 to Cherokee, N.C.; Highway No. 441 and Park Service road to Clingman's Dome; and return to Gatlinburg, Tenn., *Route 5 (Hillbilly Loop Tour)*, Highway No. 73E to Highway No. 32; Highway No. 284 to Dellwood; Highway No. 19 to Cherokee; Highway No. 441 and Park Service road to Clingman's Dome and return to Gatlinburg, *Route 6 (Waterfalls Tour)*, Highway No. 441 to Cherokee and Franklin, N.C.; Highway No. 64 to Highlands and Cashiers, N.C.; Highway No. 107 to Sylvia, N.C.; Highway No. 19A to Blue Ridge Parkway and Highway No. 441 to Gatlinburg, Tenn., for 180 days. Supported by: The application is accompanied by a statement signed by some 100 individuals, which statement may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn., 37203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-5528; Filed, May 19, 1966; 8:47 a.m.]

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PART II

Department of Labor
Bureau of Labor Standards

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Safety and Health Regulations for Longshoring

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1504—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

On June 11, 1965, a proposal to amend the safety and health regulations for longshoring under section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941) was published in the FEDERAL REGISTER (30 F.R. 7608). Interested persons were provided opportunities to submit data, views, and argument both orally and in writing in regard to the proposals. After consideration of all relevant matter presented, I have decided to and do hereby revise 29 CFR Part 1504 effective June 20, 1966, to read as set forth below.

Signed at Washington, D.C., this 17th day of May 1966.

W. WILLARD WIRTZ,
Secretary.

PART 1504—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Subpart A—General Provisions

Sec.

Subpart B—Gangways and Gear Certification

Subpart C—Means of Access

Subpart D—Working Surfaces

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Subpart G—Cargo Handling Gear and Equipment Other Than Ship's Gear

Subpart H—Handling Cargo

Subpart I—General Working Conditions

Subpart J—Personal Protective Equipment

Appendix I—Cargo Gear Register and Certificates

AUTHORITY: The provisions of this Part 1504 and Appendix I, issued under R.S. 161, 44 Stat. 1444, as amended, 72 Stat. 835; 5 U.S.C. 22, 33 U.S.C. 941.

Subpart A—General Provisions

§ 1504.1 Purpose and authority.

(a) The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 901 et seq.) provides compensation for injuries suffered by employees when they are working for private employers within the Federal maritime jurisdiction on the navigable waters of the United States, including dry docks. Public Law 85–742, 72 Stat. 835, approved August 23, 1958, which amends section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444; 33 U.S.C. 941) requires, among other things, that every employer of the aforementioned employees "shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment used by and working conditions established by such employers as the Secretary may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees." It is the purpose of the regulations of this part to carry out the intent of Public Law 85–742.

(b) Pursuant to Public Law 85–742 the regulations of this part do not make determinations with respect to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (46 U.S.C. 1–1388, passim), including, but not restricted to, the master, ship's officers, crew members, design, construction, and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.) or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

§ 1504.2 Scope and responsibility.

(a) The responsibility for compliance with the regulations of this part is placed upon "employers" as defined in § 1504.3 (c) of this part.

(b) It is not the intent of the regulations of this part to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

§ 1504.3 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in longshoring operations or related employments, as defined herein within the Federal maritime jurisdiction on the navigable waters of the United States.

(d) The term "employee" means any longshoreman, or other person engaged in longshoring operations or related employments, within the Federal maritime jurisdiction on the navigable waters of the United States, other than the master, ship's officers, crew of the vessel, or any person engaged by the master to load or unload any vessel under 18 net tons.

(e) The term "vessel" includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(f) The term "public vessel" means a vessel owned and operated by a government and not regularly employed in merchant service.

(g) For the purposes of §§ 1504.11, 1504.23, 1504.35, 1504.37, 1504.43(f)(2), and 1504.106, the term "barge" means an unpowered, flat bottom, shallow draft vessel including river barges, scows, carfloats, and lighters. For the purposes of these sections the term does not include ship shaped or deep draft barges.

(h) For purposes of §§ 1504.11 and 1504.23, the term "river towboat" means a shallow draft, low freeboard, self propelled vessel designed to tow river barges by pushing ahead. For purposes of these sections the term does not include other towing vessels.

(i) The term "longshoring operations" means the loading, unloading, moving, or handling of cargo, ship's stores, gear, etc., into, in, on, or out of any vessel on the navigable waters of the United States.

(j) The term "related employments" means any employments performed as an incident to or in conjunction with longshoring operations including, but not restricted to, securing cargo, rigging, and employment as a porter, checker, or watchman.

(k) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel, including accommodation ladders, gangplanks and brows.

(l) The term "bulling" means the horizontal dragging of cargo across a surface with none of the weight of the cargo supported by the fall.

(m) For the purpose of § 1504.12 the term "ship's cargo handling gear" includes that gear which is a permanent part of the vessel's equipment and which is used for the handling of cargo other than bulk liquids, but does not include gear which is used only for handling or holding hoses, handling ship's stores or handling the gangway, or boom conveyor belt systems for the self-unloading of bulk cargo vessels.

(n) For purposes of the regulations in this part the terms "beam" or "strongback" mean a portable transverse or longitudinal beam which is placed across a hatchway and acts as a bearer to support the hatch covers.

(o) For the purposes of §§ 1504.23(b)(2) and 1504.106(b) the term "Mississippi River System" includes the Mississippi River from the head of navigation to its mouth, and navigable tributaries including the Illinois Waterway, Missouri River, Ohio River, Tennessee River, Allegheny River, Cumberland River, Green River, Kanawha River, Monongahela River, and such others to which barge operations extend.

(p) For the purpose of § 1504.106(b) the term "Gulf Intracoastal Waterway" means the system of that name extending from St. Marks, Florida to Brownsville and Harlingen, Texas, and including the Pearl River, Tombigbee River, Apalachicola River, Flint River, and such other navigable tributaries to which barge operations extend.

(q) The term "small trimming hatch" means a small hatch or opening, pierced in the tween deck or other intermediate deck of a vessel and intended for the trimming of dry bulk cargoes. It does not refer to the large hatchways through which cargo is normally handled.

§ 1504.4 Penalty.

As provided in Public Law 85–742, any employer who, willfully, violates or fails or refuses to comply with the provisions of the regulations of this part, and any employer or other person who willfully interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of section 41 of the Act by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of the regulations of this part, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than $100 nor more than $3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than $100 nor more than $3,000. The liability under this provision of Public Law 85–742 shall not affect any other liability of the employer under the Longshoremen's and Harbor Workers' Compensation Act.

§ 1504.5 Variation from the regulations of this part.

As provided in Public Law 85–742, in case of practical difficulties or unnecessary hardships, the Secretary in his discretion may grant variations from the regulations of this part or particular provisions thereof, and permit the use of other or different devices if he finds that the purpose of the regulation will be observed by the variation and the safety of employees will be equally secured thereby. Any person affected by such regulations or his agent, may request the Secretary to grant such variation, stating in writing the grounds on which his request is based. Any authorization by the Secretary of a variation shall be in writing, shall describe the conditions under which the variation shall be permitted, and shall be published as provided in section 3 of the Administrative Procedure Act (ch. 324, 60 Stat. 237), as amended. A properly indexed record of all variations shall be kept in the Office of the Secretary and be open to public inspection.

§ 1504.6 Reference specifications, standards, and codes.

Specifications, standards, and codes of agencies of the United States Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the United States Government, in effect on the date of the promulgation of the regulations of this part, as listed below, to the extent specified in the text, form a part of these regulations:

Convention Concerning the Protection Against Accidents to Workers Loading or Unloading Ships, International Labor Organization, Convention No. 32 (Revised, 1932). Subpart B, § 1504.12(a).

Underwriters' Laboratories, Incorporated, 207 East Ohio Street, Chicago, Illinois. Subpart G, § 1504.69(d) and Subpart I, § 1504.92(b)(3).

American Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1–1959. American Standards Association, Incorporated, 70 East 45th Street, New York 17, N.Y. Subpart J, §§ 1504.101(a), 1504.105(a).

§ 1504.7 Notification of accidents resulting in fatalities or serious injuries.

Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form US—202 (approved by Budget Bureau No. 44–R 887.2) with the Field Safety Consultant of the Bureau of Labor Standards serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily.

§ 1504.8 Amendment of this part.

The Secretary may at any time upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of this part.

Subpart B—Gangways and Gear Certification

§ 1504.11 Gangways.[1]

The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(a) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface, and adequately secured against shifting or slipping shall be pro-

[1] See also § 1504.21.

vided. When conditions are such that neither a gangway nor straight ladder can be used, a Jacob's ladder meeting the requirements of § 1504.22 may be used.

(b) Each side of such gangway, and the turntable, if used, shall have a railing with a minimum height of 33 inches measured perpendicularly from rail to walking surfaces at the stanchion, with a mid-rail. Rails shall be of wood, pipe, chain, wire or rope and shall be kept taut at all times. Portable stanchions supporting railings shall be so supported or secured as to prevent accidental dislodgment.

(c) Gangways on vessels inspected and certificated by the U.S. Coast Guard are deemed to meet the foregoing requirements, except in cases where the vessels' regular gangway is not being used.

§ 1504.12 Gear certification.[2]

(a) The employer shall not use the vessel's cargo handling gear until he has ascertained that the vessel has a current and valid cargo gear register and certificates which in form and content are in substantial accordance with the recommendations of the International Labor Office, as set forth in Appendix I of this part, and as provided by International Labor Organization Convention No. 32, and which indicates that the cargo gear has been tested, examined and heat treated by or under the supervision of persons or organizations defined as competent to make register entries and issue certificates pursuant to paragraphs (c) and (d) of this section.

(b) Public vessels and vessels holding a valid Certificate of Inspection issued by the U.S. Coast Guard are deemed to meet the requirements of paragraph (a) of this section.

(c) With respect to United States vessels not holding a valid Certificate of Inspection issued by the United States Coast Guard, persons or organizations competent to make entries in the registers and issue the certificates required by paragraph (a) of this section shall be only those persons currently accredited by the Bureau of Labor Standards, United States Department of Labor, as provided in Part 1505 of this chapter.

(d) With respect to vessels under foreign registry, persons or organizations competent to make entries in the registers and issue the certificates required by paragraph (a) of this section shall be: (1) those acceptable as such to any foreign nation, (2) those acceptable to the Commandant of the United States Coast Guard, or (3) those currently accredited by the Bureau of Labor Standards, United States Department of Labor, as provided in Part 1505 of this chapter.

[2] See also § 1504.51.

Subpart C—Means of Access

§ 1504.21 Gangways and other means of access.

(a) The gangway shall be kept properly trimmed at all times.

(b) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(c) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(d) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings with a minimum height of approximately 33 inches with mid-rails on both sides.

(e) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(f) When the upper end of the means of access rests on or is flush with the top of the bulwark, substantial steps, properly secured and equipped with at least one substantial hand rail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(g) Obstructions shall not be laid on or across the gangway.

(h) The means of access shall be adequately illuminated for its full length.

(i) Unless the construction of the vessel makes it impossible, the means of access shall be so located that drafts of cargo do not pass over it. In any event loads shall not be passed over the means of access while employees are on it.

§ 1504.22 Jacob's ladders.

(a) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(b) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1504.23 Access to barges and river towboats.

(a) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained, and properly secured.

(b) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp meeting the requirements of paragraph (a) of this section or a safe walkway meeting the requirements of § 1504.21(d) shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of § 1504.22 may be used: *Provided, however,* That when these requirements cannot reasonably be met, by reason of local conditions, in respect to barges operating on the Mississippi River System, other safe means of access shall be provided.

(c) When a barge, raft or log boom is being worked alongside a larger vessel, a Jacob's ladder meeting the requirements of § 1504.22 shall be provided for each gang working alongside unless other safe means of access are provided.

(d) When longshoring operations are in progress on barges, the barges shall be securely made fast to the vessel, wharf, or dolphins.

§ 1504.24 Bridge plates and ramps.

(a) Bridge or car plates used afloat shall be of adequate strength, equipped with side boards along the space bridged, well maintained, and secured against movement.

(b) Ramps for access of vehicles to or between vessels shall be of adequate strength, provided with side boards, well maintained and properly secured.

§ 1504.25 Ladders.

(a) There shall be at least one safe and accessible ladder for each gang working in a hatch. However, no more than two such ladders are required in any hatch. An adequate means of gaining a handhold shall be provided at or near the head of each vertical fixed ladder in cases where any coaming or other structural features are such that they cannot serve this purpose.

(b) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(c) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed hold ladders do not meet the requirements of paragraph (a) of this section, except that when conditions are such that a straight ladder cannot be used, Jacob's ladders meeting the requirements of § 1504.22 may be used.

(d) When four inches of clearance does not exist in back of ladder rungs, the ladder shall be deemed "unsafe" for the purpose of this section.

(e) When necessary to obtain access to or from a stowed deckload, ladders or steps of adequate strength, and secured against shifting or slipping, shall be provided: *Provided, however,* That adequate steps formed by the cargo itself will be acceptable when the nature of the cargo and the type of stowage permits. This paragraph does not apply to the circumstances covered by § 1504.54(f).

(f) Portable straight ladders used by employees for any purpose not otherwise specifically covered by this part shall be of adequate strength and lashed, blocked, or otherwise secured against shifting or slipping.

Subpart D—Working Surfaces

§ 1504.31 Hatch coverings.

(a) No cargo shall be loaded or unloaded by a fall or sling at any intermediate deck unless either the hatch at

that deck is safely covered or a secure landing platform of a width not less than that of one section of hatch coverings has been placed across the hatch.

(b) Cargo shall not be landed on or handled over a covered hatch or tween deck unless all beams are in place under the hatch covers.

(c) Missing, broken, split, or poorly fitting hatch covers that would jeopardize the safety of employees shall be reported at once to the officers in charge of the vessel. Pending replacement or repairs by the vessel, work shall not be performed in the section containing the unsafe covers or in adjacent sections unless the flooring is made safe.

(d) When the hatch covers and beams are not of uniform size, they shall be placed only in the hatch, deck, and section in which they fit properly.

(e) Small trimming hatches located in intermediate decks shall be adequately covered or guarded while work is proceeding in the hatch in which they are located, unless they are actually in use.

§ 1504.32 Stowed cargo and temporary landing platforms.

(a) Temporary tables on which loads are to be landed shall be of sufficient size and strength to permit the employees thereon to work in safety.

(b) When an edge of a hatch section or of stowed cargo more than 8 feet high is so exposed that it presents a danger of persons falling, the edge shall be guarded by a line, safety net or railing.

(c) When two gangs are working in the same hatch on different levels, a safety net shall be rigged and securely fastened so as to prevent men or cargo from falling.

§ 1504.33 Deck loads.

(a) Employees shall not be permitted to pass fore and aft over or around deck loads unless there is a safe passage.

(b) Signalmen shall not be permitted to walk over deck loads from rail to coaming unless there is a safe passage.

§ 1504.34 Skeleton decks.

No cargo shall be worked on a skeleton deck, mechano deck or other superstructure unless temporary flooring is provided, when necessary, to make a safe working surface.

§ 1504.35 Open hatches.

Open weather deck hatches around which longshoremen must work which are not protected to a height of 24 inches by coamings, shall be guarded by taut lines at a height of 36 to 42 inches above the deck except on the side on which cargo is being worked. Any portable stanchions or uprights used shall be so supported or secured as to prevent accidental dislodgement; *Provided, however,* That the requirements of this section shall not be deemed to apply to barges or to Great Lakes type bulk carriers.

§ 1504.36 Weather deck rails.

Removable weather deck railings shall be kept in place except when cargo operations require them to be removed, in which case they shall be replaced as soon as such cargo operations are completed.

§ 1504.37 Sides of barges.

Employees shall not be permitted to walk along the sides of covered lighters or of barges with coamings more than 5 feet high unless there is a 3-foot clear walkway or a grab rail or taut handline is provided.

§ 1504.38 Freshly oiled decks.

If decks are wet with fresh paint or oil, the employer shall not permit employees to engage in longshoring operations until necessary walking and working areas have been made safe by the use of suitable non-skid materials.

Subpart E—Opening and Closing Hatches

§ 1504.41 Coaming clearances.

(a) *Weather deck.* If a deck load of lumber or other smooth sided deck cargo over 5 feet high is stowed within 3 feet of the hatch coaming and employees handling beams and hatch covers are not protected by at least a 24 inch height of the coaming, a taut handline shall be provided along the side of the deckload for their protection. The requirements of § 1504.35(a) are not intended to apply in this situation.

(b) *Intermediate deck.* (1) Before intermediate deck hatch covers and beams are removed or replaced by employees, there shall be a 3-foot working space between the stowed cargo and the coaming at both sides and at one end of the hatches with athwartship beams, and at both ends of those hatches with fore and aft beams, except that a reasonable tolerance will be permitted in circumstances where adherence to a 3-foot working space would create undue hardship.

(2) The 3-foot clearance required by subparagraph (1) of this paragraph is not required on the covered portion of a partially opened hatch, nor is it required when lower decks have been filled to beam height with cargo of such a nature as to provide a safe surface upon which employees may work.

(3) For purposes of subparagraph (1) of this paragraph, banana or other fitted gratings which are in good condition shall be considered a part of the decking when properly placed within the 3-foot area.

(c) *Trunk hatches and other permanent or semi-permanent structures and spare parts.* When bulkheads, lockers, reefer compartments or large spare parts are within 3 feet of the coaming, grab rails or taut handlines shall be provided for the protection of employees handling beams and hatch covers.

(d) The provisions of this section regarding coaming clearances do not apply to hatches which are opened by hydraulic or other mechanical means, but in all cases in which the 3 foot clearance does not exist, means shall be taken to prevent stowed cargo which is likely to shift from falling into the hold.

§ 1504.42 Beam and pontoon bridles.

Beam and pontoon bridles shall not be used unless they meet the following requirements:

(a) Bridles shall be long enough to easily reach the holes, rings, or other lifting attachments on the beams and pontoons. The bridles shall be of adequate strength and properly maintained, including covering or blunting of protruding ends in wire rope splices.

(b) Bridles for lifting hatch beams shall be equipped with toggles, shackles, or hooks or other devices of such design that they cannot become accidently dislodged from the beams with which they are used. Hooks other than those herein described may be used only when they are hooked into the standing part of the bridle. Toggles, when used, shall be at least one inch longer than twice the longest diameter of the holes into which they are placed.

(c) Bridles used for lifting pontoons and plugs shall have the number of legs required by the design of the pontoon or plug, and all legs shall be used. Where any use of a bridle requires fewer than the number of legs provided, idle legs shall be hung on the hook or ring, or otherwise prevented from swinging free.

(d) At least two legs of all strongback and pontoon bridles shall be equipped with a substantial fiber rope lanyard at least 8 feet long and in good condition. The bridle end of the lanyard may be of chain or wire.

§ 1504.43 Handling beams and covers.

Only paragraphs (f)(2), (h), and (i) of this section apply to folding, sliding, or hinged metal hatch covers or to those hatch covers handled by cranes carried for that purpose.

(a)(1) When hatch covers or pontoons are stowed on the weather deck abreast of hatches they shall be arranged in stable piles not closer than 3 feet from the hatch coaming and, when on the working side of the deck, not higher than the coaming, unless they are spread one high between coaming and rail with no space between them and with not less than a 24 inch height of hatch coaming maintained.

(2) When, in the case of pontoons, the requirements of subparagraph (1) of this paragraph cannot be met due to the narrowness of the available deck area, pontoons may be stowed more than one high against the coaming, provided that not less than a 24-inch height of hatch coaming is maintained on the working side of the vessel. If pontoons must be stowed closer than 3 feet to and higher than the coaming on the idle side, they shall be secured against movement.

(3) When some, but not all, conventional small weather deck hatch boards or similar covers on seagoing vessels are removed from the beams in a section of

a partially opened hatch during cargo handling, cleaning or other operations, those removed shall not be stowed on those left in place within that section.

(b) Beams shall be laid on their sides, or stood on edge close together and lashed: *Provided, however,* That this paragraph shall not apply in cases where beams are of such design that (1) the width of the flange is 50 percent or more of the height of the web and (2) that when a beam is stood upright the flange rests flat on the deck.

(c) Strongbacks, hatch covers and pontoons shall be so placed as not to interfere with a safe walkway from rail to hatch coaming or fore and aft, and so secured that they cannot be tipped over or dragged into hatches or overboard by drafts or gear. Dunnage or other suitable material shall be used under and between tiers of strongbacks and pontoons.

(d) Hatch covers unshipped in an intermediate deck shall be placed at least 3 feet from the coaming or they shall be removed to another deck. Strongbacks unshipped in an intermediate deck shall not be placed closer than 6 inches to the coaming, and if placed closer than 3 feet, they shall be so secured that they cannot be tipped or dragged into a lower compartment. If this is not possible they shall be removed to another deck.

(e) Any beam or pontoon left in place adjacent to a section through which cargo, dunnage, equipment, or any other material is being worked, shall be lashed, locked, or otherwise secured so that it cannot be displaced by accident. All portable, manually handled hatch covers, including those bound together to make a larger cover, shall be removed from any working section.

(f) The roller hatch beam at the edge of the open section of the hatch shall be lashed or pinned back so that it cannot be moved toward the open section.

(2) Rolling, sectional or telescopic hatch covers of barges which open in a fore and aft direction shall be secured against unintentional movement while in the open position.

(g) When a hatch is to be covered, hatch covers or night tents shall be used. Any partial hatch covering, such as alternate hatch covers or strips of dunnage, shall not be covered by a tarpaulin.

(h) Hinged or folding hatch covers normally stowed in an approximately vertical position shall be positively secured when in the upright position.

(i) Hatches shall not be opened or closed while employees are in the square of the hatch below.

Subpart F—Ship's Cargo Handling Gear

§ 1504.51 General requirements.[3]

(a) Neither the safe working load as specified in the cargo gear certification papers, nor any safe working load marked on the booms, shall be exceeded. Any limitations imposed by the certificating authority shall be adhered to.

(b) Any component of cargo handling gear, including tent gantlines and other associated rigging, which is visibly unsafe shall not be used until made safe.

§ 1504.52 Specific requirements.

Gear which does not comply with the following requirements shall not be used:

(a) *Preventers.* (1) When preventers are used they shall be of sufficient strength for the intended purpose and secured to the head of the boom independent of working guys except when, in the case of cast fittings, the strength of the fitting exceeds the total strength of all lines secured to it. Any tails, fittings, or other means of making the preventers fast on deck shall provide strength equal to that of the preventer itself.

(b) *Stoppers.* (1) When used, chain topping lift stoppers shall be in good condition, equipped with manila tails, and of a length to allow not fewer than three half-hitches in the chain.

(2) When used, chain stoppers shall be shackled or otherwise secured in such a manner that their links are not bent by being passed around fittings. The point of attachment shall be of sufficient strength and so located that the stoppers are reasonably in line with the normal topping lift lead at the time the stopper is applied.

(3) When used, patent stoppers of the clamp type shall be suited to the size of the rope used. Clamps shall be in good condition and free of paint and dirt which would prevent their being drawn tight.

(c) *Falls.* (1) The end of the winch fall shall be secured to the drum by clamps, U-bolts, shackles, or some other equally strong method. Fiber rope fastenings shall not be used.

(2) Winch falls shall not be used with fewer than three turns on the winch drum.

(3) Eyes in the ends of wire rope cargo falls shall not be formed by knots and, in single part falls, shall not be formed by wire rope clips.

(4) When the design of the winch permits, the fall shall be so wound on the drum that the control mechanism moves in the same direction as the load.

(d) *Heel blocks.* (1) When employees are required to work in the bight formed by the heel block, a preventer of at least ¾-inch diameter wire rope, rove reasonably snug and adequately secured, shall be rigged, or equally effective means shall be taken to hold the block and fall in the event that the heel block attachments should fail. Where physical limitations prohibit the fitting of a wire rope preventer of the required size or of other equally effective means, the maximum possible protection shall be provided.

(2) If the heel block is not so rigged as to prevent its falling when not under strain, it shall be secured to prevent alternate raising and dropping of the block: *Provided, however,* That this requirement shall not apply when the heel block is so located as to be at least 10 feet above the deck when at its lowest point.

(e) *Coaming rollers.* When used, portable coaming rollers, whether provided by the ship or by the employer, shall be secured by wire preventers in addition to the regular coaming clamps.

(f) *Cargo hooks.* Cargo hooks shall be as close to the junction of the falls as the assembly permits, but in no case farther than two feet from it, except that this provision shall not apply when the construction of the vessel and the operation in progress are such that fall angles in excess of 120 degrees do not normally occur. Overhaul chains shall not be shortened by bolting or knotting.

§ 1504.53 Cargo winches.

(a) *General.* (1) When moving parts of winches or other deck machinery present a hazard, they shall be guarded.

(2) Winches shall not be used if control levers operate with excessive friction or excessive play.

(3) Double gear winches or other winches equipped with a clutch shall not be used unless a positive means of locking the gear shift is provided.

(4) When changing gears on a two gear winch, there shall be no load other than the fall and cargo hook assembly on the winch.

(5) Any defect or malfunction of winches shall be reported immediately to the officer in charge of the vessel.

(6) Temporary seats and shelters for winch drivers which create a hazard to the winchmen or other employees shall not be used.

(7) Except for short handles on wheel type controls, winch drivers shall not be permitted to use winch control extension levers unless they are provided by either the ship or the employer. Such levers shall be of adequate strength and securely fastened with metal connections at the fulcrum and at the permanent control lever.

(b) *Steam winches.* (1) Means shall be taken to prevent escaping steam from obscuring any part of the decks or other work places or from otherwise hindering or injuring any employee.

(2) Access shall be maintained to the steam valve between each winch and the deck steam line. If this valve is not operative with normal hand pressure, the winch shall not be used.

(3) Extension control levers which tend to fall of their own weight shall be counterbalanced.

(4) When winches are left unattended, control levers shall be secured in the neutral position.

(c) *Electrical winches.* (1) When the electro-magnetic or other service brake is unable to hold the load, the winch shall not be used.

(2) Winches shall not be used when one or more control points, either hoisting or lowering, is not operating properly. Employees shall not be permitted to tamper with or adjust electric control circuits.

[3] See also § 1504.12.

(3) When winches are left unattended, control levers shall be placed in the neutral position and, whenever possible, the power shall be shut off or control levers locked at the winch or the operating controls.

§ 1504.54 Rigging gear.

(a) When alternate positions for securing guys are provided, the guys shall be so placed as to produce a minimum stress without permitting the boom to jackknife.

(b) The head of the midship boom shall be spotted no farther outboard of the coaming than is necessary for control of the load.

(c) *Preventers.* When preventers are used, the following shall apply:

(1) Preventers shall be properly secured to suitable fittings, other than those to which the guys are secured, and shall be as nearly parallel to the guys as available fittings permit.

(2) Unless the cleat is also a chock and the hauling part is led through the chock opening, the leads of preventers to cleats shall be such that the direction of the line pull of the preventer is as nearly as possible parallel to the plane of the surface on which the cleat is mounted.

(3) Guys and associated preventers shall be adjusted so as to share the load as nearly equally as practicable where cargo operations are being conducted by burtoning; *Provided, however,* That where guys are designed and intended for trimming purposes only and the preventer is intended to perform the function of the guy, the guy shall be left slack.

(d) Cargo falls under load shall not be permitted to chafe on any standing or other running rigging: *Provided, however,* That this shall not be construed to mean hatch coamings or other similar structural parts of the vessel.

(e) (1) Where a bull wire is taken to a gypsy head for the purpose of lowering or topping a boom, the bull wire shall be secured to the gypsy head by shackle or other equally strong method. Securing by fiber rope fastening will not be considered adequate.

(2) When, in lowering or topping a boom, it is not possible to secure the bull wire to the gypsy head, or when the topping lift itself is taken to the gypsy head, sufficient turns, in no case less than five (5), shall be used.

(f) When deck loads extend above the rail and there is less than 8 inches horizontal clearance between the edge of the deck load and the inside of the bulwark or rail, employees shall not be permitted to go overside unless adequate precautions are taken to prevent them from falling.

§ 1504.55 Cranes.

Unless permanently guarded, the accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

Subpart G—Cargo Handling Gear and Equipment Other Than Ship's Gear

§ 1504.61 General.

(a) All gear and equipment provided by the employer shall be inspected by the employer or his authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe. Any gear which is found upon such inspection to be visibly unsafe shall not be used until it is made safe.

(b) All special stevedoring gear provided by the employer, the strength of which depends upon components other than commonly used stock items such as shackles, ropes or chains, shall be tested as a unit in the following manner before initially being put into use:

(1) Gear intended to handle lifts up to and including 20 short tons (40,000 lbs.) shall be tested to 25 percent in excess of its safe working load.

(2) Gear intended to handle lifts over 20 short tons (40,000 lbs.) but not exceeding 50 short tons (100,000 lbs.) shall be tested to 5 short tons (10,000 lbs.) in excess of its safe working load.

(3) Gear intended to handle lifts over 50 short tons (100,000 lbs.) shall be tested to 10 percent in excess of its safe working load.

(4) The employer shall maintain a record of the dates and results of the tests with each unit of gear concerned clearly identifiable. The records shall be available for examination by representatives of the Bureau of Labor Standards.

(c) The safe working load of gear as specified in §§ 1504.62 through 1504.66 shall not be exceeded.

(d) The weight shall be plainly marked on any article of stevedoring gear hoisted by ship's gear and weighing in excess of 2,000 lbs.

§ 1504.62 Fiber rope and fiber rope slings.

(a) Table G–1 shall be used to determine the safe working load of various sizes of manila rope and rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) Where synthetic fiber ropes are substituted for manila ropes of less than three (3) inches circumference, the substitute shall be of equal size. Where synthetic fiber ropes are substituted for manila ropes of three (3) inches circumference or more, the size of the synthetic rope is to be determined from the formula:

$$C=\sqrt{0.6C_s^2+0.4C_m^2}.$$

Where C = the required circumference of the synthetic rope in inches.

C_s = the circumference to the nearest one-quarter inch of a synthetic rope having a breaking strength not less than the breaking strength of the size manila rope that would be required by paragraph (a) of this section.

C_m = the circumference of manila rope in inches which would be required by paragraph (a) of this section.

TABLE G-1
MANILA ROPE
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

In making such a substitution it should be ascertained that the inherent characteristics of the synthetic fiber are suitable for the intended service of the rope.

§ 1504.63 Wire rope and wire rope slings.

(a) Tables G–2 through G–5 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

TABLE G–2

RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS

(In tons of 2000 pounds)

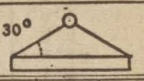
Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-3.

RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS

(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60° 			45° 			30° 		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18.	17.	14.	15.	15.	12.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	18.	19.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	25.	28.	25.	22.	22.	21.	18.	16.	15.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	33.

(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

TABLE G–4
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G–5
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60° 			45° 			30° 		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4	1.1	1.0	.99	.95	.88	.85	.77	.72	.70	.55	.51	.49
3/8	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1	17.	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
6x37 CLASSIFICATION												
1-1/4	25.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.8
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	55.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

(b) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(c) Where "U" bolt wire rope clips are used to form eyes, Table G–6 shall be used to determine the number and spacing of clips. The "U" bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(d) Wire rope shall not be secured by knots, except on haul back lines on scrapers.

TABLE G–6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

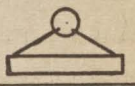
Improved plow steel, rope diameter inches	Number of clips		Minimum spacing (inches)
	Drop forged	Other material	
1/4	3	4	3
5/16	3	4	3 3/4
3/8	4	5	4 1/2
7/16	4	5	5 1/4
1	4	6	6
1 1/8	5	6	6 3/4
1 1/4	5	7	7 1/2
1 3/8	6	7	8 1/4
1 1/2	6	8	9

§ 1504.64 Chains and chain slings.

(a) Tables G–7 and G–8 shall be used to determine the maximum safe working loads of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products. Proof coil steel chain, also known as common or hardware chain, or other chain not recommended for slinging or hoisting by the manufacturer, shall not be used for hoisting purposes.

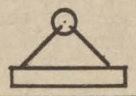
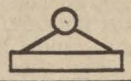
(b) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

TABLE G–7
WROUGHT IRON CHAIN
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg 	60° 	45° 	30° 
* 1/4	1060	1835	1500	1060
* 5/16	1655	2865	2340	1655
3/8	2385	2.1	3370	2385
* 7/16	3250	2.8	2.3	3250
1/2	2.1	3.7	3.0	2.1
* 9/16	2.7	4.6	3.8	2.7
5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

* These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G–8
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg 	60° 	45° 	30° 
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

(c) Interlink wear, not accompanied by stretch in excess of five (5) percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G–9, has been reached.

TABLE G–9

MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
1/4 (9/32)	3/64
5/16	5/64
3/8	7/64
7/16	9/64
1/2	5/32
5/8	11/64
3/4	3/16
7/8	7/32
1	1/4
1 1/8	9/32
1 1/4	5/16
1 3/8	11/32
1 1/2	3/8
1 3/4	7/16

(d) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(e) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective, as described in paragraph (d) of this section, shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(f) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall not be annealed.

(g) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1504.65 Shackles.

(a) Table G–10 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

TABLE G–10

SAFE WORKING LOADS FOR SHACKLES

[In tons of 2000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
1/2	5/8	1.4
5/8	3/4	2.2
3/4	7/8	3.2
7/8	1	4.3
1	1 1/8	5.6
1 1/8	1 1/4	6.7
1 1/4	1 3/8	8.2
1 3/8	1 1/2	10.0
1 1/2	1 5/8	11.9
1 3/4	2	16.2
2	2 1/4	21.2

(b) Screw pin shackles provided by the employer and used aloft, except in cargo hook assemblies, shall have their pins moused.

§ 1504.66 Hooks other than hand hooks.

(a) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(b) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(c) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

(d) Teeth of case hooks shall be kept in good condition.

(e) Jaws of patent clamp type plate hooks shall be kept in safe condition so that they will grip plates securely.

§ 1504.67 Pallets.

(a) Pallets shall be of such material and construction and so maintained as to safely support and carry loads being handled on them. Fastenings of reusable pallets shall be bolts and nuts, drive screws (helically threaded nails), annular threaded nails or fastenings of equivalent strength.

(b) Wing or lip type pallets hoisted by means of bar bridles shall have an overhanging wing or lip at least 3 inches long.

(c) Loaded pallets which on visual examination do not meet the requirements of this section, shall be placed on pallets meeting the requirements before being hoisted into or out of the vessel.

(d) Bridles used to handle flush end or box type pallets shall be of such a design as to prevent them from becoming disengaged from the pallet under load.

§ 1504.68 Chutes, gravity conveyors and rollers.

(a) Chutes used in the manual handling of cargo shall be of adequate length and strength for the use to which they are put and shall be kept free of splinters and sharp edges.

(b) Chutes shall be equipped with sideboards of sufficient height to prevent cargo from falling off.

(c) Chutes and gravity roller sections shall be firmly placed or secured to prevent displacement.

(d) Gravity rollers shall be of sufficient strength for the weight of material which is placed upon them. Rollers shall be locked in position to prevent them from falling or jumping out of the frame.

(e) Frames shall be kept free of burrs and sharp edges.

(f) When necessary for safe operation, provision shall be made for braking objects at the delivery end of the roller or chute.

§ 1504.69 Powered conveyors.

(a) Readily accessible stop controls shall be provided for use in an emergency.

(b) Electric motors and controls on grain trimmers shall be of the explosion-proof type approved by the Underwriters' Laboratories, Incorporated, for use in hazardous locations, Class II, Group G.

(c) All conveyor and trimmer drives which create a hazard shall be adequately guarded.

(d) Each grain trimmer shall have a control box located on the weather deck in close proximity to the spout feeding the trimmer.

(e) Power cables between the deck control box and the grain trimmer shall be used only in continuous lengths without splice or tap between connections.

§ 1504.70 Portable stowing winches.

(a) Portable stowing winches shall be used only with the knowledge and consent of the officer in charge of the vessel.

(b) Portable stowing winches used in connection with operations shall at all times be properly secured to prevent shifting.

(c) When internal combustion powered stowing winches are located below the weather deck or in other enclosed spaces, the exhaust shall be led topside to open air and away from the hatch opening.

§ 1504.71 Rain tents.

When using rain tents, lanyards shall be secured to padeyes or other fixed structures of the vessel which are strong enough or to objects which are heavy enough to withstand the breaking stress of all lanyards attached.

§ 1504.72 Tools.

(a) *General.* Employers shall not issue or permit the use of visibly unsafe tools.

(b) *Portable electric tools.* (1) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in a closed position.

(2) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

§ 1504.73 Mechanically-powered vehicles used aboard vessels.

(a) All automotive equipment shall be maintained in good working order and safety devices shall not be removed or made inoperative, except as otherwise provided.

(b) Overhead guards for fork lift trucks:

(1) Fork lift trucks shall be equipped with operator's overhead guards of such design and construction as to protect the operator from boxes, cartons, packages, bagged material or other similar individual items of cargo which may fall from the load being handled or from stowage.

(2) The guard shall be of such construction that it does not interfere with good visibility, but openings in the top of the guard must not exceed six inches in one of the two dimensions, width or length. Larger openings may be permitted provided no opening is larger than the smallest unit of cargo that is likely to fall on the guard.

(3) The guard shall be large enough to extend over the operator in all normal circumstances of truck operation, including forward tilt.

(4) In fork lift trucks equipped with a single tilt cylinder, provision shall be made so that failure of this cylinder or associated parts will not cause the overhead guard to injure the operator.

(5) The overhead guard may be removed only at times when the construction of the truck is such that the presence of such a guard would prevent the truck from entering working spaces, and if the operator cannot be injured by low overhead obstructions.

(c) Guards for bulk cargo-moving vehicles:

(1) Every crawler type, rider operated, bulk cargo-moving vehicle shall be equipped with an operator's guard of such design and construction as to protect the operator, when seated, against injury from contact with a projecting overhead.

(2) Guards and their attachment points shall be so designed as to be able to withstand, without excessive deflection, a load applied horizontally at the operator's shoulder level equal to the drawbar pull of the machine.

(3) Guards shall not be required when the vehicle is used in situations in which the possibility of the seated operator coming in contact with projecting overheads does not exist.

(d) End platform guards:

(1) Every truck operated from an end platform or pedal position shall be equipped with an operator's platform guard of such design that it permits rapid and unobstructed egress.

(2) Guards shall be so designed as to be able to withstand, without excessive deflection, a load equal to the weight of the loaded machine.

(e) Forks, fork extensions or other attachments shall be suitably secured to prevent unintentional disengagement.

(f) Weights and loads:

(1) The vehicle weight, with and without removable counterweights, shall be clearly posted on all mechanically-powered vehicles which are lifted aboard vessels.

(2) The rated capacity of every fork lift truck, with and without removable counterweights, shall be posted on the vehicle in such a manner as to be readily visible to the operator.

(3) Loads in excess of the rated capacity shall not be lifted or carried by lift trucks.

(4) If loads are lifted by two or more trucks working in unison, the total weight shall not exceed the combined safe lifting capacity of all the trucks.

(g) (1) Steering knobs, when furnished on vehicles where the driver is not in a sitting position, shall be of a mushroom type unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin. The steering knob shall be mounted within the periphery of the wheel.

(2) Steering knobs or similar ancillary devices shall not be used on the steering wheels of trucks in which the driver is in a sitting position.

(h) No load on a fork lift truck or industrial crane truck shall be suspended or swung over any employee.

(i) When mechanically-powered vehicles are used, adequate provisions shall be made to ensure that the working surface can support the vehicle and load, and that hatch covers, truck plates, or other temporary surfaces cannot be dislodged by movement of the vehicle.

(j) When mechanically-powered vehicles are left unattended, the controls shall be neutralized, power shut off, brakes set, and the forks, blade, or scoop shall be placed in the lowered position.

(k) When lift trucks or other mechanically powered vehicles are being operated on open deck type barges, the edges of the barges shall be suitably guarded by railings, sideboards, timbers or other means sufficient to prevent vehicles from rolling overboard. When operated on covered lighters where door openings other than those being used are left open, adequate means shall be taken as necessary to prevent vehicles from rolling overboard through such openings.

§ 1504.74 Mobile crawler or truck cranes temporarily placed aboard vessels for longshoring operations.

(a) Mobile crawler or truck cranes used by the employer shall meet the following requirements:

(1) The crane weight shall be posted on all cranes which are hoisted aboard vessels.

(2) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without cutriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(b) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(c) Accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to

be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

§ 1504.75 Notifying ship's officers before using certain equipment.

(a) The employer shall notify the officer in charge of the vessel before bringing aboard ship internal combustion or electric powered tools, equipment or vehicles.

(b) The employer shall also notify the officer in charge of the vessel before using the ship's electric power for the operation of any of his electric tools or equipment.

§ 1504.76 Grounding.

(a) Any portable equipment or tools powered by electric motors and used by employees, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the equipment is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

Subpart H—Handling Cargo [4]

§ 1504.81 Slinging.

(a) Drafts shall be safely slung before being hoisted. Loose dunnage or debris hanging or protruding from loads shall be removed.

(b) Cargo handling bridles, such as pallet bridles, which are to remain attached to the hoisting gear while hoisting successive drafts, shall be attached by shackles, or other positive means shall be taken to prevent them from becoming accidentally disengaged from the cargo hook.

(c) Drafts of lumber, pipe, dunnage and other pieces, the top layer of which is not bound by the sling, shall be slung in such a manner as to prevent sliders. Double slings shall be used on unstrapped dunnage, except when, due to the size of hatch or deep tank openings, it is impractical to use them.

(d) Case hooks shall not be used for handling cases into or out of the vessel, unless the cases are specifically designed to be handled by this means.

(e) Bales of cotton, wool, cork, wood pulp, gunny bags or other similar articles shall not be hoisted into or out of the vessel by their straps unless the straps are of sufficient strength to support the weight of the bale and two hooks, each in a separate strap, are used.

(f) Loads requiring continuous manual guidance while in motion shall be provided with tag lines.

§ 1504.82 Building drafts.

(a) Drafts shall be so built or such means shall be taken as to prevent cargo from falling from the draft.

(b) Hand loaded buckets or tubs used in handling bulk cargo shall not be loaded above their rims.

§ 1504.83 Stowed cargo, tiering and breaking down.

(a) When necessary, cargo shall be secured or blocked to prevent its shifting or falling.

(b) In breaking down, precautions shall be taken, when necessary, to prevent the remaining cargo from falling.

(c) Employees trimming bulk cargo shall be checked in and out by the foreman. Before securing any reefer compartment, a check shall be made to ensure that no employee remains inside. Frequent checks shall be made to ensure the safety of any employee working alone in a tank or cargo compartment.

§ 1504.84 Bulling cargo.

(a) Bulling cargo shall be done with the bull line led directly from the heel block, except that bulling may be done from the head of the boom when the nature of the cargo and the surface over which it is dragged are such as to avoid stalling the load, or when the winch actually does not have sufficient strength, with the purchase used, to overload the boom.

(b) Snatch blocks shall be used to provide a fair lead for the bull line so as to avoid unnecessary dragging of the bull line against coamings and obstructions.

(c) Falls led from cargo booms of vessels shall not be used to move scows, lighters or railroad cars.

(d) Snatch blocks shall not be used with the point of the hook resting on the flange of a beam, but shall be hung from padeyes, straps or beam clamps. Snatch blocks or straps shall not be made fast to batten cleats or other insecure fittings.

(e) Beam or frame clamps shall be so secured to the beam as to minimize the possibility of their slipping, falling or being pulled from the beam.

§ 1504.85 Containerized cargo.

(a) The gross maximum allowable weight shall be permanently marked on every van and reusable cargo container. The gross maximum allowable weight shall be considered the weight of the van or container at the time of hoisting by the vessel's gear, except when the actual gross weight is plainly marked or otherwise indicated on the van or container or when the van or container is empty.

(b) The provisions of paragraph (a) of this section are not intended to require vans or containers to be weighed to ascertain the actual gross weight when other means of obtaining this information is available.

(c) Actual gross weight markings or indications shall be identified on the van or container by date, voyage number, or other suitable means. Those referring to prior shipments shall be removed or obliterated to avoid confusion.

(d) For the purpose of this section, the terms "van" or "container" mean only completely enclosed reusable units intended to carry more than one smaller unit, or which may be used to carry bulk commodities. They do not mean cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads, or any other of the usual forms of packaging.

Subpart I—General Working Conditions

§ 1504.91 Housekeeping.

(a) Weather deck walking and working areas shall be kept reasonably clear of lines, bridles, dunnage and all other loose tripping or stumbling hazards.

(b) Gear or equipment, when not in use, shall be removed from the immediate work areas, or shall be so placed as not to present a hazard.

(c) Slippery conditions shall be eliminated as they occur.

(d) Loose paper, dunnage and debris shall be collected as the work progresses and be kept clear of the immediate work area.

(e) Dunnage shall not be placed on deck where it interferes with the free movement of the drafts.

(f) Dunnage racked against sweat battens shall not be used when the levels of such racks are above the safe reach of employees.

(g) Dunnage, hatch beams, tarpaulins or gear not in use shall be stowed no closer than 3 feet to the port and starboard sides of the weather deck hatch coaming, except that a reasonable tolerance shall be permitted where strict adherence is rendered impracticable due to the circumstances.

(h) *Nails.* (1) Nails which are protruding from shoring or fencing in the immediate work areas shall be bent over or otherwise rendered harmless.

(2) Dunnage, lumber, or shoring material in which there are visibly protruding nails shall be removed from the immediate work area, or, if left in that area, the nails shall be bent over or otherwise rendered harmless.

(i) Employees shall not be exposed to ice which may fall from aloft under conditions where the accumulation of such ice and the circumstances at the time are such as to constitute a hazard.

§ 1504.92 Illumination.

(a) All walking and working areas shall be adequately illuminated.

(b) Portable lights shall meet the following requirements:

(1) Portable lights shall be equipped with substantial reflectors and guards to prevent flammable and other material from coming in contact with the bulb, except that guards are not required where the construction of the reflector is such that the bulb is deeply recessed.

(2) Portable lights shall be equipped with heavy duty electric cords and may be suspended by such cords only when the means of attachment of the cord to

[4] 46 CFR Parts 146–147 contains regulations of the U.S. Coast Guard pertaining to the handling of explosives and other dangerous cargo.

the light is such as to prevent the light from being suspended by the electrical connections. All connections and insulation shall be maintained in safe condition.

(3) Lighting wires and fixtures for portable lights shall be so arranged as to be free from contact with drafts, running gear, or other moving equipment.

(4) Portable lights shall be so arranged that they do not shine in the eyes of winchdrivers or hatchtenders.

(5) Portable cargo lights furnished by the employer for use aboard vessels and purchased after September 1, 1966, shall be listed as approved by the U.S. Coast Guard or shall bear the Underwriters Laboratories, Incorporated, Marine Label.

(c) Employees shall not be permitted to enter dark holds, compartments, decks or other places without a flashlight or other suitable portable light. The use of matches or open flame lights is prohibited.

§ 1504.93 Ventilation and atmospheric conditions.

(a) Ventilation requirements with respect to carbon monoxide:

(1) When internal combustion engines exhaust into the hold or intermediate deck, the employer shall see that tests of the carbon monoxide content of the atmosphere are made as frequently as conditions require to ensure that dangerous concentrations do not develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 100 parts per million (.01%). When neither natural ventilation nor the vessel's ventilating system is adequate to keep the carbon monoxide concentration below this allowable limit, the employer shall use blowers sufficient in size and number and so arranged as to accomplish this before work is resumed.

(2) A record of the date, time, location and results of the tests required by subparagraph (1) of this paragraph shall be maintained for at least 30 days after the work is completed. The record shall be available for examination by representatives of the Bureau of Labor Standards.

(3) The intakes of portable blowers and any exposed belt drives shall be adequately guarded by screens.

(4) The frames of portable blowers shall be grounded at the source of the current either through a third wire in the cable containing the circuit conductors or through a separate wire. When the vessel is the source of the current the ground shall be made to the structure of the vessel.

(5) The employer shall not permit the use of shore electrical circuits unless they have been checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current. When the vessel is the source of the current, it is required only that a check be made to ensure good electrical contact between the ground wire and the vessel's structure.

(b) (1) Before commencing to load grain which has been fumigated, the employer shall ascertain from the elevator operator that the cargo is free from hazardous concentrations of fumigants.

(2) Before commencing to load cargo other than grain, which has been fumigated at the loading port, the employer shall ascertain that said cargo is free from hazardous concentrations of fumigants.

(c) Before employees are permitted to enter or work in stowage spaces or tanks in which explosive, poisonous, noxious or gaseous cargoes have been carried or are stowed, or in which dry ice has been used as a refrigerant, or which have been fumigated, or in which there is a possibility of oxygen deficiency, the employer shall ascertain from the officer in charge of the vessel the conditions of the work place with respect to atmospheric contaminants.

(d) When it is ascertained from the officer in charge of the vessel that the atmosphere in which employees would be working is immediately dangerous to life, or if the atmosphere becomes immediately dangerous to life during cargo handling operations, no employee shall be permitted to enter or remain in the work place until the atmospheric condition has been made safe. Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or the high concentration of contaminants, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(e) When it is ascertained from the officer in charge of the vessel that the atmosphere in which employees would be working contains gaseous contaminants not immediately dangerous to life, or if the atmosphere becomes so contaminated during cargo handling operations, no employee shall be permitted to enter or remain in the work place until the atmosphere is made safe, or the employees are protected by suitable respiratory protective equipment in accordance with the requirements of § 1504.102 (a) and (b). Gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period without endangering the life of a person breathing them, but which might produce discomfort and possible injury after a prolonged single exposure or repeated short exposures.

(f) When employees are exposed to heavy concentrations of dusts, as in loading bulk grain, they shall be protected by suitable respiratory protective equipment in accordance with the requirements of § 1504.102 (a) and (c).

§ 1504.94 Sanitation and drinking water.

(a) Longshoring operations shall not be carried on in the immediate vicinity of uncovered garbage or in the way of overboard discharges from sanitary lines unprotected by a baffle or splash boards.

(b) Clean drinking water in clean, covered containers shall be provided. Individual sanitary drinking cups or some other equally sanitary device shall be conveniently available.

§ 1504.95 Longshoring operations in the vicinity of repair and maintenance work.

(a) Longshoring operations shall not be carried on when chipping or scaling of decks, bulkheads or sides of vessels creates excessive noise which interferes with communication of warnings or instructions.

(b) Longshoring operations shall not be carried on in the hold or on deck beneath men working in the rigging overhead when such overhead work creates a hazard of falling objects.

(c) Longshoring operations shall not be carried on where employees are exposed to injurious light rays, hot metal, or sparks, any of which result from welding or cutting.

(d) Longshoring operations shall not be carried on where employees are exposed to unsafe concentrations of dust or vapors from sand blasting or spray painting.

§ 1504.96 First aid and life saving equipment.

(a) Unless a first aid room and a qualified attendant are close at hand and prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier only one kit is required. The kit shall be kept close to the vessel, and at least one employee close at hand shall be qualified to administer first aid.

(b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall include a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandage, 40 inch.
Ammonia inhalants and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.
Wire or thin board splints.
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job to ensure that all expended items have been replaced.

(d) There shall be available for each vessel being worked one Stokes basket stretcher, or its equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that there need be no more than two stretchers on each

pier. Stretchers shall be kept close to the vessels. This regulation does not apply where the ambulance services carry such stretchers.

(e) The employer shall ensure that there is in the vicinity of each vessel being worked at least one U.S. Coast Guard approved 30-inch lifering with not less than 90 feet of line attached and at least one portable or permanent ladder which will reach from the top of the apron to the surface of the water. If the above equipment is not available at the pier, the employer shall furnish it during the time that he is working the vessel. When working a barge, scow, raft, lighter, log boom, or carfloat alongside a ship, a U.S. Coast Guard approved 30-inch lifering, with not less than 90 feet of line, shall be provided either on the floating unit itself or aboard the ship in the immediate vicinity of each floating unit being worked.

(f) When employees are working on log booms or cribs, lifelines shall be furnished and hung overside to the water's edge.

§ 1504.97 Qualifications of machinery operators.

(a) Only those employees who understand the signs, notices, and operating instructions and are familiar with the signal code in use shall be permitted to operate a crane, winch or other power-operated hoisting apparatus, or any power-operated vehicle.

(b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him shall be permitted to operate a crane, winch or other power-operated hoisting apparatus or a power-operated vehicle.

(c) No minor under 18-years of age shall be employed in occupations involving the operation of any power-operated hoisting apparatus or assisting in such operations by performing work such as hooking on or landing drafts, rigging gear, etc.

§ 1504.98 Grain fitting.

(a) Where employees are engaged in work on longitudinal bulkheads or shifting boards (other than longitudinal bulkheads of feeders) at a distance of eight (8) feet or more above any ceiling, tank top or deck, the following shall apply:

(1) If working off portable straight ladders the provisions of § 1504.25(f) of this Part shall apply;

(2) If working off staging, any lumber used in the construction thereof shall be sound, straight grained, free from cross grain, shakes, and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength. Platform planking used as a work surface shall not be less than 2 x 10 lumber and the width of the platform shall not be less than 18 inches.

(3) If working from other elevated positions, employees shall be protected from falling by safety belt and lifeline or other equivalent protection.

(b) (1) When grain fitting operations are in progress in the square of an intermediate deck, the hatch covering at that deck shall be such as to cover the hatch except for the minimum open spaces necessary to perform the work.

(2) When coverings used to provide a temporary work surface are other than the vessels' hatch covers placed in their normal positions, they shall be of adequate strength and so placed or secured that they cannot be accidentally dislodged.

(c) When the erection of grain fittings requires employees to work on surfaces immediately adjacent to or between open deep tanks, either the deep tank covers shall be put in place, the opening covered by a net, or the opening guarded by a line, railing or net rigged as a railing, or by other suitable means.

(d) When removing hatch coverings from the interiors of feeders at the completion of their construction, or when removing or replacing hatch coverings in the interiors of feeders for any purpose at other times, employees engaged in this work shall be protected from falling by the use of adequate individual lifelines, properly tended, or by nets or other means suitable for the purpose. Except for the minimum open spaces necessary, hatch coverings shall not be removed within feeders under construction until such construction is completed.

(e) When repair or other work is carried out in the interior of an existing feeder and circumstances do not allow the covering of the hatch at that deck, employees shall be protected from falling by the use of adequate individual lifelines, properly secured and if necessary tended, or by nets or other means suitable for the purpose.

(f) Such other sections of this Part as are applicable to grain fitting operations shall be adhered to.

Subpart J—Personal Protective Equipment

§ 1504.101 Eye protection.

(a) When, because of the nature of the cargo being handled, an eye hazard from flying particles or heavy dust exists, employees shall be protected by eye protection equipment meeting the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z–2.1.

(b) Eye protection equipment shall be maintained in good condition.

(c) Eye protection equipment which has previously been used shall be cleaned and disinfected before it is issued by the employer to another employee.

(d) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

§ 1504.102 Respiratory protection.

(a) *General.* (1) Except as provided in subparagraph (c)(3) of this section, respiratory protective equipment required by this Part shall carry U.S. Bureau of Mines approval for the use intended. In cases where the U.S. Bureau of Mines does not issue approval against the particular hazard, equipment shall be acceptable to the Bureau of Labor Standards. Respiratory protective equipment shall be used only for the purpose intended and no modification of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees required to use respiratory protective equipment shall be instructed in its use.

(b) *Protection against gaseous contaminants not immediately dangerous to life.* (1) In concentrations of ammonia of less than 3 percent, or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister shall be used. Different canisters are approved for use against the following gases and groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide or combinations of the above.

(2) In low concentrations (less than 0.1 percent by volume, but above the Threshold Limit Value of the gas), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subparagraph (1) of this paragraph shall be used.

(c) *Protection against dusts.* (1) For protection against pneumoconiosis producing dusts, a respirator equipped with the type of filter approved for such purpose shall be used.

(2) For protection against toxic dusts, a respirator equipped with the type of filter approved for such purpose shall be used.

(3) For protection against nuisance dusts, a respirator equipped with the type of filter required in subparagraph (1) of this paragraph or a suitable dust mask shall be used.

§ 1504.103 Protective clothing.

(a) When employees are handling cargo which, due to ruptured, leaking or inadequate containers, may cause burns, skin irritation or be otherwise injurious to health, they shall be protected by suitable protective clothing.

(b) Protective clothing which has been previously worn shall be cleaned

and disinfected before it is issued by the employer to another employee.

§ 1504.104 Foot protection.

The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use.

§ 1504.105 Head protection.

(a) When employees are handling cargoes of loose scrap metal, bulk ores which contain ore in a chunky form, or bulk commodities of a similar nature, they shall be protected by protective hats meeting the specifications contained in the American Standard Safety Code for Head, Eye, and Respiratory Protection, Z–2.1.

(b) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

§ 1504.106 Protection against drowning.

(a) Employees working on log booms shall be protected by U.S. Coast Guard approved buoyant vests or U.S. Coast Guard approved work vests.

(b) Except when engaged in loading or discharging ocean going vessels, employees walking or working on the decks of barges on the Mississippi River System and the Gulf Intracoastal Waterway shall be protected by U.S. Coast Guard approved buoyant vests or U.S. Coast Guard approved work vests.

(c) Buoyant vests and work vests shall be maintained in good condition and shall be considered unserviceable when damaged so as to affect their buoyant properties or capability of being properly fastened.

Appendix I

Cargo Gear Register and Certificates

The cargo gear register, designated Form I by the ILO, is a booklet containing instructions and forms on which the following information is recorded:

Part I. Annual Inspection and Quadrennial Thorough Examination of Derricks and Permanent Attachments (including Bridle Chains) to the Derricks, Masts and Decks.

Part II. Annual Thorough Examination of Cranes, Winches, Hoists, and Accessory gear other than Derricks and Permanent Attachments Thereto.

Part III. Annual Thorough Examination of Gear which is Exempt from Heat Treatment.

Part IV. Heat Treatment of Chains, Rings, Hooks, Shackles and Swivels which Require such Treatment.

The following are the sample forms of certificates recommended by the ILO.

Test Certificate No. ------ Form No. 2

Certificate of Test and Examination of Winches, Derricks and Their Accessory Gear, Before Being Taken Into Use

(Form prescribed by ----------)

Name of ship on which machinery is fitted ----------

(1) Situation and description of machinery and gear, with distinguishing number or mark (if any)	(2) Angle to the horizontal of derrick boom while the load was applied (degrees)	(3) Proof load applied (tons)	(4) Safe working load at the angle shown in column 2 (tons)

(5) Name and address of public service, association, company or firm making the test and examination ----------

(6) Position of signatory in public service, association, company, or firm ----------

I certify that on the ------ day of ----------, 19--, the above machinery, together with its accessory gear, was tested by a competent person in the manner set forth on the reverse side of this certificate; that a careful examination of the said machinery and gear by a competent person after the test showed that it had withstood the proof load without injury or permanent deformation; and that the safe working load of the said machinery and gear is as shown in column 4.

(Signature) ----------

(Date) ----------

Note: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

[Reverse of Form 2]

INSTRUCTIONS

Every winch with the whole of the gear accessory thereto (including derricks, goosenecks, eye plates, eye bolts, or other attachments) shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load	*Proof load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

The proof load shall be lifted with the ship's normal tackle with the derrick at an angle which should not be more than 15 degrees to the horizontal, or, when this is impracticable, at the lowest practicable angle. The angle at which the test was made should be stated in the certificate of test. After the proof load has been lifted, it should be swung as far as possible in both directions.

As a general rule, all tests should be carried out in this way by dead load, and no exception should be allowed in the case of gear on new ships. In the case of replacements or renewals, however, spring or hydraulic balances may be used where dead loads are not available. Where a spring or hydraulic balance is used it shall be accurate, and the test should not be regarded as satisfactory unless the indicator remains constant for a period of at least five minutes.

After being tested as aforesaid, all lifting machinery, with the whole of the gear accessory thereto shall be examined to see whether any part has been injured or permanently deformed by the test.

The safe working load shown in column 4 is applicable only to a swinging derrick. When using fixed derricks, such as "union purchase" rigs, the safe working load should as a general rule be reduced; in any case, it should be determined with due regard to the actual conditions of use.

In the case of heavy derricks, care should be taken that the appropriate shrouds and stays are rigged.

NOTE: The expression "ton" means a ton of 1,000 kg or 2,200 lb.

Test Certificate No. ------ Form No. 3

CERTIFICATE OF TEST AND EXAMINATION OF CRANES OR HOISTS, AND THEIR ACCESSORY GEAR BEFORE BEING TAKEN INTO USE

(Form prescribed by ----------)

Name of ship on which machinery is fitted ----------

(1) Situation and description of crane or hoist, with distinguishing number or mark (if any)	(2) For jib cranes radius at which the proof load was applied	(3) Proof load applied (tons)	(4) Safe working load (for jib cranes at radius shown in column 2) (tons)

(5) Name and address of public service, association, company or firm making the test and examination ----------

(6) Position of signatory in public service, association, company or firm ----------

I certify that on the ------ day of ---------- 19--, the above machinery, together with its accessory gear, was tested by a competent person in the manner set forth on the reverse side of this certificate; that a careful examination of the said machinery and gear by a competent person after the test showed that it had withstood the proof load without injury or permanent deformation; and that the safe working load of the said machinery and gear is as shown in column 4.

(Signature) ----------

Date ----------

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

[Reverse of Form 3]

INSTRUCTIONS

Every crane and other hoisting machine, with its accessory gear, shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load	*Proof load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

The proof load shall be lifted and swung as far as possible in both directions. If the jib of the crane has a variable radius, it should be tested with a proof load, as defined above, at the maximum and minimum radii of the jib. With hydraulic cranes where, owing to the limitation of pressure, it is impossible to lift a load 25 percent in excess of the safe working load, it will be sufficient to lift the greatest possible load.

After being tested, each crane or hoist, with the whole of the gear accessory thereto, shall be examined to see whether any part has been injured or permanently deformed by the test.

NOTE: The expression "ton" means a ton of 1,000 kg or 2,200 lb.

Test Certificate No. ------ Form No. 4

CERTIFICATE OF TEST AND EXAMINATION OF CHAINS, RINGS, HOOKS, SHACKLES, SWIVELS AND PULLEY BLOCKS

(Form prescribed by ----------)

(1) Distinguishing number or mark (if any)	(2) Description of gear*	(3) Number tested	(4) Date of test	(5) Proof load applied (tons)	(6) Safe working load (tons)

*The dimensions of the gear, the type of material of which it is made and, where applicable, the heat treatment received in manufacture should be stated (unless Form No. 6 is used for the purpose).

(7) Name and address of makers or suppliers ----------

(8) Name and address of public service, association, company or firm making the test and examination ----------

(9) Position of signatory in public service, association, company or firm ----------

I certify that on the ------ day of ---------- 19--, the above gear was tested and examined by a competent person in the manner set forth on the reverse side of this certificate; that the examination showed that the said gear withstood the proof load without injury or deformation; and that the safe working load of the said gear is as shown in Column 6.

(Signature) ----------

(Date) ----------

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

[Reverse of Form 4]

INSTRUCTIONS

Chains, rings, shackles and other loose gear (whether accessory to a machine or not) shall be tested with a proof load equal to that shown against the article in the following table:

Article of gear	*Proof load*
Chain, ring, hook, shackle or swivel ----------	100 percent in excess of the safe working load.
Pulley blocks:	
Single-sheave block ----------	300 percent in excess of the safe working load.
Multiple-sheave block with safe working load up to and including 20 tons.	100 percent in excess of the safe working load.
Multiple-sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple-sheave block with safe working load over 40 tons.	50 percent in excess of the safe working load.
Pitched chains used with hand-operated pulley blocks and rings, hooks, shackles or swivels permanently attached thereto.	50 percent in excess of the safe working load.
Hand-operated pulley blocks used with pitched chains and rings, hooks, shackles or swivels permanently attached thereto.	50 percent in excess of the safe working load.

After being tested, all the gear shall be examined, the sheaves and the pins of the pulley blocks being removed for the purpose, to see whether any part has been damaged or permanently deformed by the test.

NOTE: The expression "ton" means a ton of 1,000 Kg or 2,200 lb.

Test Certificate No. ------ Form No. 5

CERTIFICATE OF EXAMINATION AND TEST OF WIRE ROPE BEFORE BEING TAKEN INTO USE

(Form prescribed by ----------)

Name and address of maker or supplier of rope ----------

Circumference/diameter* of rope ----------

Number of strands ----------

Number of wires per strand ----------

Lay ----------

Quality of wire ----------

Date of test of sample of rope ----------

Load at which sample broke ----------

Safe working load, subject to any stated qualifying conditions such as minimum pulley diameter, direct tensile load, etc ----------

Name and address of public service, association, company or firm making the examination and test ----------

Position of signatory in public service, association, company or firm making the examination and test ----------

I certify that the above particulars are correct, and that the examination and test were carried out by a competent person.

(Signature) ----------

(Date) ----------

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

* Delete what does not apply.

[Reverse of Form No. 5]

INSTRUCTIONS

Wire rope shall be tested by sample, a piece being tested to destruction, and the safe working load of running ropes shall not exceed one-fifth of the breaking load of the sample tested.

Certificate No. ------ Form No. 6

CERTIFICATE OF HEAT TREATMENT OF CHAINS, RINGS, HOOKS, SHACKLES AND SWIVELS WHICH REQUIRE SUCH TREATMENT

(Form prescribed by ----------)

(1) Distinguishing number or mark	(2) Description of gear*	(3) Number of certificate of test and examination	(4) Number heat treated	(5) Date of heat treatment	(6) Nature of heat treatment given	(7) Defects found at inspection after heat treatment

* The dimensions of the gear, the type of material of which it is made, and the heat treatment received in manufacture should be stated.

(8) Name and address of public service, association, company or firm carrying out the heat treatment and inspection ----------

(9) Position of signatory in public service, association, company or firm ----------

I certify that on the date shown in Column 5, the gear referred to in Columns 1 to 4 was heat-treated (indicated in Column 6) under my supervision; that after being so heat-treated every article was carefully inspected, and that no defects affecting its safe working condition were found other than those indicated in Column 7.

(Signature) ----------

(Date) ----------

NOTES: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

For requirements as to heat treatment, see reverse side.

[Reverse of Form No. 6]

INSTRUCTIONS

ANNEALING

Chains (other than bridle chains attached to derricks or masts), rings, hooks, shackles and swivels made of wrought iron, used in hoisting or lowering, shall be annealed at the following intervals:

	If used on lifting machinery driven by power	If used solely on lifting machinery worked by hand
Half-inch (12.5 mm) and smaller chains, rings, hooks, shackles and swivels in general use.	6 months	12 months.
All other chains, rings, hooks, shackles and swivels in general use	12 months	2 years.

OTHER HEAT TREATMENT

Chains, rings, hooks, shackles and swivels made of material other than wrought iron shall be heat treated in accordance with procedures approved by the competent authority.

Certificate No. ------

Form No. 7

CERTIFICATE OF ANNUAL THOROUGH EXAMINATION OF GEAR WHICH DOES NOT REQUIRE TO BE PERIODICALLY HEAT TREATED

(Form prescribed by ----------)

(1) Distinguishing number or mark	(2) Description of gear*	(3) Number of certificate of test and examination	(4) Remarks

*The dimensions of the gear, the type of material of which it is made, and the heat treatment received in manufacture should be stated.

(5) Name and address of public service, association, company or firm making the test and examination ----------

(6) Position of signatory in public service, association, company or firm ----------

I certify that on the ------ day of ---------- 19--, the above gear was thoroughly examined by a competent person, and that no defects affecting its safe working condition were found other than those indicated in Column 4.

(Signature) ----------

(Date) ----------

NOTES: This certificate is optional. The above particulars may be entered in Part III of the Register (Form No. 1).

"Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

For list of gear not required to be heat-treated and definition of "thorough examination", see reverse side.

[Reverse of Form No. 7]

INSTRUCTIONS

Gear not required to be heat treated, but required to be thoroughly examined by a competent person once at least in every twelve months:

Plate-link chains.
Pitched chains.
Rings, hooks, shackles and swivels permanently attached to pitched chains, pulley blocks or weighing machines.
Hooks and swivels having ball bearings or other case-hardened parts.
Bordeaux connections.

Other gear exempted by the competent authority, as follows:

NOTE: "Thorough examination" means a visual examination, supplemented if necessary by other means such as a hammer test, carried out as carefully as conditions permit in order to arrive at a reliable conclusion as to the safety of the parts examined; if necessary for the purpose, parts of the machines or gear must be dismantled.

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