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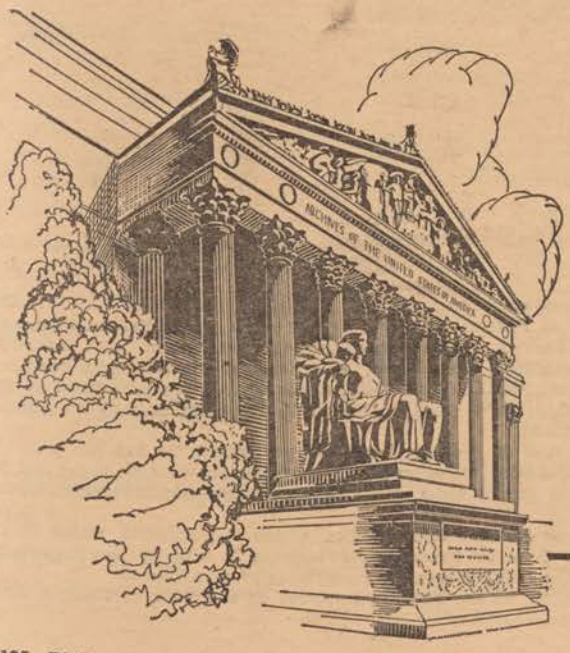
PART I

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Agriculture Department
Business and Defense Services Administration
Civil Aeronautics Board
Coast Guard
Consumer and Marketing Service
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Maritime Commission
Federal Power Commission
Foreign-Trade Zones Board
General Services Administration
International Commerce Bureau
Interstate Commerce Commission
Labor Department
Maritime Administration
Oil Import Administration
Post Office Department
Saint Lawrence Seaway Development Corporation
Small Business Administration
Social and Rehabilitation Service

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TITLE 3—THE PRESIDENT

Proclamation 3857

CAPTIVE NATIONS WEEK, 1968

By the President of the United States of America

A Proclamation

WHEREAS the joint resolution approved July 17, 1959 (73 Stat. 212) authorizes and requests the President of the United States of America to issue a proclamation each year designating the third week in July as "Captive Nations Week" until such time as freedom and independence shall have been achieved for all the captive nations of the world; and

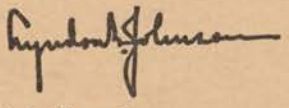
WHEREAS human freedom, national independence, and justice are fundamental rights of all peoples; and

WHEREAS the enjoyment of these rights, to which all peoples justly aspire, remains severely limited or denied in many areas of the world; and

WHEREAS the United States of America, in keeping with the principles on which it was founded, has sought consistently to promote the observance of fundamental human rights throughout the world;

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week beginning July 14, 1968 as Captive Nations Week.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of July in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.



[F.R. Doc. 68-8337; Filed, July 10, 1968; 5:00 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 17—SALES OF AGRICULTURAL COMMODITIES MADE AVAILABLE UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954 AS AMENDED

Subpart A—Regulations Governing the Financing of Commercial Sales of Agricultural Commodities

MISCELLANEOUS AMENDMENTS

The Regulations Governing the Financing of Commercial Sales of Agricultural Commodities pursuant to Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, are amended, as follows:

1. Section 17.13 is amended by changing paragraph (d) (1) to read as follows:

§ 17.13 Documentation.

* * * * *

(d) * * *

(1) Signed original of Form CCC–329, "Supplier's Certificate", to be executed by the carrier or its agent, covering the dollar cost of ocean freight or ocean freight differential.

* * * * *

2. Section 17.14 is amended by changing paragraph (b) (1) to read as follows:

§ 17.14 Documents in support of drafts drawn on CCC by banking institutions.

* * * * *

(b) *Documents originated by banking institutions.* (1) Form CCC–331 "Advice of Payment or Acceptance of Draft" in duplicate, the original containing an authorized signature for the banking institution.

* * * * *

3. Section 17.15 is amended by changing paragraph (a) (2) to read as follows:

§ 17.15 Responsibilities of banking institutions for transactions under letters of commitment.

* * * * *

(a) * * *

(2) *Advice to approved applicant.* The banking institution shall airmail advice of the amount of dollar disbursement or the dollar amount and maturity date of time drafts accepted to the approved applicant or to the bank or agency authorized by the approved applicant to open related letters of credit. If documents and advice of payment are sent to such bank or agency, another advice of payment shall be airmailed to the approved applicant. The transmittal shall include one of the following:

(i) When the purchase authorization is for sales on long-term credit there shall be included a request that the approved applicant or the bank or agency authorized by the approved applicant to open related letters of credit notify the participant that "the net amount of the supplier's invoice financed by CCC under the transaction is $------".

* * * * *

4. Section 17.16 is amended by changing the address of the New York Field Office of ASCS Fiscal Division to read as follows:

§ 17.16 ASCS Offices.

The addresses of the ASCS Offices are as follows:

* * * * *

New York Field Office, Fiscal Division, ASCS, 26 Federal Plaza, Room 1755, New York, N.Y. 10007.

* * * * *

(Secs. 101–110, 401–405, 409, 68 Stat. 455, as amended, sec. 8, 72 Stat. 1792, as amended; 7 U.S.C. 1701–1709, 1731–1735, 7 U.S.C. 1701 note)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER as to purchase authorizations issued on and after such date.

Issued at Washington, D.C., this eighth day of July 1968.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 68–8264; Filed, July 11, 1968; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 56—SWINE DESTROYED BECAUSE OF HOG CHOLERA

Payment of Indemnities

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 121, 123–126, and 134b), Part 56, Title 9, Code of Federal Regulations relating to the payment of indemnity for swine destroyed because of hog cholera, is hereby amended in the following respects:

1. New paragraphs (g) and (h) are added to § 56.1 to read as follows:

§ 56.1 Definitions.

* * * * *

(g) *Purebred swine.* Any breeding swine upon which a certificate of pure breeding has been issued by a purebred swine association.

(h) *Inbred or hybrid swine.* Any breeding swine upon which a certificate of registration has been issued by Inbred Livestock Registry Association or Farmers Hybrid Cos., Inc.

2. Section 56.3 is amended to read as follows:

§ 56.3 Appraisal of swine.

Swine affected with or exposed to hog cholera which are to be destroyed and indemnities paid therefor under this part shall be appraised at their actual value for meat, feeding or breeding purposes at the place and time of appraisal, except that in the case of grade animals only females shall be eligible for appraisal based on breeding value and that no such appraisal shall exceed three times the animals' meat or feeding value. Appraisal shall be made by a Division or State representative or jointly. The record of appraisal shall be signed by the appraiser, or appraisers, and by the owner certifying his acceptance of the appraisal. Swine may be appraised in groups providing they are the same type and providing that where appraisal is by the head each animal in the group is the same value per head or where appraisal is by the pound each animal in the group is the same value per pound. Swine presented for appraisal as purebred swine shall be accompanied by their certificate of pure breeding; swine presented for appraisal as inbred or hybrid swine shall be accompanied by their certificate of registration. Certificates of pure breeding for purebred swine or certificates of registration for inbred or hybrid swine shall be presented at the time of appraisal or such swine will be appraised as grades: *Provided, however,* That in the absence of such certificate of pure breeding; or certificate of registration for inbred or hybrid swine the Director of Division may grant a reasonable time for the presentation of their certificate of pure breeding or registration to the appraiser.

3. Section 56.7(b) is amended to read as follows:

§ 56.7 Payment to owners for swine destroyed.

* * * * *

(b) Federal indemnity shall not exceed $40 per head for grade swine or $50 per head for purebred and inbred or hybrid swine.

(Secs. 3–5, 23 Stat. as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended, 75 Stat. 481, 76 Stat. 129–132; 21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 121, 123–126, 134b)

The purposes of the foregoing amendments are (1) to permit payment of indemnity for registered hybrid and inbred swine at the same rate paid for purebred swine and (2) to permit swine to be appraised by either a representative of the State or a representative of the Division or both.

The amendment will be of benefit to affected persons as it will increase the rate of indemnity for hybrid and inbred swine and will also facilitate the payment of all indemnity claims for swine destroyed because of hog cholera. Accordingly, under the administrative procedure provisions (5 U.S.C. 553) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

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

Done at Washington, D.C., this eighth day of July 1968.

R. J. ANDERSON,
Acting Adminstrator,
Agricultural Research Service.

[F.R. Doc. 68-8283; Filed, July 11, 1968; 8:47 a.m.]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Designation of Free and Infected Areas and Eradication Areas

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 1 through 4 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126) Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, is hereby further amended in the following respects:

1. Subparagraph (3) of § 74.2(a) is amended to read as follows:

§ 74.2 Designation of free and infected areas.

(a) * * *

* * * * *

(3) All counties in Pennsylvania except Chester and Dauphin: *Provided, however,* That the premises known as the State Farm Show Building, located at the northwest corner of Maclay and Cameron Streets, Harrisburg, Dauphin County, Pa., is hereby also designated as a free area.

* * * * *

2. Subparagraph (2) of § 74.3(a) is amended to read as follows:

§ 74.3 Designation of eradication areas.

(a) * * *

* * * * *

(2) The following counties in Pennsylvania: Chester and Dauphin, with the exception of the premises known as the State Farm Show Building, located at the northwest corner of Maclay and Cameron Streets, Harrisburg, Dauphin County, Pa.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended, 76 Stat. 129–132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134–134(h); 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the premises known as the State Farm Show Building in Harrisburg, Pa., to the list of free areas and deletes such premises from the list of infected and eradication areas as sheep scabies is not known to exist therein. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas, as contained in 9 CFR Part 74, as amended, will not apply to the premises of the State Farm Show Building in Harrisburg, Pa. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply to such premises.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this ninth day of July 1968.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68-8285; Filed, July 11, 1968; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[11th Gen. Rev. of Export Regs., Amdt. 4]

PART 368—MUTUAL ASSISTANCE ON U.S. IMPORTS AND EXPORTS (AS APPLIED TO SELECTED U.S. IMPORTS)

PART 385—EXPORTS OF TECHNICAL DATA

Miscellaneous Amendments

Parts 368 and 385 of the Code of Federal Regulations are 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 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

Effective date: July 3, 1968.

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

I. *Revised Delivery Verification Form.* Purpose and effect: The Delivery Verification, Form FC–908, has been revised, simplified, and retitled "Delivery Verification Certificate." U.S. importers should immediately begin using the revised Form FC–908, Delivery Verification Certificate, bearing the printing date of May 1, 1968, when applying to Customs Offices for certification of delivery of foreign imports. Forms FC–908, dated earlier than May 1, 1968, already prepared, may be presented for certification until July 31, 1968. After that date, only the new form will be certified.

Supplies of the revised form may be obtained from Field Offices of the U.S. Department of Commerce, from Customs Offices, and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

Accordingly, § 368.1 of the Export Regulations is amended to read as set forth below:

Section 368.1 (d) and (e) are revised to read as follows:

§ 368.1 Import certificate and delivery verification on selected imports into the United States.

* * * * *

(d) *Delivery Verification Certificate on imports into the United States*—(1) *General.* (i) U.S. importers may be requested by their foreign exporters to supply them with a certified Form FC–908,[1] Delivery Verification Certificate (revised May 1, 1968; see Supplement S–16 for facsimile), covering materials imported into the United States. These requests are made by foreign governments to assure strategic goods shipped to the United States are not diverted from their intended destination. The issuance of an export license by the foreign country, in these instances, is conditioned upon the subsequent receipt of a certified Delivery Verification Certificate from the U.S. importer.

(ii) Failure by the U.S. importer to comply with his foreign exporter's request for a Delivery Verification Certificate will result in the exporter's inability to fulfill his obligation to his government and may result in his being denied further export licenses. Obviously, this would prevent the U.S. importer from participating in further import transactions with that foreign exporter. It also may result in the U.S. importer being cut off from any trade with the exporting country requesting the Delivery Verification Certificate. In addition, the foreign

[1] Form FC–908 may be obtained from all U.S. Department of Commerce field offices, from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, and from U.S. Customs Offices.

exporter may be subjected to other penalties for his failure to furnish his government a certified Delivery Verification Certificate.

(iii) Where a U.S. person or firm is required to provide a Delivery Verification Certificate and does not wish to disclose to his seller or transferor the name of his customer, he may obtain the Delivery Verification Certificate and send it to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. The Office of Export Control will then notify the government authorities in the country of the seller or transferor of the satisfactory delivery of the commodities. In notifying the foreign government requesting the Delivery Verification Certificate, the Office of Export Control will forward an appropriately modified Form IA-956, Delivery Compliance Notice, signifying the receipt of satisfactory assurances that the commodities were imported into the United States.

(2) *Completion and disposition of Delivery Verification Certificates.* A U.S. importer who is required by the foreign government to obtain a Delivery Verification Certificate shall present Form FC-908, Delivery Verification Certificate (revised May 1, 1968) in duplicate, to a U.S. Customs Office. The Customs Office will certify a Delivery Verification Certificate after the import has been delivered to the importer. A Delivery Verification Certificate will be certified by a U.S. Customs Office only where the import is made under a warehouse or consumption entry. Form FC-908 shall be completed by the U.S. importer in all respects except as to type of customs entry (warehouse or consumption), entry number, date of entry, and certification at the bottom of the form. The commodities shall be described on the form in the same terms as those shown on the related Import Certificate. The U.S. importer shall dispatch the original of the certified Delivery Verification Certificate to the foreign exporter or otherwise dispose of it in accordance with the instructions of the exporting country. The duplicate copy will be retained by the U.S. Customs Office.

(3) *Lost or destroyed Delivery Verification Certificate.* When a Delivery Verification Certificate is lost or destroyed, the U.S. importer shall submit a letter to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, certifying:

(i) That the original Delivery Verification Certificate has been lost or destroyed;

(ii) The circumstances under which it was lost or destroyed;

(iii) The type of customs entry (warehouse or consumption), entry number, and date of entry; and

(iv) The number (if known) and date of the related Import Certificate.

The Office of Export Control will, in applicable cases, notify the exporting government that a Delivery Verification Certificate has been issued.

(e) *Penalties and sanctions for violations*—(1) *Administrative.* (i) the enforcement provisions of Part 381 of this chapter and § 384.2(a) of this chapter, and the denial or suspension of export privileges provisions of Part 382 of this chapter (Export Regulations) shall apply to transactions involving imports into the United States covered by this Part 368. Any provisions of Part 381 of this chapter and § 384.2(a) of this chapter, which by their terms relate to "exports" or "exports from the United States" are also deemed to apply and extend to imports into the United States, applications for Import Certificates, Import Certificates, and Delivery Verification Certificates, dealt with in this Part 368. (A Form FC-826, Import Certificate, when presented to the U.S. Department of Commerce for certification or validation, is an application for Import Certificate.)

(ii) Any person, either in the United States or abroad, who violates the Export Control Act or any regulation, order, or license issued thereunder, including the provisions of this Part 368, is subject to administrative action which may result in disqualification from eligibility to obtain a certified Import Certificate from the Office of Export Control; in suspension, revocation, and denial of export privileges under the Export Control Act; and in exclusion from practice before the Bureau of International Commerce.

NOTE: Applications for Import Certificates, and Delivery Verification Certificates, as specified in this Part 368, are included within the definition of export control documents set forth in § 370.1(n) of the Export Regulations.

(2) *Criminal.* The False Statements Act makes it a criminal offense to make a wilfully false statement or conceal a material fact, or knowingly use a document containing a false statement, in any matter within the jurisdiction of a U.S. department or agency. Maximum penalties under this provision are $10,000 fine or imprisonment for 5 years, or both. In addition, a violation of the Export Control Act or any regulation, order, or license issued thereunder is punishable by a fine of not more than $10,000 or by imprisonment for not more than 1 year, or both (also see § 381.1(a) of this chapter).

II. *Revision of General License GTDU.* Simplification of assurance requirement for certain exports of technical data.

Purpose and effect: The requirement in the Export Regulations that an exporter obtain a written assurance regarding the use of certain types of technical data to be exported under the provisions of General License GTDU has been restated in a simpler form without any substantive change. The phrase "technical data related to commodities identified by the symbol W in the column of the Commodity Control List indicating the country groups for which a validated license is required" adequately describes one type of technical data requiring a written assurance. Further identification of this type of technical data has been found unnecessary.

Elimination of assurance requirement for certain exports of technical data.

Purpose and effect: Before exporting unpublished technical data relating to certain materials and equipment under the provisions of General License GTDU, the exporter must obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be shipped, directly or indirectly, to a destination in Country Group W, Y, or Z. This written assurance is no longer required for (a) oil burners and gas combustion burners, ceramic cup type only (Export Control Commodity No. 71913); (b) nonelectric industrial furnaces (heaters) of the following types: (i) Cylindrical having a suspended deflecting cone, or (ii) radiant wall employing multiple independently controlled ceramic cup burners (Export Control Commodity No. 71914); and (c) parts and accessories therefor.

Accordingly, § 385.2(c) (4)(ii) and (5) (i) and (ii) of the Export Regulations are amended as set forth below:

1. In § 385.2(c)(4) the following entries are deleted from subdivision (ii):

Department of Commerce Export Control Commodity Number	*Commodity Description*
71913	Oil burners and gas combustion burners, ceramic cup type only; and parts and accessories n.e.c., specially designed for ceramic cup burners.
71914	Nonelectronic industrial furnaces (heaters) of the following types: (a) Cylindrical having a suspended deflecting cone, or (b) radiant wall employing multiple independently controlled ceramic cup burners and parts and accessories, n.e.c., specially designed for the furnaces (heaters).

2. Subdivisions (i) (a) and (b) and (ii)(b) of § 385.2(c)(5) are revised to read as follows:

§ 385.2 General licenses.

* * * * *

(c) *General License GTDU; unpublished technical data.* * * *

(5) *Requirement of written assurance for certain additional products and destinations.* (i) Except for technical data requiring a written assurance in accordance with the provisions of subparagraph (4) of this paragraph, and except as provided in subdivision (v) of this subparagraph no export of technical data relating to the commodities described below in this subdivision (i) may be made under the provisions of this General License GTDU, until the U.S. exporter has received a written assurance from the foreign importer (including any Canadian importer) that, unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly:

(*a*) Reexport, directly or indirectly, to Country Group W, Y, or Z, any technical data relating to commodities identified by the symbol "W" in the column of the Commodity Control List indicating the country groups for which a validated license is required;

(b) Export, directly or indirectly, to Country Group Z, any direct product[1] of the technical data if such direct product is identified by the symbol "W" in the column of the Commodity Control List indicating the country groups for which a validated license is required; or

* * * * *

(ii) If the direct product[1] of any technical data is a complete plant or any major component of a plant which is capable of producing a commodity identified by the symbol "W" in the column of the Commodity Control List indicating the country groups for which a validated license is required, or appears in the U.S. Munitions List, a written assurance by the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) shall be obtained by the U.S. exporter (via the foreign importer), stating that, unless prior authorization is obtained from the Office of Export Control, such person will not knowingly:

* * * * *

(b) Export, directly or indirectly, to Country Group Z, the plant or the major component of a plant (depending upon which is the direct product[2] of the technical data) or any product of such plant or of such major component if such product of the plant is identified by the symbol "W" in the column of the Commodity Control List indicating the country groups for which a validated license is required, or appears in the U.S. Munitions List; or

* * * * *

[F.R. Doc. 68-8310; Filed, July 11, 1968; 8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 20—OCCUPATIONAL TRAINING OF UNEMPLOYED PERSONS

Subpart D—Allowances and Other Payments Under Title II

AMOUNT OF TRAINING ALLOWANCE

Pursuant to authority contained in section 207 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2587), I hereby amend Title 29, Part 20, of the Code of Federal Regulations as set forth below. The purpose of this amendment is to bring the regulations into conformity with certain changes made by the Social Security Amendments of 1967 (Public Law 90-248; 81 Stat. 821).

Section 4 of the Administrative Procedure Act (5 U.S.C. 553) which requires notice of proposed rule making, opportunity for public participation and delay in effective date is not applicable because these rules only relate to public benefits. I do not believe such procedure will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

Subparagraph (1) of § 20.35(d) is amended to read as follows:

§ 20.35 Amount of training allowance.

* * * * *

(d) *Training incentive payments and expense allowances to recipients of public assistance benefits.* (1) No training allowance shall be paid to any person for any period for which a money payment has been made with respect to the need of that person under a State plan which has been approved under Title I, IV, X, XIV, or XVI of the Social Security Act.

* * * * *

(Sec. 207, 76 Stat. 29; 42 U.S.C. 2587)

Signed at Washington, D.C., this fifth day of July 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-8263; Filed, July 11, 1968; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5), Amdt. 9]

OI REG. 1—OIL IMPORT REGULATION

Allocations of Imports; Crude Oil and Unfinished Oils

In the FEDERAL REGISTER for July 10, 1968 (33 F.R. 9902), there appears as a part of Oil Import Regulation 1 (Revision 5), Amendment 9, section 25(j)(1) the statement that applicants for allocations based upon new or reactivated refinery capacity and petrochemical plants must file the application not later than July 12, 1968.

In order to assure adequate time for all applicants to file an application this date is extended to July 17, 1968.

STEWART L. UDALL,
Secretary of the Interior.

JULY 11, 1968.

[F.R. Doc. 68-8370; Filed, July 11, 1968; 11:28 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 402—TARIFF OF TOLLS

Empty Cargo Containers

Pursuant to an agreement dated May 9, 1968, between the St. Lawrence Seaway Authority of Canada and the Saint Lawrence Seaway Development Corporation, the definition of the term "cargo" in the St. Lawrence Seaway Tariff of Tolls (33 CFR 402.2) is hereby modified and extended to exclude from toll assessment under the Tariff cargo containers having a cubic capacity of 640 feet or more, when carried empty aboard vessels.

The Seaway entities intend this change to encourage the use of containerized shipments on the Seaway. The exclusion of empty cargo containers of 640 cubic feet or more is believed to cover all cargo containers having economic value for Seaway users. Therefore it is considered advisable to give effect to this change without delay to avoid uncertainty as to the status of empty cargo containers in the Seaway system during the 1968 navigation season.

For the foregoing reasons, I find that notice and public procedure are impractical and unnecessary and that good cause exists for making this amendment effective on less than 30 days' notice.

Therefore effective immediately, § 402.2(c) of the St. Lawrence Seaway Tariff of Tolls (33 CFR Part 402) is amended to read as follows:

§ 402.2 Interpretation.

In this tariff,

* * * * *

(c) "Cargo" means all goods aboard a vessel whether carried as revenue or non-revenue freight or carried for the vessel owner, except empty containers having a cubic capacity of 640 feet or more, ships' fuel, ballast, or stores, and crew or passengers' personal effects;

* * * * *

(68 Stat. 92-96, 33 U.S.C. 981-990; Agreement between the Governments of United States and Canada dated Mar. 9, 1959, TIAS 4192)

Dated: July 8, 1968.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] JOSEPH H. MCCANN,
Administrator.

[F.R. Doc. 68-8272; Filed, July 11, 1968; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 824—POSTAL DATA CENTERS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows to revise its organization statement:

I. In Part 824 make the following changes:

§§ 824.3, 824.4, 824.5, 824.6 [Redesignated]

A. A new § 824.2 is inserted and places the data center disbursing function directly under the Director, Postal Data Center. Sections 824.2, 824.3, 824.4, and 824.5 are redesignated as §§ 824.3, 824.4, 824.5, and 824.6 respectively. New § 824.2 reads as follows:

§ 824.2 Disbursing Office.

Responsible for the control, signing, and disbursement of U.S. Treasury

[1] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

[2] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

checks for all payments made by the data center. Receives and accounts for fund remittances and collections. Verifies deposits and acts as special agent for the Director, PDC for payroll savings bonds. Serves as liaison with regional distributing post offices on matters pertaining to accountable paper. Controls all other negotiable paper.

NOTE: The corresponding Postal Manual section is 824.2.

§§ 824.4 [Amended]

B. In § 824.4 make the following changes:

1. In paragraph (b)(5) delete the words "postal savings depositories" and change the words "local service" to "postal operations."

2. In paragraph (c)(1) delete the words "cases of incompetent and deceased postal savings deposits."

NOTE: The corresponding Postal Manual sections are 824.42 and 824.43a, respectively.

As the foregoing amendments relate to a proprietary function of the Government and do not affect substantive rights, public rule making procedures, advance notice or a delayed effective date are unnecessary.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JULY 9, 1968.

[F.R. Doc. 68-8271; Filed, July 11, 1968; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

SCREENING PERIODS, RELEASE DATES, WITHDRAWALS

This amendment furnishes definitions of the utilization screening period and the surplus release date; provides for the accommodation of reports of excess property made on data processing equipment media; delineates when excess shall become surplus and the circumstances under which property may be retrieved from excess or surplus status; states when property may be withdrawn from sale for the purpose of donation; and revises the statement on when property may be taken from a sales offering to fill a Federal agency need.

The table of contents for Subchapter H is amended to provided new and revised entries as follows:

Sec.

101-43.104-17a	Screening period.
101-43.104-18a	Surplus release date.
101-44.101	Withdrawal of donable property.
101-44.320	Donation of property withdrawn from sale.

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

Subpart 101-43.1—General Provisions

Subpart 101-43.1 is amended by the addition of new §§ 101-43.104-17a and 101-43.104-18a as follows:

§ 101-43.104-17a Screening period.

The calendar period of time measured, in the case of reportable excess personal property, from the day following receipt of a report, as prescribed by § 101-43.311-2, in the appropriate GSA office, or, in the case of nonreportable excess personal property, from the day following the date of the determination by the holding agency that the property is available for screening as excess, to and including the day of the surplus release date.

§ 101-43.104-18a Surplus release date.

The predetermined date on which Federal utilization screening of excess personal property is terminated and the property is considered available for disposition as surplus. The date signifies the transition of the property from excess to surplus status. In some publications concerned with personal property management procedures, the words "Automatic Release Date" or "ARD" are used to designate this date.

Subpart 101-43.3—Utilization of Excess

Subpart 101-43.3 is amended by revising § 101-43.311-2 and § 101-43.318 to read as follows:

§ 101-43.311-2 Form and distribution of reports.

Reports of excess property shall be made on Standard Form 120, Report of Excess Personal Property, and Standard Form 120A, Continuation Sheet (Report of Excess Personal Property) (see §§ 101-43.4902 and 101-43.4902-2), in accordance with the instructions in § 101-43.4902-1, or, when acceptable to GSA, on data processing equipment media. Reports on Standard Forms 120 and 120A shall be submitted in original and three copies. Reports on data processing equipment media shall be submitted in the number of copies agreed upon by GSA. Reports shall be submitted to the appropriate GSA regional office for the region in which the property is located (see § 101-43.4903), except that reports of fixed wing and rotary wing aircraft shall be submitted to the General Services Administration, Property Management and Disposal Service, Utilization and Donation Division, Washington, D.C. 20405. Reports of excess Standard forms with samples of such forms shall be made to the General Services Administration Region 3, Federal Supply Service, Washington, D.C. 20407, for potential redistribution under the Standard forms program.

§ 101-43.318 Determination of excess as surplus.

§ 101-43.318-1 Reportable property.

Excess property, when reported to the General Services Administration in accordance with § 101-43.311, and not transferred to other Federal agencies, shall become surplus at the close of business on the surplus release date established by the Administrator of General Services or his designee, and this date should be evidenced on the report of excess personal property. The surplus release date normally will be established to occur 60 days after receipt of the report of excess personal property in the appropriate GSA office. The Administrator of General Services or his designee may extend a surplus release date if such an extension is consistent with utilization objectives. The appropriate GSA regional office will formally notify the reporting activity prior to the surplus release date when an extension is contemplated.

§ 101-43.318-2 Nonreportable property.

Property excepted from the reporting requirements of § 101-43.311 shall become surplus when, after determination by the holding agency that it is excess, such property has been held available for Federal use for a minimum of 15 calendar days in accordance with the provisions of § 101-43.306 and has not been selected for transfer to other Federal agencies. Holding agencies shall annotate property records in a manner that will indicate to authorized Federal agency representatives the date of the excess determination by the holding agency. The surplus release date will be the day on which the Federal utilization screening period ends, and the property will become surplus at the close of business on that day. The surplus release date will normally occur 15 days after the holding agency determines the property to be available for screening as excess, unless extended by GSA. Authorized Federal agency representatives may request and, with the approval of GSA, holding agencies will grant additional time, not to exceed 30 calendar days unless otherwise agreed to by the holding agency concerned, to complete selection for Federal use when the time provided is insufficient. Any additional extension of time shall be as mutually agreed upon by the holding agency and the GSA regional office concerned. The release as surplus of property not transferred to other Federal agencies will be deferred by the same lengths of time. During the screening period following the determination that the property is excess, no holding agency shall take for its use any property in its custody which has been selected by a GSA area utilization officer for further screening or transfer for utilization, except with the approval of the appropriate GSA regional office: *Provided, however,* That holding activities may withdraw such property to meet

their essential emergency requirements without this prior approval. The appropriate GSA regional office shall be notified of any such actions. This § 101–43.318–2 is applicable to all nonreportable excess property other than perishables, dangerous property, classified property, trading stamps, and Atomic Energy Commission materials.

§ 101–43.318–3 Donation and sale of surplus property.

Holding agencies shall hold property determined to be surplus, as provided in §§ 101–43.318–1 and 101–43.318–2, available for donation program screening in accordance with Part 101–44 of this subchapter before it shall be assigned for sale, abandonment, or destruction in accordance with Part 101–45 of this subchapter.

PART 101–44—DONATION OF PERSONAL PROPERTY

Subpart 101–44.1—General Provisions

Subpart 101–44.1 is amended by revising § 101–44.101 to read as follows:

§ 101–44.101 Withdrawal of donable property.

Surplus personal property set aside for donation in accordance with § 101–44.304, or approved for donation in accordance with § 101–44.308, may be withdrawn for use by the holding agency, or for transfer to a Federal agency (including the Senate, the House of Representatives, the Architect of the Capitol, and any activities under his direction, the District of Columbia, and mixed-ownership corporations as defined in the Government Corporation Control Act), with the prior approval of GSA: *Provided, however,* That holding activities may withdraw such property to meet their essential valid requirements without this prior approval. The appropriate GSA regional office shall be notified of any such actions. The sponsoring Federal agency which made application for donation of the property will be advised by the GSA regional office at the time a withdrawal is approved.

Subpart 101–44.3—Donation for Educational, Public Health, and Civil Defense, Including Research or Public Airport Purposes

Subpart 101–44.3 is amended by revising § 101–44.304 and by adding new § 101–44.320 to read as follows:

§ 101–44.304 Donation screening period.

(a) A period of 15 calendar days following the surplus release date (see § 101–43.104–18a) shall be provided in which to set aside surplus reportable and nonreportable property determined to be usable and necessary for donation purposes. Reportable surplus property will be set aside for donation when an application for donation is submitted to a GSA regional office for approval within the donation screening period, with an informational copy to the holding agency. Nonreportable surplus property will be set aside for donation upon notification to a holding agency, within the donation screening period, by a responsible Federal official or by an authorized donee representative, that the property is usable and necessary for donation purposes. Holding agencies shall annotate nonreportable property records in a manner which will indicate to authorized donee representatives or responsible Federal officials the date of the surplus determination by the holding agency.

(b) During the prescribed 15-day donation screening period, applications for surplus personal property will be processed by GSA regional offices in accordance with the following sequence:

(1) Department of Defense personal property reportable to GSA in accordance with § 101–43.311 will be reserved for public airport donation during the first 5 days of the donation screening period, and during the next 5 days for service educational activities. During the remaining portion of the donation screening period, the property will be available on a first-come, first-served basis to all donee applicants.

(2) Executive agency personal property, other than personal property of the Department of Defense, reportable to GSA in accordance with § 101–43.311 will be reserved for public airport donation during the first 5 days of the donation screening period. During the remaining portion of the donation screening period, the property will be available on a first-come, first-served basis. This property is not available for donation to service educational activities.

(3) All executive agency personal property not reportable to GSA will be made available for donation on a first-come, first-served basis. Service educational activities are not eligible for donation of nonreportable surplus personal property of executive agencies, other than the Department of Defense.

(c) No holding agency shall take for its own use any property in its custody during the donation screening period following the determination that the property is surplus except as provided in § 101–44.101.

§ 101–44.320 Donation of property withdrawn from sale.

Surplus personal property which is being offered for sale may be withdrawn and approved for donation provided such action is not harmful to the sale, as jointly determined by GSA and the holding or selling activity, but in any event such withdrawal must be made prior to the award of such property. The Federal agency requesting withdrawal of property from sale for purposes of donation will submit the request to GSA for consideration and coordination with the selling activity, together with an adequate justification and a statement as to whether the property had been available for screening during the authorized donation screening period.

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101–45.1—General

Subpart 101–45.1 is amended by revising § 101–45.102 to read as follows:

§ 101–45.102 Needs of Federal agencies paramount.

Any need for personal property expressed by any Federal agency (including the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction, the District of Columbia, and mixed-ownership corporations as defined in the Government Corporation Control Act) shall be paramount to any disposal, if such need is made known to the holding or selling agency prior to actual removal of the property from Government control in the case of sale.

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

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

Dated: July 5, 1968.

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

[F.R. Doc. 68–8269; Filed, July 11, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 319]

UNSHU ORANGES FROM JAPAN

Notice of Quarantine

Notice is hereby given under the administrative procedure provisions of 5 U.S.C. 553, that, pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 160, 162), it is proposed to amend § 319.28(h) of the quarantine relating to the importation of citrus fruit (7 CFR 319.28) to read as follows, so as to permit the importation of Unshu oranges from Japan to destinations in Alaska at any time, subject to the permit and other requirements of the Fruit and Vegetable Quarantine No. 56:

§ 319.28 Notice of quarantine.

* * * * *

(h) The foregoing safeguard conditions in paragraphs (b) and (f) of this section will not apply to importations into Alaska during the 1968 shipping season and succeeding seasons unless it is found that such oranges of the Unshu class grown in Japan are moving to other parts of the United States. Such importations, however, are subject to permit and other requirements under the Fruit and Vegetable quarantine, § 319.56.

(Secs. 5, 7, 9, 37 Stat. 316, 317, 318; 7 U.S.C. 159, 160, 162; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended)

Effective July 3, 1967, the quarantine was revised to allow importations of Unshu oranges from approved citrus canker-free areas in Japan into Alaska, Idaho, Montana, Oregon, and Washington under specified requirements. Seasonal growing conditions in Japan in 1967 prevented the harvesting of enough oranges from approved citrus canker-free areas for export to the United States in that year, and oranges from nonapproved areas were admitted into Alaska during the fall of 1967 under an amendment to Quarantine No. 28, effective November 9, 1967.

A further study of the matter suggests that such Japanese oranges imported into Alaska for consumption there would not represent a disease risk to the U.S. citrus production.

The foregoing proposed amendment of the quarantine would permit the importation of such oranges into Alaska for consumption there under the same requirements as were enforced prior to the revision of July 3, 1967. No change would be made in the requirements with respect to imports of oranges from Japan entering into or destined for the other States named.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 45 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this eighth day of July 1968.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68-8284; Filed, July 11, 1968; 8:47 a.m.]

Consumer and Marketing Service

[7 CFR Part 932]

[Docket No. AO-352-A1]

OLIVES GROWN IN CALIFORNIA

Decision and Referendum Order With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Fresno, Calif., on March 21, 1968, after notice thereof published in the FEDERAL REGISTER (33 F.R. 4107), on proposed amendment of the marketing agreement and Order No. 932 (7 CFR Part 932), regulating the handling of olives grown in California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, on May 24, 1968, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 68-6381; 33 F.R. 7823). No exception was filed.

Material issues. The material issues presented on the record were concerned with amending the order to:

(1) Redefine "natural condition olives," to permit movement of such olives in water or other preserving mediums;

(2) Change the provisions dealing with allocation of handler representation on the Olive Administrative Committee as between cooperative and independent organizations;

(3) Change the provisions relating to assessments;

(4) Revise the provisions authorizing marketing research and development projects to include authority for any form of paid advertising;

(5) Revise the provisions on "Incoming regulations" to provide for changing the minimum standards for natural condition olives to reflect seasonal conditions, and for flexibility in meeting handlers undersize and cull obligations;

(6) Revise the provisions on outgoing regulations to provide for modification of the grade applicable to packaged olives, and for changing minimum size requirements for olives to be used in the halved, sliced, chopped and minced styles of canned ripe olives;

(7) Change the interhandler transfer provisions to provide that the disposition obligation for undersize and cull olives may be transferred with natural condition olives;

(8) Provide for exempting from regulation olives in certain types of shipments, and for specified purposes; and

(9) Make conforming changes.

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

(1) The order defines "natural condition olives" for the purpose of applying size-grading and other requirements at the incoming level. The current definition includes olives in their fresh-harvested state prior to their being placed in water or any curing or preserving solution. Such definition precludes placing olives in water or any curing or preserving solutions previous to their being weighed and size-graded. Up to now, the usual method of harvesting olives has been by hand. In recent years growers have experienced a shortage of harvesting labor. Costs of such labor has increased substantially. The industry has been attempting to develop a more efficient and less costly means of harvesting olives. Some of these methods involve harvesting by mechanical means. It has been found, however, that machine harvesting results in a considerably increased incidence of bruising of the olives, in some incidences near double that incurred in hand picking. Bruises on olives oxidize and the olives deteriorate unless the fruit is handled in a manner that will inhibit oxidization. It appears that placing the olives in water, brine, or similar solutions immediately upon removal from the tree would do this. This practice is used extensively in the handling of mechanically harvested cherries

for processing, and indications are that it will prove so for olives.

To accommodate the handling of olives in water or other preserving mediums a change in the definition of "natural condition olives" is necessary.

Olives continue to manifest an appearance characteristic of fresh harvested olives for a sufficient time to permit transport to the processing plant after being placed in water or a preserving solution, and this appearance is apparent to inspectors and others who are responsible for overseeing procedures under the order. Only so long as the olives continue to manifest such appearance should the olives be considered as natural condition olives. The intent is not to restrict solution handling to mechanically harvested fruit. If it should prove beneficial, such manner of handling should be available for all olives regardless of how harvested. If the committee determines that such are necessary it should develop suitable instructions and procedures governing the handling of fruit from grove to processing plant so as to facilitate certification with respect to size grading. It is therefore concluded that the term "natural condition olives" should be redefined as hereinafter set forth.

(2) The Olive Administrative Committee established under the order consists of sixteen members. Eight positions are allocated to growers and eight to handlers. The order, within prescribed limits, provides for reallocation of the handler member positions as between cooperative handlers and independent handlers. Allocation of handler membership between these two groups is on the basis of the relative volume of olives handled. Currently this allocation is four members to cooperative handlers and four members to independent handlers. Present provisions of the order provide for allocation of not less than three members to the cooperative handler group and four members to the independent handler group with an additional member allocated to the group which handles more than 50 percent of the volume in a specified 2-year period. Initially, on this basis, the cooperative handler group was allocated three members and the independent handler group five members. Reallocation to a four and four relationship was effected in 1967 when the volume of olives handled by the cooperative group exceeded the 50 percent required in the specified period.

The record shows that this four and four relationship should be continued so long as neither group handles 65 percent or more of the volume of olives in the crop year in which nominations are made and in the immediately preceding crop year. But at any time either group handles 65 percent or more of the volume in each of such years reallocation of membership should be made to establish a five and three relationship with the group handling 65 percent being allocated five members. Further, provision should be made for the committee with the approval of the Secretary to prescribe such other allocation as may be found to be desirable to provide for equitable handler representation, generally on the basis of the relative volume of olives handled by each of the two groups. It should be understood, however, that no such reallocation should deprive either the independent or cooperative group of representation on the committee.

The current provisions of the order establishing sub-groups of independent handlers, i.e. the "4 largest" and "all other" for purposes of allocating membership within the independent group are unnecessary. The manner in which the "large" and "all other" independent handlers operate is similar, hence persons can be chosen to represent the independent group on the committee without particular regard to the relative size of operation. Further, it is impractical and undesirable to retain the provisions of the order which limit nominations from any handler organization to not more than those required to fill one member position and one alternate member position on the committee. Currently, there are but three cooperative handling organizations in the industry and such organizations are allocated four cooperative handler positions. Obviously under these circumstances it was necessary to modify this provision, as provided in the order, to permit one such organization to fill two of the positions (32 F.R. 5323). Consolidation of organizations and other changes may further reduce the number of handling organizations, hence, flexibility in the nomination and selection of handler members is essential to meet changing circumstances.

The order now authorizes the committee, with the approval of the Secretary, to redefine the districts into which the area is divided and to reapportion the grower membership among districts. The current assignment of grower membership among districts is on the basis of olive acreage. Authority for redefinition of districts and reapportionment of grower membership is now provided in the duties of the committee to recognize principally shifts in olive acreage within the districts and area. The record shows that the order should provide for reapportionment based on other factors including, in addition to acreage, the number of growers in a district, and the tonnage produced. It is not anticipated that redefinition or reapportionment will be necessary in the near future. However, if conditions should develop which indicate that redefinition or reapportionment, or both, would be desirable to effect a more equitable representation, the committee should be authorized to recommend and, with approval of the Secretary, to effectuate the same.

Based on the foregoing it is concluded that the order should be amended, as hereinafter set forth, to provide a revised basis for allocating handler and grower representations on the committee.

(3) The order should be amended as hereinafter set forth, to provide that handler assessments shall be applied only to olives to be used to produce a regulated product. Currently, assessments are applied to all such olives and to any sublots of olives diverted to nonregulated uses from lots destined for regulated products. Lots of olives acquired and used solely for fresh shipment, olive oil, salt cured oil coated olives such as Greek style, and Sicilian style olives, are not subject to assessment. Also, olives for use in production of canned ripe olives of the "tree ripened" type, or green olives, are not subject to assessment so long as no regulations are made applicable to such packaged olives. Considerable confusion has occurred among handlers in the application of assessments to sublots of olives used in nonregulated products. Moreover, such application results in an advantage to persons who produce nonregulated products from complete lots as compared with those who produce such products from sublots.

The application of assessments only to olives which are to be used to produce a regulated product would be more equitable to handlers, reduce confusion, and improve the administration of the order, and the order should be amended accordingly. Such amendment should include the deletion of the word "solely" from § 932.16 to make it clear that no assessments are to be applied to olives exempted as therein specified. Section 932.39 should be revised to incorporate the provisions now in § 932.56 relating to assessment of olives to be used in production of canned ripe olives of the "tree ripened" type or green olives when regulated as packaged olives pursuant to § 932.52. After such revision said § 932.56 should be deleted in the interest of simplification.

In the application of assessments on the new basis, reporting requirements should be essentially the same as those currently required. Handlers should continue to report their total receipts of canning size olives which would include all olives to be used in regulated products. Undersize and cull olives should not be reported for assessment purposes. From the total canning fruit received, handlers should report the exempt use by varieties. Assessment would then be made on the remaining tonnage to be used for regulated products. Audits of handlers records could be made to verify the reports.

(4) The provisions of the order which authorize the Olive Administrative Committee to establish research and development projects designed to assist, improve, or promote the marketing, distribution and consumption of olives should be amended, as hereinafter set forth, to include authority for any form of marketing promotion, including paid advertising.

Market promotion, including paid advertising, has been engaged in by the olive industry for several years under a State of California marketing order. It was estimated that in the past 10 years sales of olives have increased by 27 percent, and it was asserted that in assessing this increase promotion and advertising should be given credit. It was advanced, without opposition, that both the State and Federal marketing orders should provide for market promotion including paid advertising to provide for essential continuity and to assure that a means of advertising would be available to the industry in the event one or the

other of the orders should be terminated. A recent survey was cited which pointed out that increased income in areas of low per capita consumption represents potential new markets for olives. It also pointed out that aggressive olive marketing, including promotion, is necessary to meet competition from the increasing number of food products. The evidence indicates that authority for product promotion and advertising under the order would put the olive industry in a position to advance a more effective marketing program.

The order should authorize any or all of the forms of promotion, including paid advertising, that are permitted under the act. Promotional projects should consider both long term and short term objectives. One example of a long term objective would be to introduce the olives to persons not familiar with them. Another would be a campaign to expand markets in low consumption areas, using various educational means. A project with a short run objective would be a campaign designed to register an immediate sales response in areas where the olives have already been accepted and are being used in volume.

The following promotional and advertising techniques together with relative advantages were cited as examples of techniques which may be employed under the authorization: Publicity education is a good technique to use when promotional funds are limited, particularly if a major portion of the program is directed to the newspaper food pages. Food page publicity makes available product information, stories and recipes, many of them illustrated by color photographs. Such programs may be given free newspaper editorial space. Such space, if paid for at normal advertising rates, would be worth many times the amount paid the publicity agency. It was pointed out that the American housewife looks to the food pages of newspapers and magazines or to the local extension home economist for guidance in meal planning. They readily accept suggestions of these influences as reliable and acceptable information. The authority for promotion under the order would enable the committee to supply olive information, recipes, and publicity materials to food news editors and similar persons for appropriate distribution. It is recognized that publicity education activities do have a disadvantage in that one cannot control the message. Since editorial space cannot be bought, one cannot control an editor's handling of a story. This disadvantage is more than offset, however, by the fact that good publicity education brings the greatest return for the dollar expended.

The second promotional and advertising technique is merchandising. This involves development and distribution of point of sale material. This is a much used promotional device and should be authorized under the order. A survey of 18,000 supermarkets in 1961 showed that on an average that in June of that year there were 3,600,000 promotional pieces displayed. Three-fourths of those were related to food items, and one-fourth had to do with produce. Olives are particularly well adapted to point of sale material directed toward calling shoppers' attention to seasonal uses, stressing their attractiveness as a food garnish. Artistically developed point of sale pieces can serve a dual function of both attracting and educating the consumer. Other merchandising aids that may be utilized in an olive promotional program include recipe folders for distribution at point of sale, brochures which identify and explain olive sizes, and information bulletins on special uses. These may be particularly useful in low per capita consumption areas.

The third technique is paid advertising. This form of promotion is generally expensive, but some things can be done which are reasonable in cost and are still effective. Trade paper advertisements, together with editorial support which trade papers often give an advertiser, offer possibilities in an olive promotional program. Some newspaper advertising may be necessary to encourage the use of olive materials in food page publicity. It is recognized that newspapers are influenced in the favor of advertisers when scheduling food page editorial space. Television and radio network and magazine advertising may be available on an economic basis through development of joint ventures with one or more advertising partners which distribute complimentary food products. This is a possibility that should be explored. The committee should be permitted to consider and to utilize any of these techniques or others or a combination of them in carrying out a promotional program.

If the Olive Administrative Committee (OAC) determines that promotion or advertising should be undertaken, the costs of the program should be taken into account in budget development, both as to the additional items of expense and the assessment. In undertaking an advertisement program the committee, to the extent practicable, should carefully plan and secure approval as far in advance as possible. To the extent practicable the plan should cover more than 1 year. Expenses of planning should be authorized on the basis of budgetary approval since planning and project development must precede project approval. Also, the order authorizes a financial reserve to be used for approved expenditures, under the order. Financial reserves should be available to cover costs of planning and such other costs of the promotional program as may be necessary and approved.

In formulating projects and objectives the OAC should be authorized to secure the advice and services of persons knowledgeable in the promotional and advertising field, as well as those involved in marketing canned ripe olives. Also, to assist in expeditious and efficient planning of a promotional program OAC could establish subcommittees. Such committees could explore promotional methods, develop preliminary projects and programs, contact agencies, and make recommendations to OAC with respect thereto, and thus expedite the work of OAC. Final decisions and implementation of any recommendation of any such subcommittee should be the prerogative of OAC.

In the conduct of any promotional program the OAC should be authorized to conduct promotional projects itself, or to contract for the conduct of such projects with an agency or agencies which specialize in this field.

In its deliberations concerning promotional and advertising projects, the OAC should give particular consideration to the expected supply of olives in relation to market requirements, the supply situation among competing areas and commodities, and the need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Foods Program. To permit the Secretary to discharge his responsibility under the order the committee should be required to submit each such project to him for his approval. In submitting such projects the committee should include recommendations as to the funds to be obtained from assessments under the order, recommendations as to any marketing research projects, and recommendations as to promotional activity and paid advertising. The committee should review its market development program annually to appraise its effectiveness. An annual report on the program should be made available to the industry and the Secretary.

(5) The order requires, among other things, that natural condition olives to be used in packaged olives shall first be size-graded, either by sample or by lot, into prescribed size-designations. These size designations are those set forth in the U.S. Standards for Grades of Canned Ripe Olives, plus two additional size designations "Petite" and "Sub-Petite," covering olives smaller than those in the designations in the Standards. The size designations are in terms of count ranges per pound. Small, the smallest designation in the Standards, includes olives ranging in count from 128 to 140, inclusive, per pound. "Petite" as currently defined in the order ranges from 140 to 180, inclusive, per pound. Hence, there is an apparent conflict between these two designations. The correct range of "Petite" i. 141 to 180, inclusive, per pound, and the order should be amended, as hereinafter set forth, to reflect this range.

For regulatory purposes under the order, varieties of similar size characteristics are grouped together in specified variety groups. Only olives in specified size designations within each established variety group may be packaged as whole and whole pitted styles of canned ripe olives. In addition, the order currently permits olives one size smaller than the minimum size permitted in whole and whole pitted canned ripe olives to be used in halved, sliced, chopped, or minced styles of canned ripe olives. Olives of sizes smaller than those permitted to be used in such styles (undersize), and olives which are deemed unsuitable by the handler (culls), must be disposed of as other than canned ripe olives.

Currently, such disposition is required of all olives of variety group 1, except Ascolano, Barouni, and St. Agostino, smaller than Extra Large (approximate count 82); of all olives of variety group 1, of Ascolano, Barouni, and St. Agostino smaller than Large (approximate count 98); of all olives of variety group 2, except Obliza, smaller than Petite (approximate count 160); and of all olives of variety group 2, of the Obliza variety smaller than Small, Select or Standard (average count 135). These disposition requirements are related to the sizes established for olives at the outgoing level, permitting the use in halved, sliced, chopped, and minced styles of one size smaller for each of the respective variety groups than the minimum size permitted in the whole and whole pitted styles of canned ripe olives. At the time the order was established there was in existence a more than adequate inventory of canned ripe olives in the halved, sliced, chopped, and minced styles. Hence, one size in addition to the olives of larger sizes customarily used in such styles was considered adequate. No provision was made in the order to permit any additional sizes to be used.

In 1967–68 the production of olives was less than one-fourth of an average crop. By the time olives from the 1968–69 crop are available inventories of halved, sliced, chopped, and minced are expected to be depleted or reduced below a desirable carryover level. If such develops additional sizes doubtless will be needed to enable the olive industry to meet demands and replenish inventories. Under circumstances of severely reduced supplies or of increased demand, authority should be available in the order so that sizes which will produce a satisfactory product in such styles can be made available as necessary. The record shows that additional sizes of olives smaller than those currently permitted could be used to produce satisfactory products. Such olives include: Olives of variety group 1, except Ascolano, Barouni, and St. Agostino, of a size which individually weigh 1/105th pound or more; olives of variety group 1 of Ascolano, Barouni, and St. Agostino, of a size which individually weigh 1/180th pound or more; olives of variety group 2, except Obliza, which individually weigh 1/225th pound or more; olives of variety group 2 of the Obliza variety which individually weigh 1/180th pound or more. The order should be amended to establish these sizes as the minimum sizes of natural condition olives which may be authorized for use in the production of such styles, and to provide that the committee may recommend and the Secretary may authorize the use in such styles of any or all sizes not smaller than the foregoing. However, as will hereinafter be discussed in connection with outgoing regulations, it is not known at this time the extent to which sizes of olives smaller than those permitted in whole and whole pitted olives, but not smaller than the minimum sizes, will be needed in any crop year to provide an adequate supply of halved, sliced, chopped, and minced styles. Therefore, the authorization to so use natural condition olives of small sizes should be subject to annual recommendation by the committee and establishment by the Secretary. Such small sizes should be consistent with the sizes prescribed under the outgoing regulatory provisions.

During each crop year, sizes smaller than those authorized for use in such year in halved, sliced, chopped, and minced styles should be disposed of as other than canned ripe olives in accordance with disposition requirements of the order.

Size-grading under the order, which results in the segregation of olives into various size designations, as previously related, is on the basis of the size designations set forth in the U.S. Standards for Grades of Canned Ripe Olives, and two additional designations specified in the order for olives smaller than those covered under the Standards. Each of these size designations is in terms of a count range. For example, in the "Medium" size designation the count of olives in a pound can vary from 106–121, and in "Small" from 128–140. Obviously, olives which count 106 to the pound average larger in size than the olives in a pound which count 121. It would be to the grower's advantage for the olives to be size-graded to the 121 count, thus including a larger proportion of the smaller olives in the "Medium" size category (size designation). Conversely, it would be to the handler's advantage to size-grade the olives to the 106 count, thus including only olives of a greater average size. Ideally, size-grading should produce a count near 113, the midpoint of the range, but due to variation in the shape of olives, and imperfections in the size-grading machinery, absolute precision in size-grading is difficult to achieve. It has been found, however, that it would be practical to require a more precise result than that achieved by allowing the full range. In the past two years of operation under the order inspection procedure has required the grading to be within a narrower range, for example "Medium" was required to be size graded in the range 110–116, instead of 106 to 121. This has produced a satisfactory result, and such more precise grading should be continued. The order provisions should specifically authorize the committee to prescribe narrower limits than those specified in the Standards to govern size-grading so that this can be required if such is found to be practical. It is desirable to require the greatest degree of precision practical so as to assure equitable treatment of growers and to place handlers on the same footing in the acquisition of olives so as to effect orderly marketing and improve grower returns. It is therefore concluded that the order should be amended as hereinafter set forth to specifically authorize the committee to recommend and the Secretary to establish such other size requirements as may be deemed appropriate to accomplish the foregoing.

As previously stated, the order currently requires handlers to dispose of olives of sizes smaller than those permitted to be used in any style of canned ripe olives for other uses under supervision of the inspection service. The determination as to the quantity of each variety group which is required to be so eliminated is arrived at by the size-grading required at the incoming level, mainly on a sample basis. Currently, disposition is required on a variety basis. That is, if the sample size-grading or lot size-grading discloses that the variety group 1 olives of the Ascolano, Barouni, and St. Agostino varieties of a handler contain 2 tons of undersize olives, he is required to dispose of as other than canned ripe olives, 2 tons of the required undersize fruit of such varieties. Likewise, handlers are required to dispose of cull fruit on a variety basis, equal in quantity and character to that disclosed at the incoming level.

The record shows that handlers have found it extremely difficult to meet the undersize and cull obligations on a variety basis. In some instances, the quantity of undersize olives subsequently lot size-graded out in one variety has exceeded the quantity established as the obligation at the incoming level for that variety, while the undersize olives so lot size-graded out of another variety has been less than the obligation so established for such variety. Similar experience was encountered with respect to the cull obligation.

Various causes are responsible for these discrepancies. Undersize and culls often are not removed at the incoming level. Instead, size-grade and cull composition of a lot is determine from a sample at that level. Immediately thereafter the olives are put into storage solutions, or into the initial processing solution. Later the olives are lot size-graded at some intermediate step of processing into the size designations prescribed in the outgoing requirements. In the processing operation olives sometimes change character. In some instances they become smaller than they were in their natural condition state, while in others they increase in size. One type of processing known as "fresh cure" which is used for certain varieties suited to it causes an increase in size. If the olives increase in size the quantity of undersize resulting from the later size-grading will be less than that determined at the incoming level; if the olives shrink the quantity of undersize will be larger. Also, olives which in their natural condition state manifest the appearance of culls may sometimes process into a desirable product, while others which do not manifest such appearance may process into an undesirable product. Because of the foregoing described unpredictable behavior of olives, and the lack of precision in size-grading equipment, it has been extremely burdensome on handlers to meet the undersize and cull obligations on a variety basis. A practical solution to the problem would be to dispense with the disposition requirement on a variety basis and to permit handlers to dispose of in nonregulated outlets a quantity of undersize olives equal to the undersize obligation without regard to variety. Likewise, a handler should be permitted to dispose of a quantity of cull olives

equal to his cull obligation without regard to variety in fulfillment of his cull obligation. This would relieve the handler of burdensome and costly record keeping and other precautionary actions involved in keeping track of obligations and dispositions on a variety group basis, would enable a more efficient operation, and would permit handlers to offset undersize and cull deficits in one variety group by applying the excess undersize and culls from other variety groups. Permitting handlers to meet their undersize and cull obligations on this basis would still result in the practical elimination of the olives of each variety group which the incoming size-grading identified as smaller than those permitted in canned ripe olives, and also would result on the same basis in the elimination of the olives so identified as culls.

The order requires inspection and certification of canned ripe olives at the outgoing level. Olives at that level must meet specified grade and size requirements. Compliance with such requirements at the outgoing level will necessitate elimination of undersize and off quality olives. The purpose of size-grading at the incoming level is to undergird the outgoing requirements and to provide the growers and handlers with information as to the quantities of the different sizes of cannable olives in each lot of fruit as a basis for establishing the value of the lot. Such purpose would still be served by permitting handlers to meet disposition requirements as indicated. It is therefore concluded that the order should be amended as hereinafter set forth to permit a handler to meet his undersize obligation by disposing of a quantity of olives in non-regulated outlets equal to that determined to be undersize at the incoming level, and to so dispose of a quantity of olives equal to his cull obligation as so determined in fulfillment of his cull obligation without the necessity of a precise accounting as to the varietal composition of the olives in the disposition quantities.

The record indicates that while the application of the excess undersize and culls from variety groups which have such to cover the deficits of other variety groups should enable handlers to substantially comply with disposition requirements, it is recognized that even with such application it is possible that a handler may still have a deficit. The excess quantities may not be equal to the deficits. In such instance the handler should not be relieved of the disposition requirements but should be required to fill the deficit in undersize by disposing of olives of sizes larger than undersize, and to fill any cull deficit by disposing of olives of a quality better than culls. Moreover, each handler should be required to have on hand throughout the crop year a quantity of olives equal to that represented by his undersize and cull obligations, less any quantity previously disposed of in the approved manner, so as to assure the handler's continued compliance with the regulatory requirements of the program during the year. It would also enable the committee promptly to receive, investigate, and refer to the Department violations of the program. It is the intent that any time a handler disposes of olives without satisfying his undersize and cull obligations, that he should have on hand an adequate quantity to meet such obligation. It is recognized that prompt compliance by each handler is essential, if orderly marketing is to be achieved. The objective should be to keep handlers on as nearly an equal footing as possible. The foregoing provisions would provide a wider latitude to handlers to meet obligations, and at the same time would give incentive to them to try to meet obligations with fruit which meets undersize and cull specifications. Except in rare circumstances it is not expected that handlers will choose to dispose of cannable olives in fulfillment of obligations but such alternative should be available to them in the interest of the program. It is, therefore, concluded that the order should be amended as hereinafter set forth to reflect the foregoing alternatives for handlers to meet undersize and cull obligations.

(6) The whole and whole-pitted styles of canned ripe olives are the primary products produced in the California olive industry. The larger olives of each variety are preferred for use in the production of such products. Smaller olives of each variety are used to produce canned ripe olives of the halved, sliced, chopped, and minced styles which are considered secondary products. Olives of the smaller sizes which are permitted to be used in the secondary products but not in the primary products are often referred to as "limited use sizes." As previously related, the order now permits one such size in each variety group to be used in the production of secondary products. All styles of canned ripe olives, other than those of the "tree ripened type," are required to grade at least U.S. Grade C at the outgoing level. The order does not now contain authority for changing grade requirements except by amendment, and contains only limited authority for changing size requirements.

When the order was put into effect there was more than adequate inventory of secondary products, consequently the need for olives for such use was limited and this was reflected in setting the size restriction prescribed currently in the order. In the 1967–68 crop year a near crop failure occurred, with less than one-fourth of a crop being produced. As a result, inventories of all olives are now depleted or will be severely reduced by the time olives from the 1968–69 crop are available. The evidence shows that flexibility is needed in the order in establishing grade and size requirements so that the industry can better cope with year-to-year changes affecting the production and marketing of olives. Rigid grade and size requirements as presently fixed in the order do not permit the ready tailoring of requirements to fit the demands of the market. The order should therefore be amended as hereinafter set forth to authorize the committee, with the approval of the Secretary, to modify the grade requirements for olives at the outgoing level. Also, similar authorization, as hereinafter set forth, should be provided to enable the committee to alter size requirements for limited use sizes at the outgoing level with comparable adjustments in related requirements for natural condition olives at the incoming level. While flexibility is necessary as the foregoing indicates, minimum size requirements for the various variety groups should be provided in the order to prohibit the use of sizes which have been found to be unsatisfactory for use in any style of canned ripe olives. The record shows that the following sizes should be eliminated from use in any style of canned olives: Olives of variety group 1, except the Ascolano, Barouni, and St. Agostino varieties of a size smaller than those which individually weigh less than 1/105th pound; olives of variety group 1, of the Ascolano, Barouni, and St. Agostino varieties of a size smaller than those which individually weigh less than 1/180th pound; olives of variety group 2, except the Obliza variety, of a size smaller than those which individually weigh less than 1/225th pound; and olives of variety group 2, of the Obliza variety, of a size smaller than those which individually weigh less than 1/180th pound.

Sizes larger than the foregoing eliminated sizes have been found to produce satisfactory secondary olive products, and in certain circumstances it may be advantageous to authorize the use of any or all such sizes. Depending upon demand and supply conditions, it may be advantageous to authorize the use of only one size smaller than the minimum permitted to be used in the whole and whole pitted styles of canned ripe olives. It is conceivable, too, that under circumstances of very heavy inventory or availability of abundant supplies of larger olives, or both, no sizes of olives smaller than those permitted in whole and whole pitted styles should be so authorized. To provide maximum flexibility for dealing with the many and various supply and demand situations that may develop from year-to-year, the order should provide that the committee may recommend and the Secretary authorize the use in secondary products of any, or all, sizes not smaller than the minimum sizes. In its consideration of any such recommendations the committee should make a careful analysis of the factors set forth in the marketing policy. If it concludes that certain of such sizes of olives should be authorized for such use, it should recommend such specific sizes as it believes should be authorized. If the Secretary concurs, he should issue an appropriate regulation specifying the sizes that can be used in halved, sliced, chopped, and minced styles of canned ripe olives. The objectives should be to permit the use in secondary products of the most desirable sizes as will tend to effectuate the purposes of the act and the order.

Likewise, the committee should be authorized after study of the grade requirements in the light of current and prospective crop and market conditions, to recommend to the Secretary modification of such requirements with respect to any style of olives regulated under

the order. Basically, the grade contemplated should be U.S. Grade C with such modifications effected by increasing or decreasing tolerances for one or more grade factors as may be warranted by the circumstances. The committee in arriving at a recommendation with respect to any such modification should consider all such factors carefully and should consult with representatives of the Processed Products Inspection Service as they are familiar with the development and application of grades, and thus can provide necessary information as to the probable effect and practicability of any proposed modifications.

The notice of hearing contained a provision to fix the foregoing sizes as the size limits for olives permitted to be used in secondary products in the 1968–69 crop year. This was supported at the hearing on the basis that the current olive inventory position indicates that all olives larger than those restricted likely will be needed to replenish supplies of secondary products and to fill demands. However, offsetting testimony was presented, the burden of which was that it is not reasonable to establish specific size requirements before the crop is set on the trees, and, despite the industry's favorable inventory position, the committee should be authorized to review the situation at or near the beginning of the 1968 crop year as in any subsequent year, and to establish requirements based upon conditions then existing. It was pointed out that conditions now appear favorable for a large crop and large crops usually are associated with a production of smaller fruit. In the 1966–67 crop year when the greatest pack of halved, sliced, chopped, and minced styles of olives were packed, there was available 4,844 tons of olives of authorized limited use size available to handlers, and less than 2,000 tons were used in such styles. Returns to growers are enhanced by limiting the use in secondary products to sizes which produce better quality and this means olives of the larger sizes within the limited use category (subcanning sizes). Further, the evidence indicates that it is not in the interest of growers to permit use of a larger quantity of small sized fruit than is necessary to supply the market with secondary products and provide a reasonable carryover, as excessive inventories in the past have exerted a depressing effect upon grower prices, and limiting the use of subcanning sizes is one means of preventing development of such inventories. Under such circumstances, the committee may wish to consider establishment of a more restrictive regulation than that which would be achieved by permitting the use of the full range of subcanning olives. It is therefore concluded that the evidence weighs more heavily in favor of treating 1968 in the same manner as subsequent years. This will permit the committee to study the situation in the light of later crop and market developments and to recommend to the Secretary the sizes it deems advisable for 1968. Such recommendation for 1968 and any subsequent year should be forwarded to the Secretary along with a copy of the required marketing policy and any other information the committee considered in arriving at the recommendation.

(7) The provisions of the order providing for interhandler transfers of olives should be amended, as hereinafter set forth, to permit transfer to the receiving handler (transferee) of the undersize and cull disposition obligations on transferred lots of natural condition olives. Currently the order holds the transferring handler (transferor) responsible for meeting such obligations even though he does not lot size-grade the natural condition olives prior to transfer. It has been difficult in the administration of the order to credit the transferor with dispositions by the transferee who later lot size-graded the olives. Authorization of a procedure enabling the transfer of the obligations to the transferee along with the olives is a reasonable and practical means of overcoming this difficulty, and it would improve order administration. The transferee is in a better position to meet the obligations than the transferor on transferred lots of olives which have not been lot graded prior to transfer because such lots still contain the undersize and cull fruit. Thus, the transferee has the fruit to meet the obligation in his possession.

The current procedure which handlers are required to follow in effecting interhandler transfers requires them to complete a form providing the committee with details of the transfer. Such form can be adapted to include a certification by the transferee acknowledging to the committee his assumption of the disposition obligations on any lot of natural condition olives he receives by transfer from another handler. This should relieve the transferor of the obligation.

(8) The order should be amended, as hereinafter set forth, to provide for exemption from any or all order requirements the handling of olives in such types of shipments, or for such specified purposes, as the committee with the approval of the Secretary may prescribe. Currently, the order authorizes such exemption only for minimum quantities of olives. Occasionally, olives may fail to meet outgoing grade or size regulations. Such olives may be reprocessed to meet requirements. No other form of disposition is provided for.

Under certain circumstances, it may be more advantageous to the handler to donate for charitable consumption olives which have failed to meet requirements, or to divert them to uses or products other than canned ripe olives. It may even be to the handler's advantage to dump olives rather than to reprocess them in an attempt to meet requirements. Also, it may be advantageous to exempt handling of olives from certain requirements in the interest of facilitating research and development. The exemption authority should be on a selective basis so the committee and the Secretary can appraise the situation and relieve the shipment or other handing of olives only from such of the order requirements as may be necessary and practical. No exemption is contemplated nor should any be provided that will permit exempt olives to compete with regulated olives in normal channels of trade. The order now provides for the establishment of safeguards to assure that exempted olives are handled only as authorized. It is concluded that broadened exemption authority should be provided in the order. This would enable the committee to establish alternative avenues for exemption if it appears that order administration, or handlers' operations, would be benefited by such exemption. The record indicates that it may be desirable to require as a safeguard execution of an agreement by the recipient specifying that exempted olives will be used only as authorized. It was testified that authority should be included in the order so any such agreement could provide for liquidated damages in connection with donations for charitable use, in the event the agreement is violated. However, it is not clear from the record how such liquidated damage provision would be used and no authority therefor is included.

(9) It was testified that the phrase "with the approval of the Secretary" in § 932.35(c) appears to contemplate cumbersome approval procedures not required in connection with other duties of the committee, and it should be deleted. However, such specific approval applies to the committee's authority to conduct "scientific and other studies" rather than to the other routine activities specified in such paragraph. No special approval should be or is required for the committee to engage in such activities. However, specific approval should be required for the committee to engage in the special studies indicated. It is therefore concluded that the phrase should not be deleted.

Except as heretofore discussed conforming changes are not required.

Rulings on proposed findings and conclusions. April 10, 1968, was fixed as the latest date for filing proposed findings and conclusions, written arguments or briefs based upon the evidence received at the hearing. Briefs were filed by the following persons and firms all located in California: Alfred A. Holve, Howard L. Rogers, Willard Hamilton, Clyde Irion, all of Lindsay; George Hoag, Herman P. Johnston, Robert C. Jones, all of Corning; Dan Lopopola, Fresno; Willard Turek, Gerber; Ira O. Well, Orinda; Frank J. Oberti, Madera; and Maurice D. L. Fuller, Jr., of Pillsbury, Madison, and Sutro, San Francisco, on behalf of Tri-Valley Growers, and G. Oberti and Sons.

All of the briefs supported the proposed amendment to authorize for years after 1968–69 an annual review and change, within prescribed limits, the minimum size requirements for natural condition olives at the incoming level and for olives used in halved, sliced, chopped, and minced styles, of canned ripe olives. Ten of the briefs, however, opposed fixing such size requirements for the 1968–69 crop year prior to the annual marketing policy meeting, required to be held each year not later than August 15.

Each point included in the briefs was fully and carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings or conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with the decision.

General findings. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, as hereby proposed to be amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order, as hereby proposed to be amended, regulate the handling of olives 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 hearings have been held;

(3) The said marketing agreement and order, as hereby proposed to be amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

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

(5) All handling of olives grown in the production area, as defined in said marketing agreement and order, as hereby proposed to be amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period September 1, 1967, through May 31, 1968 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in California, in the production of olives for market as packaged olives to ascertain whether such producers favor the issuance of the said annexed order amending Order No. 932 (7 CFR Part 932), regulating the handling of olives grown in California.

Joe Perrin and Richard P. Van Diest, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR Part 900.400 et seq.).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: July 8, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Olives Grown in California

§ 932.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Fresno, Calif., March 21, 1968, upon proposed amendment of the marketing agreement and to Order No. 932 (7 CFR Part 932) regulating the handling of olives grown in California. Upon the basis of the evidence adduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order as hereby amended, regulates the handling of olives grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order as hereby amended is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

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

(5) All handling of olives grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of olives grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended as follows:

1. Section 932.8 is revised to read as follows:

§ 932.8 Natural condition olives.

"Natural condition olives" means olives in their fresh harvested state, whether or not placed in a water or other preserving medium.

2. Section 932.25 is amended by deleting the final sentence and inserting in lieu thereof a sentence to read as follows:

§ 932.25 Establishment and membership.

* * * Allocation of the handler members shall be four members to represent cooperative marketing organizations, herein referred to as "cooperative handlers," and four members to represent handlers who are not cooperative marketing organizations, herein referred to as "independent handlers": *Provided,* That whenever during the crop year in which nominations are made and in the preceding crop year, the cooperative handlers or the independent handlers handled as first handler 65 percent or more of the total quantity of olives so handled by all handlers allocation shall be five members to represent the group which so handled 65 percent or more of such olives and three members to represent the group which handled 35 percent or less. The committee may, with the approval of the Secretary, provide such other allocation of producer or handler membership, or both, as may be necessary to assure equitable representation.

3. Section 932.29 is revised to read as follows:

§ 932.29 Nominations.

(a) *Producer members.* (1) Nominations for producer members of the committee, and their respective alternates, shall be made at meetings of producers held by the committee at such times and places as it shall designate. The names of nominees shall be submitted to the Secretary prior to April 16 of the year

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

in which nominations are made. The committee shall prescribe such procedure for the conduct of such meetings and for voting on the candidates selected thereat as shall be fair to all persons concerned.

(2) Only producers, including duly authorized officers or employees of producers, who are present shall participate in the nomination of producer members and alternate members. Each producer shall be entitled to cast only one vote for each nominee to be selected in the district in which he produces olives. No producer shall participate in the selection of nominees in more than one district. If a producer produces olives in more than one district, he shall select the district in which he will so participate and notify the committee of his choice.

(b) *Handler members.* (1) At a meeting or meetings called by the committee, the cooperative handlers shall nominate a qualified person for each member position and a qualified person for each alternate member position allocated to cooperative handlers as provided in § 932.25.

(2) At a meeting or meetings called by the committee, the independent handlers shall nominate a qualified person for each member position and a qualified person for each alternate member position allocated to independent handlers as provided in § 932.25.

(3) Each handler shall be entitled to cast only one vote for each nominee for cooperative handler member or alternate member or independent handler member or alternate member, as the case may be, which vote shall be weighted by the tonnages of olives handled by such handler during the crop year in which nominations are made and in the previous crop year.

4. Section 932.35 is amended by revising paragraph (k) to read as follows:

§ 932.35 Duties.

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

* * * * *

(k) With the approval of the Secretary, to redefine the districts into which the area has been divided in § 932.21 and to reapportion the membership in accordance therewith: *Provided,* That any such changes reflect insofar as practicable shifts in olive acreage within the districts and area, the numbers of growers in the districts, the tonnage produced, and are equitable as to producers; and

* * * * *

5. The first sentence of paragraph (a) of § 932.39 is amended to read as follows:

§ 932.39 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal year, each handler who first handles olives during such year shall pay to the committee, upon demand, assessments on all olives to be used in the production of packaged olives, including olives to be used in canned ripe olives of the "tree ripened" type or green olives when such are regulated as packaged olives pursuant to § 932.52. * * *

* * * * *

6. Section 932.45 is revised to read as follows:

§ 932.45 Marketing research and development.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of California olives. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 932.39.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of olives in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken or continued pursuant to this section in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to funds to be obtained pursuant to § 932.39;

(2) Its recommendations as to any marketing research projects; and

(3) Its recommendations as to promotion activity and paid advertising.

7. Paragraph (a) of § 932.51 is revised to read as follows:

§ 932.51 Incoming regulations.

(a) *Minimum standards for natural condition olives.* (1) Except as otherwise provided in this section, no handler shall process any lot of natural condition olives for use in the production of packaged olives which has not first been:

(i) Weighed on scales sealed by the State of California Department of Weights and Measures, an official certified weight certificate issued thereon, and a copy of such certificate furnished to the Federal or Federal-State Inspection Service and the committee; and

(ii) Size-graded, either by sample or by lot, under the supervision of any such inspection service and classified into separate size designations and a certification issued with respect thereto by such inspection service. Such size designations shall be in accordance with those set forth in Table 1 of the U.S. Standards for Grades of Canned Ripe Olives (§§ 52.3751–52.3766 of this title) or such sizes as may be recommended by the committee and established by the Secretary: *Provided,* That, for the purpose of this part, the size designations in said Table 1 shall be deemed to include the following two additional size designations:

Designations(s)	Approximate count (per pound)	Average count (per pound)
Subpetite		181 and up.
Petite	160	141 to 180, inclusive.

Such certification shall show, in addition to the quantities by weight of the olives in the lot that are classified as being in each size or size designation, the quantity of olives classified as culls by the handler: *Provided,* That when the Secretary, upon the recommendation of the committee, issues a definition of and classification for "culls," the aforesaid quantity of culls shall be determined on the basis of such definition and in accordance with such classification.

(2) Each handler shall, under the supervision of any such inspection service, dispose of as other than canned ripe olives an aggregate quantity of olives, comparable in size and characteristics and equal to the quantities shown on the certification for each lot to be:

(i) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, of a size which individually weigh less than 1/105th pound;

(ii) Variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varities of a size which individually weigh less than 1/180th pound;

(iii) Variety Group 2 olives, except the Obliza variety, of a size which individually weigh less than 1/225th pound;

(iv) Variety Group 2 olives of the Obliza variety of a size which individually weigh less than 1/180th pound;

(v) Such other sizes for the foregoing variety groups as are not authorized for use in the production of halved, sliced, chopped, or minced styles of canned ripe olives pursuant to § 932.52; and

(vi) Olives classified as culls.

(3) Notwithstanding the provisions of subparagraph (2) of this section, a handler may (i) meet any deficit in his undersize obligation in one variety by disposing of under supervision of the inspection service, as other than canned ripe olives, an equal quantity of undersize olives of any other variety, or by so disposing of an equal quantity of olives of that or any other variety of sizes larger than undersize of a quality better than culls, and (ii) meet any deficit in his cull obligation in one variety by so disposing of an equal quantity of cull olives of any other variety, or by so disposing of an equal quantity of olives of any variety of sizes larger than undersize of a quality better than culls.

(4) Each handler shall hold at all times a quantity of olives equal to the quantities required in subparagraph (2) of this paragraph, less any quantity previously disposed of as specified in such subparagraph.

* * * * *

8. Section 932.52 is amended by revising paragraph (a) (1) and (3) to read as follows:

§ 932.52 Outgoing regulations.

(a) *Minimum standards for packaged olives.* * * *

(1) Canned ripe olives, other than those of the "tree-ripened" type, shall grade at least U.S. Grade C, as such grade is defined in the then current U.S. Standards for Canned Ripe Olives (§§ 52.3751–52.3766 of this title) or as modified by the committee, with the approval of the Secretary, for purposes of this part.

* * * * *

(3) Processed olives to be used in the production of canned pitted ripe olives, other than those of the "tree-ripened" type, shall meet the same size requirements as specified in subparagraph (2) of this paragraph: *Provided*, That olives smaller than those so specified, as recommended annually by the committee and established by the Secretary, may be used in the production of halved, sliced, chopped, or minced styles of canned ripe olives, as defined in said U.S. Standards, but any such olives shall be not smaller than the following applicable minimum size:

(i) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, of a size which individually weigh 1/105th pound;

(ii) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties, of a size which individualy weigh 1/180th pound;

(iii) Variety Group 2 olives, except the Obliza variety, of a size which individually weigh 1/225th pound;

(iv) Variety Group 2 olives of the Obliza variety of a size which individually weigh 1/180th pound.

* * * * *

9. Section 932.54 is revised to read as follows:

§ 932.54 **Interhandler transfers.**

Transfers within the area of olives from one handler to another for further handling within the area are permitted. Whenever such a transfer of olives is made, the transferring handler shall comply with all applicable regulations up to the time of such transfer, and the receiving handler shall comply with all applicable regulations subsequent to such transfer: *Provided*, That the disposition obligations referable to transferred natural condition olives pursuant to § 932.51(a)(2) may be transferred along with the olives, in which event the receiving handler shall comply with the disposition obligations.

10. Section 932.55 is amended by revising paragraph (b) to read as follows:

§ 932.55 **Exemption.**

* * * * *

(b) Upon the basis of the recommendation submitted by the committee or from other available information, the Secretary may relieve from any or all requirements under this part the handling of olives in such minimum quantities, in such types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 932.45) as the committee with the approval of the Secretary may prescribe.

* * * * *

11. Section 932.56 is deleted, and the word "solely" is deleted from § 932.16.

[F.R. Doc. 68–8268; Filed, July 11, 1968; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18243, RM–1105; FCC 68–701]

IDENTIFICATION OF BROADCAST STATIONS

Notice of Proposed Rule Making

1. We propose to simplify, clarify, and update the rules prescribing requirements for broadcast identifications of standard and FM broadcast stations (§§ 73.117, 73.287, and 73.587) and act herein on a petition for rule making filed February 1, 1967, by the Columbia Broadcasting System, Inc., seeking amendment of those rules. We propose also conforming amendments to corresponding portions of the rules governing the identification of TV and international broadcast stations (§§ 73.587, 73.652, and 73.787, respectively).

2. The present rules governing the station identification of AM and FM stations encompass numbers of changes engrafted over a period of many years on the rule adpoted shortly after this Commission was established in 1934. The progressive changes, which were intended to reflect evolving conditions in aural broadcasting and experience with station monitoring for compliance with technical requirements, have unduly complicated the present text. Apart from the need of clarification, the present rules need updating of the provisions permitting deferral of regularly scheduled station identifications to avoid interruption of certain kinds of programs.

3. Whatever justifications may have existed for it at earlier stages, we no longer believe it appropriate for the station identification rules to preserve the complicated differentiations embodied in the present rules, which now distinguish, for purposes of avoiding program interruption, between:

(a) Programs over 30 minutes long and shorter programs.

(b) Station identifications normally required to be broadcast on the hour and those required at the half-hour (or alternatively, at the two quarter-hours).

(c) Deferred station identifications requiring three substitute announcements (i.e., at the beginning, first interruption, and end of the program) and those requiring only two substitute announcements (i.e., at the first interruption and end of the program).

(d) Certain types or programs, whose interruption can be avoided by substituting the applicable group of deferred announcements noted in (c) above, and other types whose interruption can be avoided only if the regularly scheduled station identification announcement is broadcast within 5 minutes of the prescribed time (instead of within the 2-minute latitude allowed generally irrespective of the type of program involved).

4. Broadcast station identification serves the purposes of acquainting the audience with the source of the broadcast and of facilitating the identification of stations for purposes of monitoring compliance with technical operating requirements and identifying sources of interference to other stations. Station identification is needed also to comply with international agreements for the indentification of sources of radio transmissions.

5. Technical monitoring would be best facilitated by requiring undeviating station identifications within 2 minutes of each prescribed time. This would maximize the number of potential interference sources which could be checked at a regular time for station identification. It would also minimize the period over which identification would have to be monitored in order to check all the potential sources of interference at a given location. The interests of the listening audience on the other hand, would in most instances be best served by allowing latitude for the deferral, to later times, of station identifications whose broadcast would cause distracting program interruptions. The proposed revision of the rules seeks to strike a desirable balance. It provides, generally, for additional flexibility in the scheduling of station identification announcements, which, if not deferred, would interrupt designated types of programs, while having due regard for monitoring needs.

6. We propose, first, to change the prescribed times for the broadcast of regular station identifications during the operation of AM and FM stations. As heretofore, station identification announcements will be required at the beginning and ending of each time of operation and on the hour during operation. The present rules additionally require station identification on the half-hour or—in lieu of the half-hour announcement—one at each of the two adjacent quarter-hours. We propose to eliminate the provision for quarter-hour announcements, which we believe no longer pertinent to today's aural broadcast practice.

7. The scheduling by all AM and commercial FM stations of regular station identifications on the hour and half-hour will simplify and shorten the performance of technical monitoring tasks by our field inspectors. In view of the other rule amendments we propose to provide against objectional program interruptions for the broadcast of regularly scheduled station identifications, we believe the improved opportunities for technical monitoring will neither inconvenience the public nor burden station operation.

8. We propose also to revise the definition of categories of programs protected from interruption so as to include:

(1) A single, continuous public affairs, religious or instructional program, concert, drama or athletic event; or

(2) Any other type of production whose interruption for station identification would objectionably break program continuity essential to the value of the program to the audience.

9. CBS had proposed that the categories of programs protected from interruption for the broadcast of station identification announcements be revised to include "any type of production". We think the term "any type of production" unduly broad, and therefore propose the qualifying language contained in (2), above.

10. We propose that a regularly scheduled station identification announcement (whether on the hour or half-hour) which falls due in the course of any program of the type defined above may be deferred if station identification announcements are substituted at the first program interruption after the missed station identification was regularly due, and at the end of the program.

11. We propose, additionally, to specify the circumstances in which the first program interruption will be deemed to take place after a regular station identification is missed. (See proposed § 73.117(e) (1) (i) through (v).)

12. CBS's proposal had gone further than our proposed rule, in that it would permit any station identification announcement to be made as much as 5 minutes before or after the hour, half-hour (or quarter-hour) when it becomes due irrespective of whether such latitude would be necessary to avoid program interruption, and regardless of the type of program involved. We find insufficient justification for thus increasing the normal maximum waiting period for monitoring station identifications from the present 4-minute period (from 2 minutes before the designated time to 2 minutes after, as under the present rules) to a 10-minute period.

13. In drafting the proposed rule amendments, we have taken into account comments on the CBS proposal filed April 13, 1967, by Piedmont Publishing Co. and a letter filed March 1, 1967, by Storer Broadcasting Co. relating to compliance with station identification requirements by stations which broadcast taped preprogramed musical selections.

14. Accordingly, we propose to amend §§ 73.117, 73.287, and 73.587 of the rules to read as follows:

§ 73.___ Station identification.

(a) *When regularly required.* A standard (FM, noncommercial educational FM) broadcast station shall announce station identification: (1) At the beginning and ending of each time of operation, and (2) regularly, during operation, within 2 minutes of each hour and half-hour.

(b) *Content.* (1) Official station identification shall consist of the station's call letters immediately followed by the name of the community or communities to which the station is licensed. When given specific written authorization to do so, a station may include in its official station identification the name of an additional community or communities.

(2) A licensee shall not in any identification announcements, promotional announcements or any other broadcast matter either lead or attempt to lead the station's audience to believe that the station has been authorized to identify officially with cities other than those permitted to be included in official station identification under subparagraph (1) of this paragraph.

NOTE: Commission interpretations of this paragraph may be found in a separate public notice issued October 30, 1967, entitled "Examples of Application of Rule Regarding Broadcast of Statements Regarding a Station's Licensed Location." (FCC 67-1132; 10 FCC 2d 407)

(c) *Channel*—(1) *Generally.* Except as provided in subparagraph (2) of this paragraph, in making the identification announcement the call letters shall be given only on the channel of the station identified thereby.

(2) *Simultaneous AM–FM broadcasts.* If the same licensee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, station identification announcements may be made jointly for both stations for periods of such simultaneous operation. If the call letters of the FM station do not clearly reveal that it is an FM station, the joint announcement shall so identify it.

(d) *Program interruption.* A station identification regularly required on the hour or half-hour need not be broadcast if it would interrupt:

(1) A single, continuous public affairs, religious or instructional program, concert, drama or athletic event; or

(2) Any other type of production whose interruption for station identification would objectionably break program continuity essential to the value of the program to the audience.

(e) *Deferred station identification.* (1) If a station, as permitted, omits a regular station identification announcement, it must broadcast deferred station identification announcements at the first program interruption, and at the end of the program. The first program interruption will be deemed to take place no later than the following times:

(i) In all cases: The first time, after a regular station identification is omitted, that the program is interrupted for the broadcast of any nonprogram matter, such as commercial matter, public service announcements, promotional announcements or any other matter which breaks into the program continuity;

(ii) In the case of an athletic event: At the end of a regular period (e.g., at the end of the current quarter of a football or basketball game, the current half-inning of a baseball game, or the current round of a boxing match);

(iii) In the case of a musical program: At the end of a musical selection (e.g., symphony, concerto, or other musical work) being played;

(iv) In the case of a drama or variety show: At the end of the particular act during which a regular station identification becomes due;

(v) In the case of any other type of production: The first point at which station identification can be announced without objectionably breaking program continuity essential to the value of the program to the audience.

(2) If a subsequent regular station identification becomes due before the time prescribed for a deferred announcement, the broadcast of the subsequent regular announcement will suffice.

15. We also propose to amend § 73.652 of the rules, relating to station identification of television broadcast stations, by: (1) Eliminating the parenthetical matter "(Call letters and location)" from the present paragraph (a); and (2) substituting, in lieu of present paragraph (b), new paragraphs (b), (c), and (d) with the same texts as new paragraphs (b), (d), and (e), respectively, proposed above for § 73.117.

16. We propose similarly to amend § 73.787 of the rules, relating to station identification of international broadcast stations, by substituting in lieu of present paragraph (c), new paragraphs (c) and (d) with the same texts as new paragraphs (d) and (e) proposed above for § 73.117.

17. Authority for the adoption of the proposed amendments is contained in sections 4 (i), (j), and 303 of the Communications Act of 1934, as amended.

18. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before September 9, 1968, and reply comments on or before September 24, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice.

19. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: July 3, 1968.

Released: July 9, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-8278; Filed, July 11, 1968; 8:46 a.m.]

[47 CFR Part 87]

[Docket No. 18234; FCC 68-692]

COORDINATION OF CERTAIN FREQUENCIES

Establishment of Industry Frequency Advisory Committee

In the matter of amendment of Part 87 of the Commission's rules to make pro-

[1] Commissioner Wadsworth absent.

vision for the establishment of an industry frequency advisory committee for coordination of frequencies in the 1435–1535 Mc/s band, Docket No. 18234, RM 1198.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The Aerospace and Flight Test Radio Coordinating Council (AFTRCC) has filed a petition for rule making (RM 1198) to amend Part 87—Aviation Services to make provision for an industry frequency advisory committee for coordination of frequencies in the 1435–1535 Mc/s band. This band is available under provisions of § 87.331(c) of the rules for flight test stations. Frequencies between 1435–1485 Mc/s are assigned primarily for the flight testing of manned aircraft. Frequencies between 1485–1535 Mc/s are assigned primarily for the flight testing of unmanned aircraft and missiles. The band is shared by Government and non-Government users; therefore, frequencies are coordinated with interested Government agencies prior to assignment.

3. Petitioner submits that the recognition of a frequency advisory committee would allow for a more efficient coordination procedure and utilization of the 1435–1535 Mc/s band to the best interests of both the Government and non-Government users. Petitioner cites as an example the specific provision in Part 91—Industrial Radio Services for the coordination of frequency requests through an industry frequency advisory committee. AFTRCC feels that it is the logical organization through which necessary coordination should be effected for proposed non-Government usage.

4. The value of such committees to an applicant and the Commission is recognized. This type of operation has been most successful in other radio services. It is also recognized that the rapid growth in aviation has caused an increase in flight test operations and full and efficient utilization of the flight test frequencies is necessary if flight testers are to be accommodated under existing allocations.

5. The language proposed by petitioner includes a requirement that equipment for which licensing is requested in the band 1435–1535 Mc/s must meet Inter-Range Instrumentation Group Standards 106–66 except as provided under § 87.77(d) (1) and (3) of the Commission's rules. No justification is submitted for the inclusion of new or different technical standards. The petition and supporting information is directed only toward the establishment of a frequency advisory committee. The language proposed in the attached appendix, therefore, does not contain any requirement for equipment to meet Inter-Range Instrumentation Group Standards.

6. In Dockets 17870 and 18004, AFTRCC submitted comments which requested, among other things, that the subject petition for rulemaking be expanded to required coordination procedures for all flight test frequencies. The proposed rules set forth in the attached appendix are limited to coordination of frequencies in the band 1435–1535 Mc/s as originally requested; however, comments detailing the need for coordination of all flight test frequencies will be considered.

7. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in sections 4(i) and 303 (f) and (r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules interested persons may file comments on or before August 13, 1968, and reply comments on or before August 26, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: July 3, 1968.

Released: July 9, 1968.

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

1. A new § 87.334 is added to read as follows:

§ 87.334 Frequency coordination.

(a) An applicant for authority to use frequencies in the band 1435–1535 Mc/s must submit with each application for a new station, or renewal or modification of an existing authorization the information detailed in either paragraph (b) or (c) of this section.

(b) (1) A report may be submitted, based on a field study, indicating the degree of probable interference to existing stations operating in the same area. The applicant shall consider all non-Government stations operating on the frequency or frequencies requested or assigned within 200 miles of the proposed area of operation.

(2) A written statement that all existing licensees within the frequency and mileage limits contained in subparagraph (1) of this subparagraph have been notified of the applicant's intention to file an application shall be included with the report.

(c) (1) A statement may be submitted from a frequency advisory committee commenting upon the frequency or frequencies requested or the proposed changes in the authorized station and giving the opinion of the committee regarding the probable interference of the proposal to existing stations. The committee shall consider, as a minimum, all stations operating on the frequency or frequencies requested or assigned within 200 miles of the proposed area of operation. A statement may be submitted by the frequency advisory committee recommending a specific frequency, which in the opinion of the committee, will result in the least amount of interference to existing stations. In addition, committee recommendations may appropriately include comments on other technical factors and may contain recommended conditions or restrictions which it believes should appear on an authorization to lessen the possibility of interference.

(2) A frequency advisory committee must be so organized that it is representative of all persons who are eligible for non-Government radio flight test facilities. In order to be recognized as a frequency advisory committee under this section, a statement of organization and composition of the committee must be submitted to the Commission for approval. The functions of any advisory committee shall be purely advisory in character to the applicant and the Commission, and its recommendations cannot be considered as binding upon either the applicant or the Commission.

[F.R. Doc. 68–8279; Filed, July 11, 1968; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CERTAIN STATES

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Idaho, Illinois, Iowa, Nebraska, Oklahoma, and Virginia, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IDAHO

Idaho.

ILLINOIS

Adams.
Alexander.
Bond.
Brown.
Calhoun.
Champaign.
Christian.
Clark.
Clay.
Clinton.
Coles.
Crawford.
Cumberland.
De Witt.
Douglas.
Edgar.
Edwards.
Effingham.
Fayette.
Ford.
Franklin.
Gallatin.
Greene.
Hamilton.
Hancock.
Hardin.
Iroquois.
Jasper.
Jefferson.
Jersey.
Johnson.
Lawrence.
Logan.
McDonough.
Macon.
Macoupin.
Marion.
Mason.
Massac.
Montgomery.
Morgan.
Moultrie.
Piatt.
Pike.
Pope.
Pulaski.
Richland.
Saline.
Sangamon.
Schuyler.
Scott.
Shelby.
Union.
Vermilion.
Wabash.
Washington.
Wayne.
White.
Williamson.

IOWA

Adams.
Allamakee.
Appanoose.
Audubon.
Black Hawk.
Bremer.
Buchanan.
Cass.
Chickasaw.
Clarke.
Clayton.
Crawford.
Davis.
Decatur.
Delaware.
Fayette.
Floyd.
Fremont.
Harrison.
Howard.
Lee.
Linn.
Lucas.
Mills.
Mitchell.
Monona.
Monroe.
Montgomery.
Muscatine.
Page.
Pottawattamie.
Ringgold.

IOWA—Continued

Shelby.
Taylor.
Union.
Van Buren.
Wayne.
Winneshiek.
Woodbury.

NEBRASKA

Dawson.
Garfield.
Gosper.
Sherman.
Valley.

OKLAHOMA

Beaver.
Beckham.
Cimarron.
Custer.
Dewey.
Ellis.
Grady.
Greer.
Harmon.
Harper.
Haskell.
Jackson.
Johnston.
Kiowa.
Major.
Marshall.
Roger Mills.
Stephens.
Texas.
Tillman.
Washita.
Woods.
Woodward.

VIRGINIA

Albemarle.
Alleghany.
Amelia.
Appomattox.
Augusta.
Bath.
Bedford.
Bland.
Botetourt.
Brunswick.
Buckingham.
Campbell.
Charlotte.
Chesterfield.
Clarke.
Craig.
Culpeper.
Cumberland.
Dinwiddie.
Essex.
Fauquier.
Floyd.
Fluvanna.
Frederick.
Giles.
Gloucester.
Greene.
Greensville.
Halifax.
Highland.
King and Queen.
King William.
Lancaster.
Loudoun.
Lunenburg.
Madison.
Mathews.
Mecklenburg.
Middlesex.
Montgomery.
Nelson.
Northumberland.
Nottoway.
Orange.
Page.
Patrick.
Pittsylvania.
Powhatan.
Prince Edward.
Prince George.
Pulaski.
Rappahannock.
Richmond.
Roanoke.
Rockbridge.
Rockingham.
Shenandoah.
Surry.
Sussex.
Warren.
Westmoreland.
Wise.
Wythe.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this third day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-8265; Filed, July 11, 1968; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

STATE UNIVERSITY OF NEW YORK ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Producer Goods, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Producer Goods must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00645-00-46040. Applicant: State University of New York at Stony Brook, Department of Biology, Stony Brook, Long Island, N.Y. 11790. Article: Anticontamination cold trap, Model ACS-2. Manufacturer: Japan Electron Optics Laboratory, Ltd., Japan. Intended use of article: The article will be used in conjunction with a JEM 6A electron miscroscope to enhance specimen observations for longer periods. Application received by Commissioner of Customs: June 12, 1968.

Docket No. 68-00646-00-46040. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Double-tilting and rotating stage for Elmiskop IA electron miscroscope.

Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used to alter the Elmiskop electron microscope so as to form a new lens with sufficient chromatic aberration to enable the electron energy spectra to be resolved, allowing researchers to perform chemical analysis down to 50 Angstroms resolution. Application received by Commissioner of Customs: June 12, 1968.

Docket No. 68-00647-65-83500. Applicant: National Aeronautics and Space Administration, Manned Spacecraft Center, White Sand Test Facility, Post Office Drawer MM, Las Cruces, N. Mex. 88001. Article: Thermoanalyzer, Unit II. Manufacturer: Mettler, Analytical and Precision Balances, Switzerland. Intended use of article: The article will be used for basic investigations of the thermal behavior of materials and off gassed products in controlled environments. Scientific objective is to provide the most meaningful, complete, and timely thermal data on nonmetallic materials within the present state-of-the-arts. Application received by Commissioner of Customs: June 13, 1968.

Docket No. 68-00648-00-61800. Applicant: Union Free School District No. 5, North Village Green, Levittown, N.Y. 11756. Article: Hemispherical assembly for planetarium, Type 10. Manufacturer: Sailcraft Ltd., Canada. Intended use of article: The article will be used in connection with a planetarium instrument of this institution for instructional purposes. Application received by Commissioner of Customs: June 13, 1968.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8259; Filed, July 11, 1968; 8:45 a.m.]

Maritime Administration

[Report 20]

LIST OF FOREIGN-FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JANUARY 25, 1966

SECTION 1. The President has approved a policy of denying the carriage of U.S. Government-financed cargoes shipped from the United States on foreign-flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate U.S. Government Departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through June 25, 1968. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total, all flags (53 ships)	359,720
Polish (30 ships)	227,834
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
*Emilia Plater	6,718
Energetyk	10,876
Florian Ceynowa	6,784
General Sikorski	6,785
Hanka Sawicka	6,944
Hanoi	6,914
Hugo Kollataj	3,755
Jan Matejko	6,748
Janek Krasicki	6,904
Jozef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
Konopnicka	9,690
Kraszewski	10,363
Lelewel	7,817
*Ludwik Solski	6,904
Marceli Nowotko	6,660
Marian Buczek	7,053
Moniuszko	9,247
Norwid	5,512
*Pawel Finder	4,911
Phenian	6,923
Przyjazn Narodow	8,876
Stefan Okrzeja	6,620
Transportowiec	10,854
Wieniawski	9,190
Wladyslaw Broniewski	6,919
British (15 ships)	84,518
Ardrowan	7,300
Dartford	2,739
Greenford	2,964
Isabel Erica	7,105
Kingford	2,911
**Meadow Court (trip to North Vietnam under ex-name Ardrossmore—British)	5,820
*Pundua	7,295
Rochford	3,324
**Rosetta Maud (trip to North Vietnam under ex-name, Ardtara—British)	5,795
Shienfoon	7,127
Shirley Christine	6,724
Shun Tai	7,085
Taipieng	5,676
Vercharmian	7,265
Yungfutary	5,388
Cypriot (5 ships)	30,981
Acme	7,173
**Agenor (trips to North Vietnam—Greek)	7,139
Amon	7,229
Antonia II	7,303
Marianthi	2,137
Lebanese (1 ship)	7,194
*Rio	7,194
Maltese (1 ship)	7,304
Amalia	7,304
Panamanian (1 ship)	1,889
**Salamanca (trips to North Vietnam under ex-name, Milford—British)	1,889

*Added to Rept. No. 19, appearing in the FEDERAL REGISTER issue of Mar. 26, 1968.
**Ships appearing on the list which have made no trips to North Vietnam under the present registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the U.S. Government to discourage such trade and;

(b) That no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report: None.

	Gross tonnage
Italian (1 ship): Agostino Bertani	8,380

b. Previous reports:

	Number of ships
British	1

SEC. 3. The following number of vessels have been removed from this list since they have been broken up.

FLAG OF REGISTRY	*Broken up*
British	2
Cypriot	2
Greek	1
Lebanese	1

Dated: June 27, 1968.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-8266; Filed, July 11, 1968; 8:45 a.m.]

[Report 90]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through June 25, 1968, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

Flag of Registry and Name of Ship	Gross tonnage
Total, all flags (193 ships)	1,382,201
British (53 ships)	424,044
Antarctica	8,785
Arctic Ocean	8,791
Ardrowan	7,300
Athelcrown (tanker)	11,149
*Athellaird (tanker)	11,150
Athelmere (tanker)	7,524
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	8,566
Chiang Kiang	10,481
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
Glaisdale	6,854
Hemisphere	8,718
Ho Fung	7,121
Huntsfield	9,483
Huntsland	9,353
Huntsville	9,486
Inchstuart	7,043
**Jeb Lee (trip to Cuba under ex-name Garthdale—British)	7,542
Jollity	8,819
**Kali Elpis (trips to Cuba under ex-name Ardmore—British)	4,664
**Kelso (trips to Cuba under ex-name Ardgem—British)	6,981
Kinross	5,388
La Hortensia	9,486
Magister	2,239
**Meadow Court (trips to Cuba under ex-name Ardrossmore—British)	5,820
Nancy Dee	6,597
Nebula	8,907
Newglade	7,368
Newheath	7,643
Newmoat	7,151
Oceantramp	6,185
Oceantravel	10,419
Peony	9,037
Red Sea (previous trip to Cuba under ex-name Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba under ex-name Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
Shienfoon	7,127
Southgate (previous trips to Cuba under ex-name Arlington Court—British)	9,662
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
Yungfutary	5,388
Yunglutaton	5,414
Cypriot (34 ships)	248,468
Acme	7,173
Aegis Hope (previous trips to Cuba under ex-name Huntsmore—British)	5,678
Agenor	7,139
**Aiolos II (trips to Cuba—Lebanese)	7,256
Alice (previous trips to Cuba—Greek)	7,189
Amfithea (previous trip to Cuba under ex-name Antonia—Greek)	5,171
Amon	7,227

See footnotes at end of table.

Flag of Registry and Name of Ship	Gross tonnage
Cypriot—Continued	
Angeliki	8,482
Anka	7,314
Antonia II (previous trip to Cuba under ex-name Stylianos N. Vlassopulos—Greek)	7,281
Apollonian	7,229
Areti (previous trips to Cuba—Lebanese)	7,176
Captain Papalios (tanker)	11,676
Claire (previous trips to Cuba—Lebanese)	5,411
Dorine Papilios (previous trips to Cuba under ex-name Formentor—British)	8,424
E. D. Papalios	9,431
El Toro	5,949
Free Navigator (previous trips to Cuba under ex-name Newdene—British)	7,165
Free Trader (previous trips to Cuba—Lebanese)	7,061
Gloria	7,277
Katerina (previous trips to Cuba—Lebanese)	9,357
Marika (trips to Cuba—Lebanese)	7,290
Mery (previous trips to Cuba—Greek)	7,258
Newforest (previous trips to Cuba—British)	7,189
Newgate (previous trips to Cuba—British)	6,743
**Newlane (trips to Cuba—British)	7,043
Newmoor (previous trips to Cuba—British)	7,168
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Protoklitos	6,154
**Skepsis (trips to Cuba under ex-name Akamas—Lebanese and Cypriot	7,285
Sunrise (previous trips to Cuba under ex-name Anatoli—Greek)	7,216
Tina (previous trips to Cuba—Greek)	7,362
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Zela M. (previous trips to Cuba—British)	7,237
Lebanese (21 ships)	142,594
Al Faris	1,143
Antonis	6,259
Astir	5,324
Atticos	7,257
Giannis	5,270
Giorgos Tsakiroglou	7,240
Ilena	5,925
Ioannis Aspiotis	7,297
Mantric	7,255
Marichristina	7,124
Mousse	9,307
Nictric	7,296
Noelle	7,251
Panagos	7,134
Rio	7,194
San Spyridon	7,260
Stevo	7,066
Tony	7,176
Toula	6,426
Vergolivada	6,339
Yanxilas	10,051
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221

Flag of Registry and Name of Ship	Gross tonnage
Polish—Continued	
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Greek (13 ships)	85,669
Agios Therapon	7,205
**Aliartos (trip to Cuba under ex-name Loradore—British)	8,078
Andromachi (previous trips to Cuba under ex-name Penelope—Greek)	6,712
**Anna Maria (trips to Cuba under ex-name Helka—British)	2,111
Barbarino	7,084
Calliopi Michalos	7,249
Eftyhia	9,844
**Gold Land (trip to Cuba under ex-name Amfred—Swedish)	2,838
Irena	7,232
Nicolaos F. (previous trip to Cuba under ex-name Nicolaos Frangistas—Greek)	7,199
Nikolis M	7,176
Redestos	5,911
Sophia	7,030
Italian (5 ships)	38,128
Achille	6,950
Elia (tanker)	11,021
**Graziella Zeta (trips to Cuba under ex-name Montiron—Italian	1,595
San Francesco	9,284
Santa Lucia	9,278
Panamanian (8 ships)	52,434
**Ampuria (trips to Cuba under ex-name Roula Maria—Greek)	10,608
**Avranchoise (trips to Cuba under ex-name Avranches—French)	7,199
**Cathay Trader (trips to Cuba under ex-name Suva Breeze—British)	4,996
**Chung Thai (trip to Cuba under ex-name Somalia—Italian)	3,352
**Thalie (trip to Cuba under ex-name Maroudio—Greek)	7,369
**Tynlee (trip to Cuba under ex-name Ardenode—British)	7,036
**White Daisey (trips to Cuba under ex-name Anacreon—Greek)	6,935
**Yu Lee (trips to Cuba under ex-name Dairen—British)	4,939
Finnish (7 ships)	47,099
Atlas	3,916
Augusta Paulin	7,096
Isomeri	3,576
Jytte Paulin	7,010
Ragni Paulin	6,823
Sword (tanker)	11,631
Verna Paulin	7,047
French (6 ships)	19,316
**Atlanta (trip to Cuba under ex-name Enee—French)	1,232
Circe	2,874
Foulaya	3,739
Mungo	4,820
Nelee	2,874
Penja	3,777

Flag of Registry and Name of Ship	Gross Tonnage
Yugoslav (7 ships)	50,843
Bar	8,776
Kolasin	7,217
Mojkovac	7,142
Piva	7,519
Plod	3,657
Subicevac	9,033
Tara	7,499
Maltese (4 ships)	27,097
Amalia (previous trips to Cuba—British)	7,304
Ispahan	7,169
Soclyve (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Moroccan (4 ships)	32,746
Atlas	10,392
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Pakistani (2 ships)	15,762
**Haringhata (trip to Cuba under ex-name Ardpatrick—British)	7,054
**Maulabaksh (trip to Cuba under ex-name Phoenician Dawn and East Breeze—British)	8,708
Somali (4 ships)	36,317
Aragon	7,201
Erato (previous trips to Cuba under ex-name Eretria—Greek)	7,199
**Senanque (trips to Cuba—French)	14,659
*Thios Costas	7,258
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba under ex-name Neve—French)	852
Japanese (1 ship)	8,627
*Chokyu Maru	8,627

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship	Gross tonnage
a. Since last report:	
Italian (7 ships)	69,300
Agostino Bertani	8,380
Atria (tanker)	12,845
Caprera	7,189
Geremia	2,479
Giuseppe Giulietti (tanker)	17,519
Nino Bixio	8,427
San Nicola (tanker)	12,461
b. Previous reports:	
Flag of registry (total)	Number of ships 112
British	44
Cypriot	3
Danish	1
Finnish	2
French	1
German (West)	1
Greek	29
Israeli	1

Flag of Registry and Name of Ship	Number of ships
Flag of registry—Continued	
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	9
Liberian	1
Norwegian	5
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, etc.

Flag of registry:	Broken up, sunk or wrecked
British	13
Cypriot	12
Finnish	1
French	1
Greek	12
Italian	3
Lebanese	25
Maltese	1
Monaco	1
Moroccan	1
Norwegian	1
Panamanian	1
South African	2
Swedish	1
Yugoslav	5
Total	80

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through June 25, 1968.

Flag of registry	Number of trips											
	1963	1964	1965	1966	1967	1968						Total
						Jan.	Feb.	Mar.	Apr.	May	June	
British	133	180	126	101	78	2	5	6	5	4	1	648
Lebanese	64	91	58	25	16	2		4	2			261
Greek	99	27	23	27	29		1	1	1			202
Cypriot		1	17	27	42	2	10	6	4	1	3	113
Italian	16	20	24	11	11		1		2			85
Yugoslav	12	11	15	10	14			1		1		64
French	8	9	9	10	10			1				47
Finnish	1	4	5	11	12	1	1	1				36
Spanish	8	17										25
Norwegian	14	10										24
Moroccan	9	13	1									23
Maltese		2	6	1	4	2		1		1		17
Netherlands		4	2									6
Swedish	3	3										6
Kuwaiti		2	1									3
Israeli			2									2
Danish	1											1
German (West)	1											1
Haitian			1									1
Japanese	1										1	2
Monaco				1								1
Somali					2		1	1		1		5
Subtotal	370	394	290	224	218	9	19	22	14	8	5	1,573
Polish	18	16	12	10	11	1		2	1	1		72
Grand total	388	410	302	234	229	10	19	24	15	9	5	1,645

NOTE: Trip totals in this section exceed ship totals in sec. 1 and 2 because some of the ships made more than 1 trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Rept. 89, appearing in the FEDERAL REGISTER issue of June 6, 1968.

**Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: June 27, 1968.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-8267; Filed, July 11, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[Interim Policy Issuance 1]

WORK INCENTIVE PROGRAM

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below (made pursuant to section 1102 of the Social Security Act, 42 U.S.C. 1302) prescribe certain interim policies and requirements for Social and Rehabilitation Service programs which were announced, in a policy statement with binding effect on States, on April 19, 1968, by the Administrator, Social and Rehabilitation Service. Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of these interim policies and requirements in the FEDERAL REGISTER. The final regulations will be codified in Title 45 of the Code of Federal Regulations.

Dated: June 6, 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: July 3, 1968.

WILBUR J. COHEN,
Secretary.

1. *Subject.* Work Incentive Program.

2. *Purpose.* To implement section 402(a)(19) and Part C of title IV of the Social Security Act.

3. *Regulations*—A. *State Plan Requirements.* Effective July 1, 1968, unless a State is prevented from complying on that date by State statute, and then no later than July 1, 1969, a State plan for AFDC must provide that:

(1) Except as qualified below, prompt referral of the following will be made to the manpower agency designated by the Secretary of Labor (hereinafter referred to as the Manpower Agency) operating a Work Incentive Program under Part C of title IV, for participation in such program:

(a) Each appropriate individual, age 16 or older, who is receiving AFDC or who lives in the same household as an AFDC recipient and whose needs are taken into account in determining the assistance payment.

(b) Any other individual claiming aid under the program (not included in (a)) who, after being informed of the Work Incentive Program, requests such referral unless the State agency determines that participation therein will be inimical to the welfare of such individual or the family.

Meaning of referral. A referral is the transmission of notice in writing by the State or local agency to the Manpower Agency to the effect that an individual described in (1) above has been determined to meet the criteria for referral, in an area where a Work Incentive Program is operated, and has been directed by the welfare agency to appear in person at an office of the Manpower Agency, when notified. Referrals of such individuals shall be made promptly after such determination, in an orderly manner, and will not be deferred by reason of the fact that there is no project activity under the Work Incentive Program to which such individual can be assigned.

(2) Determinations as to whether individuals are appropriate for referral for participation under a Work Incentive Program will be made in the following order of priority:

(a) AFDC Unemployed Fathers

(i) Unemployed fathers currently participating in a Community Work and Training Program under section 409 of the Social Security Act or in a Work Experience and Training Program under title V of the Economic Opportunity Act.

(ii) Other unemployed fathers.

(b) Mothers and other caretaker relatives and essential persons who volunteer and are currently participating in a Community Work and Training or Title V Work Experience and Training Program.

(c) Youths 16 years of age and over who are not in school or training and for whom there are no educational plans under consideration for implementation within the next 3 months.

(d) Mothers and others who volunteer but are not currently involved in a Community Work and Training Program or a Work Experience and Training Program, and who have no preschool children.

(e) Mothers and others who volunteer and have preschool children.

(f) Any others determined by the State to be appropriate for referral.

(3) No referral will be made to the Manpower Agency for participation under a Work Incentive Program of an individual described in (1)(a) if he is:

(a) A person with illness, incapacity, or advanced age;

(b) A person so remote from any project under the Work Incentive Program that he cannot effectively participate therein;

(c) A child attending school full-time;

(d) A person whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household; or

(e) A person whose presence in the home is required because adequate child-care services are not furnished. (Detailed provisions with respect to child-care and other services to be provided by the State agency which are related to the Work Incentive Program will be included in a separate statement regarding services under Part A of title IV of the Act which will soon be issued.)

(4) If the plan includes dependent children of unemployed fathers, referral of such fathers will be made to the Manpower Agency within 30 days after receipt of aid with respect to such children.

(5) AFDC will not be denied because of a referral to the Work Incentive Program or because of an individual's participation on a project under a program of institutional and work experience training or of special work projects under Part C of title IV of the Social Security Act.

(6) If and for so long as an individual described in and referred pursuant to (1)(a) has been determined by the Manpower Agency to have refused without good cause to participate in the Work Incentive Program or to accept a bona fide offer of employment in which he is able to engage:

(a) If such individual is a relative receiving AFDC, his needs will not be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments or of foster care will be made;

(b) If such individual is the only dependent child in the family, assistance for the family will be denied;

(c) If such individual is one of several dependent children in the family, assistance for such child will be denied and his needs will not be taken into account in determining the family's need for assistance; and

(d) If such individual is not a recipient, his needs will not be taken into account in determining the family's need for assistance.

(7) Each individual described in (6) will, for a period of 60 days, be provided counseling or other services aimed at persuading him to participate in the Work Incentive Program or take employment in which he is able to engage.

(8) With respect to each individual described in (6), the actions specified therein shall not be taken during the period of 60 days in which he is being provided the services referred to in (7), except that in the case of the individual described in (6)(a), assistance in the form of protective or vendor payments will be made in behalf of him and his family.

(9) In the determination of need for assistance, the following will be included in the State agency's policies for participation in the Work Incentive Program:

(a) The $30 monthly incentive payment made by the Manpower Agency to any participant in a program of institutional and work experience training will be disregarded.

(b) The wages paid to an individual for his employment or participation in a special work project will be supplemented as provided in (14)(b); and net earnings (after social security, unemployment compensation, and income tax deductions) will be used in determining whether the income of the individual employed on a special work project will be supplemented by an assistance payment.

(c) Such incentive payments or wages of participants will not be taken into consideration in determining the need of any other individual.

(10) Additional expenses reasonably attributable to an individual's participation in a program of institutional and work experience training or of special work projects under the Work Incentive Program will be paid for by the agency. (Additional material relating to such expenses will be included in the separate statement soon to be issued regarding services under Part A of title IV of the Act.)

(11) All persons referred to the Work Incentive Program will be provided a prereferral physical examination to determine the individual's physical condition for participating in work and training activities, unless adequate information for this purpose is already available. States are urged to provide restorative medical services directly related to the participant's employability utilizing all available resources such as the vocational rehabilitation and title XIX programs. Such services include the provision of items such as eyeglasses, hearing aids, cosmetic dentistry, and similar services.

(12) Arrangements will be made by the State agency to assure a non-Federal contribution of 20 percent of the cost of operation of the Work Incentive Program by the Manpower Agency.

(13) There will be joint planning between the State agency and the Manpower Agency on projects, project costs, in-kind resources including facilities, equipment, personnel (for purposes of the non-Federal contribution), and methods of exchange of information concerning wage rates and earnings.

(14) The State agency will make:

(a) Payments each month into the account(s) established by the Manpower Agency for participants in special work projects equal to the money payment which would otherwise be made to or on behalf of the individual (and his family), or 80 percent of the individual's earnings if less; and

(b) Supplemental payments of assistance to the individual participating in a special work project, to the extent necessary to assure that he receives an amount equal to the money payment he would have received for himself and his family if he were not in the project, plus 20 percent of his earnings from the special work project.

(15) The State agency will make arrangements with the Manpower Agency for the return of unexpended payments described in (14)(a), and will make adjustments in overpayments resulting from the return of such unexpended payments at the end of the fiscal year or such other periods as may be determined.

(16) After planning with the individual for his participation in a Work Incentive Program, the welfare agency will notify the individual in writing that he has been referred to the Work Incentive Program and that he has a right to a fair hearing before the State agency with respect to a determination regarding the appropriateness of such referral, the form or amount of payments, or the denial of assistance.

(17) In the event an individual who has been referred to the Work Incentive Program refuses to accept employment which is offered to him by an employer, whether directly or through the employment service or the welfare agency, the determination as to whether the offer was bona fide or there was good cause to refuse the offer will be made only by the Manpower Agency (after providing opportunity for fair hearing) and will be binding on the welfare agency.

B. *Non-Federal contribution.* For purposes of A(12):

(1) A non-Federal contribution may not include funds or expenditures which are used to meet the Federal or State share of other programs receiving Federal financial assistance.

(2) The non-Federal contribution may be in cash or in-kind. A contribution in-kind may be made in the form of the provision of services, staff, space, equipment, or any other goods or services of value essential to the operation of the Work Incentive Program or any project under such program. Where such contribution is in-kind, the amount thereof will be determined on the basis of its reasonable value as established by suitable documentation.

(3) The costs of operation of the Work Incentive Program which may be met by the non-Federal contribution may include the costs of training, supervision, materials, administration, incentive payments, transportation, and other items as are authorized by the Manpower Agency, but may not include any reimbursement for time spent by participants in work, training, or other participation in such program.

(4) If the State welfare agency fails to make arrangements for the non-Federal contribution of 20 percent of the total Statewide Work Incentive Program costs of operation, the Secretary of Health, Education, and Welfare may withhold under the conditions specified in the law the equivalent of amounts to be paid from the grants to the State agency for the public assistance titles.

C. *Referral to the Manpower Agency.* To refer a client to the Work Incentive Program, the welfare agency will complete section 1 of the Referral and Enrollment Card and send it, accompanied by a résumé on the applicant's history, to the local manpower agency office. When such office notifies the client of a date for a personal interview, it will also notify the welfare agency of this date. It is then the obligation of the agency to follow through with the client and offer assistance, if needed, to help him keep his appointment. If something in the client's situation arises that prevents the client from keeping his appointment another appointment will be made. In some cases, it may be necessary for a caseworker or someone else known to the client to accompany him on his interview.

If the client so referred does not keep his scheduled interview, the welfare agency will work with the client to arrange another appointment and will advise the Manpower Agency of the outcome.

When an individual referred to the Work Incentive Program refuses without good cause to accept employment in which he is able to engage or participate in a Work Incentive Program project, the Manpower Agency shall (after providing opportunity for fair hearing) notify the welfare agency and submit all the information on the refusal. Provision is made for special help for such an individual. The welfare agency is to provide intensive counseling and services for up to 60 days with a view to persuading the client to take employment in which he is able to engage or participate in the Work Incentive Program. If the client accepts these services, his needs are considered in the family assistance payment but a protective or vendor payment is made for 60 days. If the client continues to refuse to participate at the end of the period, he is dropped from the family payment which continues in nonmoney form.

In the event an individual referred to the Manpower Agency should need to be referred back to the welfare agency as having good cause for not continuing on a training plan or a job, the welfare agency shall promptly restore the assistance payment to the individual or make other necessary payment adjustments.

D. *Federal financial participation.* Beginning with the effective date of approval of amendments to the State plan for AFDC, pursuant to section 402(a) (14) and (15) of the Act, Federal financial participation in expenditures for any services furnished by the State agency relating to the Work Incentive Program, including additional expenses attributable to an individual's participation in the Work Incentive Program and the costs of prereferral physical examinations, as found necessary by the Secretary for the proper and efficient administration of the plan, is available at the rate of 85 percent through June 30, 1969, and at the rate of 75 percent thereafter.

Any amounts included in the assistance grants of participants, such as the supplementation of earnings on special work projects, are matchable under the assistance formula. Payments into the account referred to in A(14) are also matchable as assistance.

Any refund from such account to the State welfare agency will be regarded as an overpayment to the State and the Federal share thereof must be adjusted. This may be reflected in the State agency's claim for Federal financial participation for the month in which the money is received.

[F.R. Doc. 68-8311; Filed, July 11, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19625]

SHULMAN, INC.

Notice of Hearing Regarding Aggregate Weight

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on July 23, 1968, at 10 a.m., e.d.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to Orders E-26395, February 23, 1968, and E-26792, May 14, 1968, the report of prehearing conference served June 12, 1968, and to the documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 9, 1968.

[SEAL] ROBERT M. JOHNSON,
Hearing Examiner.

[F.R. Doc. 68-8277; Filed, July 11, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17899 etc.; FCC 68R-281]

RISNER BROADCASTING, INC., AND LEE MACE

Memorandum Opinion and Order Enlarging Issues

In re applications of Risner Broadcasting, Inc., Lebanon, Mo., Docket No. 17899, File No. BPH-5207; Risner Broadcasting, Inc., Lebanon, Mo., Docket No. 18043, File No. BP-17031; Lee Mace, Bagnell, Mo., Docket No. 18044, File No. BP-17122; for construction permits.

1. The above-captioned applications of Risner Broadcasting, Inc. (Risner), and Lee Mace for construction permits for new AM broadcast stations at Lebanon and Bagnell, Mo., respectively, were consolidated for hearing with Risner's application for an FM broadcast station in Lebanon, Mo., by order, FCC 68-223, released March 8, 1968.[1] Various issues relating to the AM applications, including a section 307(b) issue, were designated by the Commission. Presently before the Review Board is a motion to enlarge issues, filed March 28, 1968, by Risner, which seeks the addition of Rule

[1] Risner's FM application was originally designated for hearing with the mutually exclusive application of Lebanon Broadcasting Co. (order, FCC 67-1305, released Dec. 19, 1967). By order, FCC 68M-225, released Feb. 8, 1968, the Examiner granted Lebanon Broadcasting Co.'s petition to dismiss its application and retained Risner's application in hearing status "on unresolved questions concerning the truthfulness of representations in the Risner application." Inasmuch as identical representations were made in Risner's AM application, the Commission ordered the present consolidated hearing.

73.30(a) and suburban community issues against Lee Mace.[2]

2. In its petition, Risner first requests an issue to determine "whether the proposal of Lee Mace would serve primarily a particular city, town, political subdivision, or community contemplated by § 73.30(a) of the Commission's rules." Noting that the 1960 U.S. Census population for Bagnell was 62 persons, Risner argues that an area such as Bagnell; having only minimal economic, political, and social organization, can have "no identifiable 'community of interest' and, therefore assignment of a local transmission facility to Bagnell is not warranted." The Broadcast Bureau, although it argues that Bagnell must be considered a "community" under Commission precedent, supports the addition of a Rule 73.30(a) issue on the ground that Risner's allegations raise serious questions as to whether Lee Mace's 1 kw proposal "is designed to serve primarily the particular community of Bagnell" as required by the rule.[3]

3. In opposition, Lee Mace contends that while a licensee has a primary responsibility to its principal community, it has a further obligation to serve its entire service area; Lee Mace's expressed intention is to serve and draw revenue from the "Bagnell Dam Area" consisting of Bagnell, Lakeland, Lakeside, Lakeview, and Lake Ozark, Mo. Submitted with the opposition are various letters demonstrating the economic, civic, and social development of the Bagnell area and the need for the proposed facility. Such material shows that the Lake of the Ozarks, created in 1931, has promoted a vast recreational area. There are now 403 lakeshore resorts, motels and hotels which can accommodate 24,000 persons per day, and a large number of family type lakeshore cottages with kitchenettes which constitute the larger proportion of the facilities. Improvements to existing properties and the building of private homes have moved forward at a rate of $2,500,000 annually; and in the past 6 years over $17 million has been invested in five luxury type resorts. In 1966 it is estimated that the lake region entertained over 2,500,000 vacationers who spent at least one night there; that the lake attracted over 2 million 1-day visitors; and that the 1966 business volume was estimated at $60 million. The president of the Bank of Lake of the Ozarks, Lake Ozark, Mo., states that the bank is 1½ miles south of Bagnell Dam, in the city of Lake Ozark, Mo., and serves an area consisting of the city of Lake Ozark, the village of Lakeside, the village of Bagnell, the city of Lakeland, and the city of Lakeview, Mo., all within the proposed 25 mv/m contour; that the bank was established in 1960, with a capital account of $150,000 and deposits of $500,000; that since that time the community which the bank serves has continued to grow at a steady rate, both in business and residential; and that the bank has also grown so that its present deposits are in excess of $6 million, and its capital accounts have grown to $500,000. The clerk of the Bagnell Baptist Church, Lake Ozark, Mo., states that approximately 5 years ago there were only two incorporated communities in the area which were Bagnell and Lakeside, and that there are now five.

4. There is no inflexible standard by which it can be judged whether a particular populated area qualifies as a "city, town, political subdivision, or community" under § 73.30(a) of the rules. While in the instant case there appears to be an identifiable community of interest in the area which includes Bagnell, Lakeland, Lakeside, Lakeview, and Lake Ozark, Mo. (cf. Seven Locks Broadcasting Co., 37 FCC 82, 3 RR 2d 177 (1964), the Board is unable to determine whether the specified station location Bagnell, alone, qualifies as a community under § 73.30(a) of the rules, and must accordingly add an issue. However, Lee Mace implies that the Bagnell Dam area constitutes the community for purposes of § 73.30(a) of the rules and section 307(b) of the Act; that a station may be located in Bagnell to serve this entire community; and this contention finds support in the letters submitted by Lee Mace concerning this area. In this connection, it may be noted that the letter of the Superintendent of Schools, Lake Ozark, Mo., indicates that the school district includes the entire Bagnell Dam area and serves the residents in Bagnell, Lakeland, Lakeside, Lakeview, and Lake Ozark. Likewise, the bank letter indicates that this same geographical area is served by the bank. Thus, to the extent that the applicant seeks the instant authorization on the basis of the character or relationship of the areas involved, the Board will allow the adduction of appropriate evidence in support of a waiver of § 73.30(a) of the rules.

5. In support of its request for a suburban community issue, Risner argues that Lee Mace realistically proposes to serve Eldon, Mo. (population 3,158) or Osage Beach, Mo. (population 741). Risner cites V.W.B., Inc., FCC 67–058, 10 RR 2d 563, and argues that Lee Mace proposes an excessive amount of power (1,000 watts) which will place a 5 mv/m signal over communities substantially larger than Bagnell. In addition, Risner submits that Lee Mace has failed to demonstrate that Bagnell has separate and distinct needs; that any needs which might exist are presently unsatisfied; that its program proposal is designed to meet these needs; and that the proposed facility will derive any substantial revenue from its station location.

6. Petitioner's allegations fail to warrant the addition of a suburban community issue. Where the "population test" of the Policy Statement on Suburban Communities,[4] is not met and it therefore cannot be presumed that an applicant realistically proposes to serve a larger community, a petitioner will be required to make a threshold showing that essentially a "sub-standard central city station" is actually proposed. In V.W.B. Inc., supra, the Commission indicated that the evidentiary burden thus imposed is not a light one: "We are not going to designate applications for hearing (on a suburban community issue) merely because they happen to place a strong signal over a somewhat larger community * * *." In the instant case, Risner has failed to demonstrate any demographic, technical, or other relationship between Bagnell and either Eldon or Osage Beach, and the Board is unable to find any warrant for the addition of a section 307(b) suburban community issue. (Durgin Associates, Inc., FCC 67–1036, 11 RR 2d 205.) Petitioner's failure becomes particularly significant in light of the fact that Lee Mace's opposition clearly specified the areas to be served. (See par. 3, supra.) Moreover, the Commission's Policy Statement is primarily designed to handle urbanized area allocation problems. In the first paragraph of that statement (footnote 7, supra), the Commission indicates it is concerned "* * * when one or more of the proposed stations is to be located in a suburban community and would serve adjacent urbanized areas."

7. Mace filed his application on the unrevised FCC Form 301. Consequently, he made no showing concerning his efforts to ascertain the needs and interests of the community and area which he proposes to serve. In the absence of such a showing, an issue with respect to this matter is appropriate. Accordingly, such an issue will be included in this proceeding on the Board's own motion. See Minshall Broadcasting Co., Inc., 11 FCC 2d 796, 12 RR 2d 502 (1968).

8. *Accordingly, it is ordered,* That the motion to enlarge issues, filed March 28, 1968, by Risner Broadcasting, Inc., is granted to the extent indicated below and denied in all other respects; and

9. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues:

(1) To determine whether the proposal of Lee Mace would serve primarily a particular city, town, political subdivision, or community as contemplated by § 73.30(a) of the Commission's rules; and if not, whether circumstances exist which warrant a waiver of that rule.

(2) To determine the efforts made by Lee Mace to ascertain the needs and interests of the community and area to be

[2] On Mar. 29, Risner filed a supplement to motion to enlarge issues containing a supporting affidavit for its previously filed motion. The affidavit will be considered since good cause has been shown for the 1-day delay. Also before the Review Board are: (a) Broadcast Bureau's partial support and partial opposition, filed Apr. 4, 1968; (b) opposition, filed Apr. 25, 1968, by Lee Mace; and (c) reply, filed May 20, 1968, by Risner.

[3] Rule 73.30(a) reads in pertinent part: * * * each standard broadcast station will be licensed to serve primarily a particular city, town, political subdivision, or community which will be specified in the station license and the station will be considered to be located in such place.

[4] Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965), reconsideration denied 2 FCC 2d 866, 6 RR 2d 1908.

served, and the manner in which the applicant proposes to meet those needs and interests.

10. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof as to the issues added herein will be on Lee Mace.

Adopted: July 3, 1968.

Released: July 9, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8280; Filed, July 11, 1968; 8:47 a.m.]

[FCC 68-663]

TEST BORING

No Need for Authorization

JUNE 28, 1968.

It has come to the Commission's attention that test boring at a transmitter site to determine suitability of soil to support a radio station may be regarded by members of the communications industry to be "prior construction" within the meaning of section 319(a) of the Communications Act of 1934, as amended.

This provision prevents the issuance of a license to a station on which construction commenced before it was authorized by the Commission.

The making of borings is not considered a part of construction. Rather, it appears to be a matter of prudence in the selection of suitable transmitter sites.

Action by the Commission, June 26, 1968, Commissioners Hyde (Chairman), Bartley, Lee, Cox, Loevinger, Wadsworth, and Johnson.

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

[F.R. Doc. 68-8281; Filed, July 11, 1968; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 68-38]

MATSON NAVIGATION CO.

Order of Investigation and Suspension

Matson Navigation Co.; investigation of practices affecting transportation under freight; all-kinds rates.

There has been filed with the Federal Maritime Commission by Matson Navigation Co., to become effective July 25, 1968, Eighth Revised Page 182 to Tariff FMC-F No. 137, setting forth in Note 6, Item 2000, a new restriction which will preclude over 1,500 pounds of any cargo with density exceeding 175 pounds per cubic foot from moving under the freight-all-kinds rate.

Upon consideration of the said schedule and protest thereto, there is reason to believe that the above-designated change if permitted to become effective would be unjust, unreasonable, or otherwise unlawful under sections 16 and 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing, therefore:

It is ordered, That pursuant to the authority of section 3 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness under sections 16 and 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, of the new restriction contained in Note 6, Item 2000 on Eighth Revised Page 182, FMC-F No. 137, with a view to making such findings and orders in the premises as the facts and circumstances warrant.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the aforementioned amendment to Note 6 is suspended and the use thereof be deferred to and including November 24, 1968, unless otherwise ordered by this Commission. In the event the matter hereby placed under investigation is changed, amended or reissued upon termination of the suspension period before the investigation has been concluded, such changed, amended, or reissued matter will be included in this investigation.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said schedule under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933.

It is further ordered, That there shall be filed immediately with the Commission by Matson Navigation Co., a consecutively numbered supplement to Tariff FMC-F No. 137, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until November 25, 1968, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation or the Federal Maritime Commission.

It is further ordered, That Matson Navigation Co. be named as respondent in this proceeding.

It is further ordered, That Kaiser Steel Corp. be named as petitioner in accordance with the Commission's rules of practice and procedure.

It is further ordered, That this proceeding be consolidated for hearing and decision with Docket No. 68-32.

It is further ordered, That (I) a copy of this order shall forthwith be served upon the respondent and petitioner herein; (II) the said respondent and petitioner be duly notified of the time and place of the hearing; and (III) this order to be published in the FEDERAL REGISTER and notice of said hearing be served upon the respondent and petitioner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) with a copy to the respondent and petitioner.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8261; Filed, July 11, 1968; 8:45 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Correction

In F.R. Doc. 68-8088, appearing at page 9844, of the issue for Tuesday, July 9, 1968, the second signature should read "William B. Camp, *Comptroller of the Currency.*"

FOREIGN-TRADE ZONES BOARD

[Order 76]

MAYAGUEZ, P.R.

Expansion of Area of Foreign-Trade Zone No. 7

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the Foreign-Trade Zones Board, acting on an application from the Puerto Rico Industrial Development Co., and by Board Order No. 50, dated June 27, 1960, issued to PRIDCO a grant authorizing the establishment, operation, and maintenance of Foreign-Trade Zone

[5] Board Member Pincock absent.

No. 7 at Mayaguez, P.R., to be located on approximately 16.93 acres of land located along State Highway No. 2, 3 miles from the city of Mayaguez.

Whereas, the Puerto Rico Industrial Development Co., Grantee of Foreign-Trade Zone No. 7, filed with the Foreign-Trade Zones Board on January 31, 1968, an application for the expansion of the zone area to include an additional 11.33 acres contiguous to the southwest side of the established zone.

Whereas, the Foreign-Trade Zones Board finds that the present zone area will not serve adequately the convenience of commerce by providing the necessary space to carry out business operations within the zone.

Now, therefore, the Foreign-Trade Zones Board, after consideration and a finding that the proposal is in the public interest, hereby orders:

That the Grantee is authorized to expand the zone to include the area which conforms with Exhibits Nos. 1–13, filed with the application dated January 31, 1968, provided that the means of segregating this area from Customs territory and provisions for safeguarding the revenue meet the requirements of the Bureau of Customs.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of Administrative Procedure (5 U.S.C. 553) is unnecessary in connection with the issuance of this order, because its application is restricted to one foreign-trade zone, and is of such a nature that it imposes no burden on the parties of interest. The effective date is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 28th day of June 1968.

[SEAL] C. R. SMITH,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:
R. H. LAKE,
Executive Secretary, Foreign-Trade Zones Board.

[F.R. Doc. 68-8262; Filed, July 11, 1968; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

EQUILEASE CAPITAL CORP.

Application for License

Notice is hereby given pursuant to § 107.103 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326), that the parties listed below have applied to the Small Business Administration under the name of Equilease Capital Corp., 270 Madison Avenue, New York, N.Y. 10016, for a license to operate in the States of New York, New Mexico, Illinois, Texas, Michigan, California, Louisiana, Georgia, North Carolina, Colorado, Florida, Massachusetts, Washington, and Oklahoma, as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

The company is to commence operations with $500,000 in private capital and will furnish equity capital and long-term loan funds to qualified small business concerns in diversified fields.

The Agent for Correspondence, Officers, Directors, and beneficial owners of the common stock are:

George A. Halmos, 301 East 47th Street, New York, N.Y. 10017.	President, Director, no stock ownership.
Glenn E. Taylor, Jr., 47 Woodland Way, Manhasset, Long Island, N.Y. 11030.	Senior Vice President, no stock ownership.
Norbert S. Weissberg, 262 Central Park, West, New York, N.Y. 10024.	Agent for Correspondence, Executive Vice President, Treasurer, Director, no stock ownership.
Harold V. Mendelsohn, 214–35 45th Drive, Bayside, N.Y. 11361.	Vice President, no stock ownership.
Gerard R. Nocera, 231 Meadowbrook Road, Wyckoff, N.J. 07481.	Vice President, no stock ownership.
Henry B. Vess, Jr., 89 Kensington Road, Bronxville, N.Y. 10708.	Vice President, no stock ownership.
David Spiller, Eltra Corp., Post Office Box 931, Toledo, Ohio 43601.	Secretary, no stock ownership.
Daniel M. Fishstein, 163–39, 130 Avenue, Jamaica, N.Y. 11434.	Controller, no stock ownership.
J. A. Keller, Horseshoe Road, Mill Neck, Long Island, N.Y.	Director, no stock ownership.
Equilease Corp., 270 Madison Avenue, New York, N.Y. 10016.	100 percent owner of Equilease Capital Corp.
Eltra Corp., 29 Ryerson Street, Brooklyn, N.Y.	100 percent owner of Equilease Corp.

The Officers and Directors of Equilease Capital Corp. are also Officers and Directors of Eltra Corp., and/or Equilease Corp.

Prior to final action on the application, consideration will be given to any comments pertaining thereto which are submitted in writing, to the Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of fifteen (15) days of the date of publication of this notice.

A copy of this notice shall be published in a newspaper of general circulation in New York, N.Y.

Dated: July 2, 1968.

JAMES T. PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 68-8260; Filed, July 11, 1968; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-442 etc.]

HASSIE HUNT TRUST ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JULY 3, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

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) on or before July 29, 1968.

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 all applications in which no protest or petition to intervene is filed within the time requred herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4421 B 6-17-68 [1]	Hassie Hunt Trust, 1401 Elm St., Dallas, Tex. 75202.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Magnet Area, Wharton County, Tex.	Depleted	
G-7437 E 6-6-68	The Fourth National Bank and Trust Co., Wichita (successor to W. H. Black, deceased) Post Office Box 1090, Wichita, Kansas 67201	Colorado Interstate Gas Co., Hugoton Gas Field, Kearny County, Kans.	11.6	14.65
G-16218 D 6-19-68	Gulf Oil Corp. (Operator) et al, Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Panhandle Area, Harper County, Okla.	([2])	
CI66-27 C 6-21-68	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., acreage in Alfalfa and Major Counties, Okla.	[3] 15.0	14.65
CI66-478 C 6-24-68	Thomas E. Berry et al., Post Office Box 528, Stillwater, Okla. 74074.	Arkansas Louisiana Gas Co., Pine Hollow Field, Pittsburg County, Okla.	15.0	14.65
CI66-1331 D 6-20-68	William E. Snee et al., c/o Robert E. Eberly, Manager, Downtown Station, Post Office Box 2023, Uniontown, Pa. 15401.	Arkansas Louisiana Gas Co., acreage in Le Flore County, Okla.	([4])	
CI67-90 C 6-20-68	Amax Petroleum Corp., 507 Enterprise Bldg., Tulsa, Okla. 74103.	Arkansas Louisiana Gas Co., Bonanza Field, Sebastian County, Ark.	15.0	14.65
CI67-564 A 10-31-66	Marvin E. Wilhite et al., Post Office Box 326, Orange Park, Fla. 32073.	Cumberland and Allegheny Gas Co., Union District, Barbour County, W. Va.	24.519	15.325
CI67-565 A 10-31-66	do	Cumberland and Allegheny Gas Co., Warren District, Upshur County, W. Va.	24.519	15.325
CI67-566 A 10-31-66	do	do	24.519	15.325
CI67-567 A 10-31-66	do	Cumberland and Allegheny Gas Co., Union District, Barbour County, W. Va.	24.519	15.325
CI67-568 A 10-31-66	do	do	24.519	15.325
CI67-569 A 10-31-66	do	do	24.519	15.325
CI67-570 A 10-31-66	do	do	24.519	15.325
CI67-1561 C 5-24-68	Southwestern Natural Gas, Inc., National Bank of Commerce Bldg., Suite 2018, San Antonio, Tex. 78205.	Northern Natural Gas Co., Follett Field, Lipscomb County, Tex.	[3] 17.0	14.65
CI68-1255 C 6-24-68	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Angels Peak, Aztec and Blanco Fields, San Juan Basin, San Juan County, N. Mex.	13.0	15.025
CI68-1313 C 6-24-68	do	El Paso Natural Gas Co., Blanco Field, San Juan Basin, San Juan County, N. Mex.	12.0	15.025
CI68-1418 A 6-18-68	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, West Cameron Block 163 Field, Offshore Louisiana.	20.0	15.025
CI68-1419 A 6-18-68	Pennzoil United, Inc.[5] (Operator) et al., Post Office Drawer 1588, Parkersburg, W. Va. 26101.	United Fuel Gas Co., Rocky Fork Field, Kanawha County, W. Va.	27.5	15.325
CI68-1420 B 6-19-68	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Natural Gas Pipeline Co. of America, Guthrie Unit, Woodward County, Okla.	Depleted	
CI68-1421 A 6-19-68	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, East Holly Beach Field, Cameron Parish, La.	21.5	15.025
CI68-1422 B 6-19-68	Thomas N. Berry & Co., Post Office Box 111, Stillwater, Okla. 74074.	Cities Service Gas Co., East Goodnight Area, Lincoln County, Okla.	([6])	
CI68-1423 (CI62-213) F 6-10-68	Petroleum Promotions, Inc. (successor to Bear Run Oil & Gas Co.), % John S. Holy, attorney, Post Office Box 643, Weston, W. Va. 26452.	Equitable Gas Co., Hackers Creek District, Lewis County, W. Va.	25.0	15.325
CI68-1424 B 6-20-68	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., Post Office Box 747, Dallas, Tex. 75221.	United Gas Pipe Line Co., Lafourche Crossing Field, Lafourche Parish, La.	Depleted	
CI68-1425 A 6-20-68	Gulf Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 176, West Cameron Area, Offshore Louisiana.	21.25	15.025
CI68-1426 B 6-21-68	Hunt Petroleum Corp., 1401 Elm St., Dallas, Tex. 75202.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Calvin Field, Winn Parish, La.	Depleted	
CI68-1427 A 6-20-68	Lario Oil & Gas Co., 301 South Market St., Wichita, Kans. 67202.	Cascade Natural Gas Corp., Willow Creek Field, Rio Blanco County, Colo.	15.0	15.025
CI68-1428 A 6-21-68	Sohio Petroleum Co., 970 First National Bldg., Oklahoma City, Okla. 73102.	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	13.0	14.65
CI68-1429 A 6-21-68	The Preston Oil Co., Post Office Box 2319, Columbus, Ohio 43216.	Natural Gas Pipeline Co., of America, Block 225 Field and Block 229 Field, West Cameron Area, Offshore Louisiana.	20.0	15.025
CI68-1430 A 6-21-68	Exchange Oil & Gas Co. et al., 1200 Oil and Gas Bldg., New Orleans, La. 70112.	Trunkline Gas Co., Twin Island Field, Cameron Parish, La.	21.25	15.025
CI68-1431 A 6-24-68	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	Panhandle Eastern Pipe Line Co., Aledo Northwest Field, Dewey County, Okla.	[3] 17.0	14.65
CI68-1432 A 6-24-68	Eljohn Petroleum Corp., 1636 Denver Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	12.0	15.025
CI68-1433 (CI65-649) F 6-14-68	Pan American Petroleum Corp. (successor to Ralph Lowe et al.), Post Office Box 591, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Indian Basin Field, Eddy County, N. Mex.	16.608	14.65
CI68-1434 A 6-24-68	William Gruenerwald, Post Office Box 909, Colorado Springs, Colo. 80901.	Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans.	16.0	14.65
CI68-1435 A 6-24-68	Diamond Shamrock Corp., Post Office Box 631, Amarillo, Tex. 79105.	Arkansas Louisiana Gas Co., acreage in Pittsburg County, Okla.	15.0	14.65
CI68-1436 A 6-24-68	Hugh Goodrich et al., 609 Bank of the Southwest Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Coteau Frene Field, Assumption Parish, La.	20.0	15.025
CI68-1437 B 6-24-68	Mobil Oil Corp.	Shell Oil Co., Provident City Field, Lavaca County, Tex.	([7])	
CI68-1438 A 6-24-68	Texas Gas Exploration Corp., 1111 First City National Bank Bldg. Houston, Tex. 77052.	Natural Gas Pipeline Co. of America, Block 225 Field and Block 229 Field, West Cameron Area, Offshore Louisiana.	20.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] No permanent cetrficate issued; sale being rendered pursuant to temporary authorization.
[2] No gas reserves are available under this acreage.
[3] Subject to upward and downward B.t.u. adjustment.
[4] Gas reserves insufficient to warrant connection.
[5] Formerly Pennzoil Co.
[6] Well is no longer capable of producing gas.
[7] Acreage released to landowners.

[F.R. Doc. 68-8197; Filed, July 11, 1968; 8:45 a.m.]

[Docket No. RI68-709 etc.]

NEWMONT OIL CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 3, 1968.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-709	Newmont Oil Co., 1135 Capital National Bank Bldg., Houston, Tex. 77002, Attn: Robert S. Moehlman, President.	2	13	United Gas Pipe Line Co. (Eugene Island Area, Offshore Louisiana).	$2,225	6-12-68	[2] 7-13-68	12-13-68	[3] [4] [5] 14.0	[3] [4] [5] 16.75	RI68-533.
					405				[5] [7] 15.75	[3] [4] [5] 16.75	RI68-533.
RI68-710	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001, Attn: Mr. A. M. Mouser.	37	15	Texas Gas Transmission Corp. (South Lewisburg Field, Acadia and St. Landry Parishes, La.). (South Louisiana).	8,541	6-12-68	[2] 7-13-68	12-13-68	[9] 16.75	[4] [9] [10] 17.75	RI64-762.
RI68-711	R. W. McMahon et al., 1605 National Bank of Tulsa Bldg., Tulsa, Okla.	1	2	Northern Natural Gas Co., (West Sharon Field, Woodward County, Okla). (Panhandle Area).	1,137	6-10-68	[11] 7-11-68	12-11-68	[14] 19.346	[13] [14] 20.499	
RI68-712	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex. 77001.	31	2	Lone Star Gas Co. (Durant East Field, Bryan County, Okla.) (Oklahoma "Other" Area).	426	7-18-68	[2] 7-18-68	12-18-68	15.0	[13] [15] 17.9	
RI68-713	Westmore Drilling Co., Inc. (Operator) et al., Post Office Box 206, Medicine Lodge, Kans.	5	[16] 4	Cities Service Gas Co.		6-14-68	[2] 7-15-68	(Accepted)			
		5	5	(Southwest Medicine Lodge	180	6-14-68	[2] 7-15-68	12-15-68	[5] 13.0	[5] [13] [17] 14.0	RI61-75
		1	[18] 3	Field, Barber County, Kans.)							
				Northern Natural Gas Co. (Evalyn Field, Seward County, Kans.).	3,600	6-17-68	[11] 7-18-68	12-18-68	[5] [18] 16.0	[5] [13] [18] [19] 17.0	
RI68-715	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	273	[19] 8	Arkansas Louisiana Gas Co.		6-10-68	[11] 7-11-68	(Accepted)			
		273	9	(West Marlow Field, Stephens County, Okla.) (Oklahoma "Other" Area).	204	6-10-68	[11] 7-11-68	12-11-68	12.0	[13] [20] 14.0	
RI68-716	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	316	4	Lone Star Gas Co. (East Durant Field, Brian County, Okla.) (Oklahoma "Other" Area).	43	6-10-68	[2] 7-11-68	12-11-68	15.0	[13] [21] 17.9	
RI68-717	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	117	4	Arkansas Louisiana Gas Co. (Arkoma Area, Latimer, Le Flore and Sequoyah Counties, Okla.) (Oklahoma "Other" Area).	1,360	6-17-68	[2] 9-1-68	2-1-69	[22] 15.01556	[13] [22] 16.01556	RI68-83.
									[22] [23] 14.51556	[13] [22] [23] 15.51556	RI68-253.

[2] The stated effective date is the effective date requested by Respondent.
[3] Remaining increment of contractually due rate.
[4] Pressure base is 15.025 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] For gas produced from areas in Federal Domain.
[7] For gas produced from areas subject to the taxing jurisdiction of the State of Louisiana.
[8] Periodic rate increase permitted under Tidewater Oil Co.'s general rate settlement (predecessor in interest to Getty).
[9] Inclusive of 1.75-cent tax reimbursement.
[10] Rate for remaining term of contract.
[11] The stated effective date is the first day after expiration of the statutory notice.
[12] Periodic rate increase.
[13] Pressure base is 14.65 p.s.i.a.
[14] Includes base rate of 17 cents plus 2.346 cents upward B.t.u. adjustment before increase and 18 cents plus 2.484 cents upward B.t.u. adjustment (1,138 B.t.u. gas) plus 0.015-cent tax reimbursement after increase. Base rate subject to upward and downward B.t.u. adjustment.
[15] Respondent filing from conditioned permanent certificated rate to first periodic increase. Initial contract rate is 16.8 cents per Mcf.
[16] Amendment dated Oct. 30, 1964, provides for 14-cent rate for 5-year period beginning Dec. 23, 1964, and 15-cent rate for succeeding 5-year period.
[17] Favored-nation rate increase.
[18] Applicable to production from below the Top of the Morrowan Series of the Pennsylvanian System.
[19] Amendment dated Apr. 26, 1968, which extends the term of the contract to May 31, 1978, and provides that the price on and after June 1, 1968 will be 14 cents per Mcf.
[20] Renogotiated rate increase.
[21] Respondent is contractually due 19 cents per Mcf. Filing from initial certificated rate to first periodic increase.
[22] Includes 0.015-cent Excise Tax reimbursement and 0.00056-cent production tax reimbursement (buyer has previously protested production tax reimbursement).
[23] For Jake Hamon-Galloy and Superior Oil Co.-Crowe wells only.

Mallonee-Mahoney, Inc., Agent (Mallonee) requests a retroactive effective date of May 10, 1968, the date of temporary authorization to continue service as partial successor to Cities Service Oil Co., for its proposed rate increase. Mobil Oil Corp. (Mobil) requests that its proposed contract amendment and rate increase be permitted to become effective on July 10, 1968. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Mallonee and Mobil's rate filings and such requests are denied.

Concurrently with the filing of their rate increases, Westmore Drilling Co., Inc. (Operator), et al. (Westmore), submitted a contract amendment dated October 10, 1964;[24] and Mobil submitted a contract amendment dated April 26, 1968,[25] which provide the basis for Westmore and Mobil's rate increases. We believe that it would be in the public interest to accept for filing Westmore and Mobil's contract amendments to become effective on July 15, 1968 (Westmore), the proposed effective date, and July 11, 1968 (Mobil), the expiration date of the statutory notice, but not the proposed rates contained therein which are suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing the contract amendments filed by Westmore and Mobil, as set forth above, and for permitting such supplements to become effective on July 15, 1968 (Westmore), the proposed effective date, and July 11, 1968 (Mobil), the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural

[24] Designated as Supplement No. 4 to Westmore's FPC Gas Rate Schedule No. 5.
[25] Designated as Supplement No. 8 to Mobil's FPC Gas Rate Schedule No. 273.

Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 4 to Westmore's FPC Gas Rate Schedule No. 5, and Supplement No. 8 to Mobil's FPC Gas Rate Schedule No. 273, are accepted for filing and permitted to become effective on July 15, 1968 (Westmore), the proposed effective date, and July 11, 1968 (Mobil), the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention 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 and 1.37(f)), on or before August 19, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 68-8216; Filed, July 11, 1968; 8:45 a.m.]

[Docket No. RI68-703 etc.]

SINCLAIR OIL & GAS CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 3, 1968.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention 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 and 1.37(f)) on or before August 19, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-703	Sinclair Oil & Gas Co. et al. Post Office Box 521, Tulsa, Okla. 74102, Attn: Mr. P. T. Davis.	[2] 377	3	Consolidated Gas Supply Corp. (South Bosco Field, Lafayette and Acadia Parishes, La.) (South Louisiana).	$2,181	6-10-68	[3] 7-11-68	[4] 7-12-68	[7] [9] [10] 17.5	[4] [6] [7] [9] [10] 19.5	
RI68-704	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	47	3	Lone Star Gas Co. (Knox Field, Grady and Stephens Counties, Okla.) (Carter-Knox Area).	3	6-17-68	[11] 7-18-68	[4] 7-19-68	17.9	[12] [13] 17.915	RI66-33.
RI68-705	Calvert Mid-America, Inc., 2300 Fourth National Bank Bldg., Tulsa, Okla. 74119.	3	1	Northern Natural Gas Co. (Beaver County, Okla.) (Panhandle Area).	13	[14] 6- 6-68	[11] 7- 7-68	[4] 7- 8-68	[15] 17.0	[13] [15] 17.015	
RI68-706	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	[16] 287	2	Panhandle Eastern Pipe Line Co. (Iuka-Carmi Field, Pratt County, Kans.).	1,000	6-11-68	[3] 8- 1-68	[4] 8- 2-68	[16] 15.0	[3] [16] [18] 16.0	
RI68-707	Flag Oil Corp. of Delaware, Post Office Box 23, Midland, Tex. 79701.	3	1	Northern Natural Gas Co. (Beaver County, Okla.) (Panhandle Area).	1	6-13-68	[11] 7-14-68	[4] 7-15-68	[17] 17.799	[13] [17] [18] 17.814	
RI68-708	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	274	[19] 6	Oklahoma Natural Gas Gathering Corp.[20] (Ringwood Field, Major County, Okla.) (Oklahoma "Other" Area).	68	6-14-68	[21] 6-14-68	[4] 6-15-68	11.0	[4] [13] 12.0	

[2] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1.
[3] The stated effective date is the effective date requested by Respondent.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 15.025 p.s.i.a.
[7] Inclusive of 1.5 cents tax reimbursement.
[8] Rate for remaining term of contract which expires Jan. 1, 1984.
[9] Initial rate.
[10] Subject to a downward B.t.u. adjustment.
[11] The stated effective date is the first day after expiration of the statutory notice.
[12] Tax reimbursement increase.
[13] Pressure base is 14.65 p.s.i.a.
[14] Filing completed by letter dated June 10, 1968, and filed June 11, 1968.
[15] Subject to upward and downward B.t.u. adjustment.
[16] Contract dated after Sept. 28, 1968, the date of issuance of general policy statement No. 61-1 and proposed price does not exceed initial rate ceiling of 16 cents per Mcf.
[17] Includes base price of 17 cents plus 0.799 cent upward B.t.u. adjustment (1,047 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[18] Includes 0.015 cent tax reimbursement.
[19] Applicable to acreage added by Amendment dated Jan. 31, 1968 (Supplement No. 4).
[20] Oklahoma Natural classed as a pipeline company in its certificate (CI61-1408) for resale of gas to Cities Service Gas Co. at an initial rate of 17 cents per Mcf. Oklahoma Natural's related increase to 18.5 cents per Mcf has been approved. However, Oklahoma Natural must flow-through any refunds made by its suppliers.
[21] The stated effective date is the date of filing.

Marathon Oil Co. (Marathon) requests a retroactive effective date of July 1, 1967, the date the Oklahoma excise tax became effective, for its proposed rate increase. Calvert Mid-America, Inc. (Calvert), requests waiver of the statutory notice to permit its proposed rate increase to become effective "immediately." Good cause has not been shown for waiving the 30-day notice requirement provided by section 4(d) of the Natural Gas Act to permit earlier effective dates for Marathon and Calvert's rate filings and such requests are denied.

The contracts related to the rate filings proposed by Sinclair Oil & Gas Co. et al. (Sinclair) and Shell Oil Co. (Shell) were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61–1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Sinclair and Shell's rate filings should be suspended for 1 day from July 11, 1968 (Sinclair), and August 1, 1968 (Shell), the proposed effective dates.

Marathon, Calvert, and Flag Oil Corporation of Delaware's (Flag) proposed increased rates reflect tax reimbursement for the recently enacted increase in Oklahoma excise tax from 0.02 cent to 0.04 cent per Mcf which became effective on July 1, 1967. The proposed rates exceed the 11 cents per Mcf increased rate ceilings for the Carter-Knox and Panhandle areas as announced in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56). Since the proposed increases relate to tax reimbursement resulting from the increase in the Oklahoma excise tax, it is appropriate to suspend Marathon, Calvert, and Flag's rate filings for 1 day from July 18, 1968 (Marathon), July 7, 1968 (Calvert), and July 14, 1968 (Flag), the dates of expiration of the statutory notice.

Sunray DX Oil Co. (Sunray) proposes a periodic rate increase from 11 cents to 12 cents per Mcf for a wellhead sale of gas to Oklahoma Natural Gas Gathering Corp. (Oklahoma Natural)[22] from the Ringwood Field, Major County, Okla. (Oklahoma "Other" Area) with respect to acreage added by Supplement No. 4 to its FPC Gas Rate Schedule No. 274. The applicable area ceiling for increased rates is 11 cents per Mcf. Although Sunray was contractually due a rate of 12 cents per Mcf at the time of the additional dedication, it was willing to accept a certificated rate of 11 cents per Mcf to be consistent with other certificate authorizations in the Ringwood Area. Sunray was issued a permanent certificate for the additional acreage in Docket No. CI67–1085 on May 31, 1968. Sunray requests waiver of the 30 days notice requirement, a retroactive effective date of June 1, 1968, and a 1 day suspension period if the proposed rate is suspended. Sunray's proposed 12 cents per Mcf rate exceeds the area increased rate ceiling of 11 cents per Mcf for the Oklahoma "Other" Area as announced in the Commission's statement of general policy No. 61–1, as amended, and should be suspended. Consistent with prior Commission action taken on similar increases to Oklahoma Natural in the Ringwood Area, we believe that it would be in the public interest to waive the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an effective date of June 14, 1968, the date of filing, for Sunray's proposed rate increase, and to limit to 1 day the suspension period ordered herein for such rate filing.

[F.R. Doc. 68–8218; Filed, July 11, 1968; 8:45 a.m.]

[22] By order issued Nov. 3, 1966, in Docket No. RP66–19, an increase by Oklahoma Natural from 17 cents to 18.5 cents designed to compensate only for an increase in the cost of purchased gas was accepted for filing and allowed to become effective June 1, 1966, without obligation to refund, except that Oklahoma Natural is required to flow through any refunds received from its producer-suppliers and to reduce its rate to reflect any rate reductions of such suppliers.

[Docket No. G–4579 etc.]

CITIES SERVICE OIL CO. ET AL.

Findings and Order After Statutory Hearing; Correction

JULY 2, 1968.

Cities Service Oil Co., and other Applicants listed herein, Docket No. G–4579 et al.; Gulf Oil Corp., Docket No. CI64–47.

In findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors co-respondents, redesignating proceedings, accepting agreements and undertakings for filing, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing, issued May 31, 1968, and published in the FEDERAL REGISTER June 12, 1968 (F.R. Doc. 68–6751), 33 F.R. 8618, First column: Change filing date from "4–8–58" to read "4–8–68" relating to Docket No. CI64–47.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–8257; Filed, July 11, 1968; 8:45 a.m.]

[Docket No. G–6225 etc.]

SINGER-FLEISHCHAKER OIL CO. ET AL.

Findings and Order After Statutory Hearing; Correction

JULY 2, 1968.

Singer-Fleishchaker Oil Co. et al. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.) and other Applicants listed herein, Docket No. G–6225 et al.; J. M. Huber Corp., Docket No. CI68–1020.

In findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, making successors co-respondents, redesignating proceedings, accepting agreement and undertaking and accepting related rate schedules and supplements for filing, issued May 20, 1968, and published in the FEDERAL REGISTER May 28, 1968 (F.R. Doc. 68–6230), 33 F.R. 7791, first column: Change compliance date to read "3–18–68" in lieu of "3–18–65" relating to Docket No. CI68–1020.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–8258; Filed, July 11, 1968; 8:45 a.m.]

[Docket No. CP67–349, CP68–18]

SOUTH TEXAS NATURAL GAS GATHERING CO. AND TRANSCONTINENTAL GAS PIPELINE CORP.

Order Consolidating Proceedings, Permitting Intervention, Prescribing Procedures, and Fixing Date of Prehearing Conference

JULY 9, 1968.

South Texas Natural Gas Gathering Co., Docket No. CP67–349; Transcontinental Gas Pipeline Corp., Docket No. CP68–18.

Each of the above-proceedings concerns an application filed pursuant to section 7 of the Natural Gas Act. Notice of the filing of each application has been issued.[1]

The Public Service Commission of the State of New York, a regulatory body of the State of New York, having jurisdiction to regulate rates and charges for the sale of natural gas within said State, filed a timely notice of intervention in Docket No. CP67–349 and has requested formal hearing. The Philadelphia Electric Co. petitioned to intervene in Docket No. CP67–349 and the following persons petitioned to intervene in both Docket Nos. CP67–349 and CP68–18 in the event of a formal hearing: Public Service Electric and Gas Co., Long Island Lighting Co., Consolidated Edison Company of New York, the Brooklyn Union Gas Co., and Philadelphia Gas Works Division of the United Gas Improvement Co., all of whom are major customers of Transcontinental Gas Pipeline Corp. (Transco). All the petitions were timely filed.

In its application in Docket No. CP67–349 South Texas Natural Gas Gathering Co. (South Texas) proposes to construct and operate the necessary facilities to sell and deliver additional volumes of natural gas to Transco under its presently effective rate schedule with Transco and under a proposed new rate schedule. The deliveries under its presently effective rate schedule (FPC Gas Rate Schedule No. 2) are to be increased from a maximum daily quantity of 210,000 Mcf to 265,000 Mcf, with a corresponding increase in the minimum daily quantity of 150,000 Mcf to 190,000 Mcf. These additional volumes are to be split between the existing delivery point and the new delivery point at the terminus of South Texas' proposed 98-mile

[1] See the following table:

Docket No.	Notice issued	F.R. citation	Publication date
CP67–349	6/1/1967	32 F.R. 8389	6/10/1967
CP68–18	7/21/1967	32 F.R. 11058	7/28/1967

line at Normanna, in Bee County, Tex. No change in the currently effective rate of 19.58 cents is proposed for these increased deliveries regardless of the delivery point. South Texas also proposes to increase its sales to Transco under a proposed new rate schedule at a rate of 20.25 cents per Mcf. This increment will be delivered only at the new delivery point in Bee County and the maximum daily quantity will be 120,000 Mcf with a minimum of 75,000 Mcf.

In its application in Docket No. CP68–18 Transco proposes to construct and operate the necessary facilities to receive into its system the proposed increased deliveries from South Texas. The two applications in CP67–349 and CP68–18 are obviously related and should be heard on a consolidated record.

In a letter dated April 4, 1968, responding to a request of the applicants and staff to summarize its position, the New York Public Service Commission stated that it was concerned with the following issues: (1) The failure of South Texas to make provision for the flow through to Transco of any refunds it might receive from Shell Oil Co. (Shell); and (2) what economic purpose could conceivably be served by South Texas' transportation of Shell's gas from the McAllen Ranch Field to Normanna for resale to Transco at a price that is 4.25 cents to 5.25 cents above the in-line price level for the areas involved—especially since Transco's existing lines extend into the area.

In addition to the issues raised by the intervenor we believe it incumbent upon South Texas to justify the rate it proposes to charge Transco. We recognize that, in the light of its particular mode of operation, we have previously permitted South Texas, though clearly operating as a pipeline rather than a producer, to file and put in effect separate rate schedules for its rates to various pipelines, rather than operating under a general tariff. Such permission obviously does not mean South Texas may lawfully charge any rate it can negotiate; on the contrary if South Texas' rates are to be considered on an ad hoc basis which do not easily lend themselves to an overall company rate case, it is incumbent on it to justify any higher level of rates to be charged in the certificate proceeding. This is particularly true where, as here, the higher new rates are for gas bought in the same field at the same price and delivered to the same pipeline as is involved in other sales now in effect.

We are also of the view that the petitions to intervene have alleged in each instance a sufficient interest in the above-captioned applications to warrant intervention in these proceedings. Based upon our experience in other similar proceedings, it is our belief that resolution of the issues would be expedited by setting the case for prehearing conference prior to the filing of evidence by any of the parties.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the matters in Docket Nos. CP67–349 and CP68–18 be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these consolidated proceedings in order that the petitioners may establish the facts and the law from which the nature and validity of their alleged rights and interest may be determined and show what further action may be appropriate under the circumstances in the administration of Natural Gas Act. The expeditious disposition of these proceedings will be effectuated by providing for a prehearing conference prior to the filing of evidence by any of the parties.

The Commission orders:

(A) The above-captioned proceedings are hereby consolidated for the purpose of hearing and decision.

(B) The above-named petitioners are hereby permitted to intervene in these consolidated proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference shall be held before a hearing examiner of the Commission to be designated by the Chief Examiner, in order to consider the means by which the conduct of the consolidated proceedings may be facilitated and in order to determine further procedures including the date for commencement of cross-examination. Such conference will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.d.s.t., on July 17, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–8273; Filed, July 11, 1968; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. D–9]

SECRETARY OF DEFENSE

Delegation of Authority Regarding Controlling Law at Arlington National Cemetery

1. Purpose: This regulation delegates authority to the Secretary of Defense to assist in controlling violations of law at Arlington National Cemetery, Arlington, Va.

2. Effective date: This regulation is effective immediately.

3. Delegation:

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary to Defense to appoint uniformed guards as special policemen and to make all needful rules and regulations for the protection of Arlington National Cemetery, Arlington, Va., over which the Federal Government has exclusive jurisdiction.

b. The Secretary of Defense may redelegate this authority to any officer or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the limitations and requirements of the above-cited acts, and policies, procedures, and controls prescribed by the General Services Administration.

Dated: July 8, 1968.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 68–8270; Filed, July 11, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 9, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41383—*Asphalt from points in Colorado and Wyoming.* Filed by Western Trunk Line Committee, agent (No. A–2557), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum (other than paint, stain, or varnish), in tank carloads, from points in Colorado and Wyoming, to points in Minnesota and Wisconsin.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 56 to Western Trunk Line Committee, agent, tariff ICC A–4572.

FSA No. 41384—*Chlorine from Memphis, Tenn., to St. Louis, Mo.* Filed by O. W. South, Jr., agent (No. A–6033), for and on behalf of St. Louis-San Francisco Railway Co. Rates on chlorine, in tank carloads, from Memphis, Tenn., to St. Louis, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 210 to Southern Freight Association, agent, tariff ICC S–272.

FSA No. 41385—*Newsprint paper to points in California.* Filed by Pacific

Southcoast Freight Bureau, agent (No. 260), for interested rail carriers. Rates on newsprint paper, in carloads, from Crofthill, British Columbia, Canada, to points in California.

Grounds for relief—Market competition.

Tariff—18th, 11th, 28th, and 15th revised pages 415G, 415GG, 415HH, and 415K, respectively, to Pacific Southcoast Freight Bureau, agent, tariff ICC 1352.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8274; Filed, July 11, 1968; 8:46 a.m.]

[Notice 172]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 9, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70447. By order of June 28, 1968, the Transfer Board approved the transfer to The Sentinel Star Express Co., Orlando, Fla., of the certificate of registration in No. MC-121426 (Sub-No. 1) issued December 9, 1963, in the name of Ewing West Coast Delivery Service, Inc., Sarasota, Fla., and acquired by transferor herein pursuant to approval and consummation in No. MC-FC-70022, authorizing transportation in interstate or foreign commerce of freight in common carriage, limited to parcels weighing not more than 75 pounds in a pickup and delivery service between points and places in Manatee, Sarasota, and Hillsborough Counties, Fla., except that intracounty pickup and delivery in Hillsborough County shall be limited to the city of Tampa, and points south of Tampa along U.S. Highways Nos. 41 and 301 and the city of St. Petersburg and the gulf beaches described as Pass-A-Grille, St. Petersburg Beach, and Maderia Beach, in Pinellas County, Fla., corresponding in scope to the service authorized by certificate of convenience and necessity No. 590, dated November 10, 1961, by the Florida Railroad & Public Utilities Commission. James E. Wharton, Esquire, Arkerman, Senterfitt, Eidson, Mesmer, Robbinson and Wharton, 506 First National Building, Orlando, Fla. 32802, attorney for applicants.

No. MC-70603. By order of June 28, 1968, the Transfer Board approved the transfer to DeForest L. Reed, Carthage, N.Y., of the operating rights in certificate No. MC-116538 (Sub-No. 1), corrected certificate No. MC-116538 (Sub-No. 2), and certificate No. MC-116538 (Sub-No. 4) issued August 7, 1958, December 21, 1960, and February 20, 1964, respectively, to Francis A. Duflo, Croghan, N.Y., authorizing the transportation of lumber, from points in Delaware, Jefferson, Lewis, Montgomery, Oneida, and Schoharie Counties, N.Y., to points in New Hampshire north of New Hampshire Highway 9; from Boonville, N.Y., to ports of entry on the United States-Canada boundary line in New York; and from specified points in New York to Ivorytown, Conn., Baltimore, Frederick, and Hagerstown, Md., Baldwinville, Boston, Fitchburg, Gardner, Leominster, Pittsfield, and Winchendon, Mass., and Boyertown, Lewisburg, and Philadelphia, Pa. Raymond A. Richards, Registered Practitioner, 23 West Main Street, Webster, N.Y. 14580, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8275; Filed, July 11, 1968; 8:46 a.m.]

[Ex Parte No. 259]

INCREASED FREIGHT RATES, 1968 [1]

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C. on the third day of July A.D. 1968.

It appearing, that by order dated June 19, 1968, the Commission suspended the operation of schedules of increased rates and charges, Tariff No. X-259, and instituted an investigation into and concerning the lawfulness of all increases in rates and charges, and regulations contained in the schedules referred to therein, including the schedules therein authorized to be filed;

It is ordered, That for the purpose of receiving evidence and argument with respect thereto, the Commission has assigned the following subnumbers to the schedules and issues involved herein:

Sub-No. 2—Railroad Cost and Revenue Need.
Sub-No. 3—Coal.
Tariff Item Nos. 1065, 1070, 1075, 1080, 1085, 1090, 1095, 1100.
Sub-No. 4—Iron and Steel Scrap—Pig Iron—Iron Ore.
Tariff Item Nos. 845, 1060.
Sub-No. 5—Grain—Sugar Beets and Cane—Sugar—Molasses—Flour—Coffee—Bakery Products.
Tariff Item Nos. 515, 520, 525, 560, 570, 580, 675, 680.
Sub-No. 6—Accessorial Charges—Line Haul—Minimum Charges — Absorption — Transit.
Tariff Item Nos. 100, 110, 115, 130, 150, 155, 160, 165, 170, 180.
Sub-No. 7—Woodpulp—Pulpwood—Textile and Paper Waste—Paper—Lumber—Cotton—Textiles—Apparel—Synthetic fibers—Wool.
Tariff Item Nos. 500, 505, 510, 690, 695, 700, 705, 710, 715, 720, 725, 900, 925, 970.
Sub-No. 8—Farm Products—Fruits—Nuts—Meat—Canned Goods—Dairy Products—Poultry and Eggs—Starch—Tapioca—Tallow—Liquor—Tobacco—Hides.
Tariff Item Nos. 530, 535, 540, 545, 550, 555, 565, 575, 585, 590, 595, 600, 685, 910, 915, 920, 935, 940.
Sub-No. 9—Fertilizer—Aggregates—Limestone—Sand—Asphalt—Potash—Shells—Cement — Brick — Clay—Lime—Chemicals — Gases — Petroleum Products — Acids—Pulp Mill Byproducts—Paint—Drugs—Soap—Latex—Tires.
Tariff Item Nos. 605, 610, 625, 630, 635, 640, 645, 655, 660, 730, 740, 745, 750, 755, 760, 765, 770, 775, 780, 785, 790, 795, 800, 805, 810, 815, 820, 825, 830, 835, 950, 975, 980, 985, 990, 1020 (Shells).
Sub-No. 10—Miscellaneous Ores—Metal Products—Batteries—Nonferrous Scrap—Salt—Radioactive Materials—Sulphur Phosphates.
Tariff Item Nos. 615, 620, 650, 665, 670, 735, 840, 865, 1000.
Sub-No. 11—Metal Castings—Iron and Steel Products—Pipe—Machinery—Household Appliances—Vehicles—Instruments and Parts — Furniture — Fixtures — Tiles—Miscellaneous Manufactured Items—Guns—Ammunition—Glass—Abrasives—Marine Products—etc.
Tariff Item Nos. 850, 855, 860, 870, 875, 880, 885, 890, 895, 905, 930, 945, 955, 960, 965, 995, 1005, 1010, 1015, 1020 (except shells), 1025, 1030, 1035, 1040, 1045, 1050, 1055.

It is further ordered, That the special rules of practice and procedure hereinafter set forth shall apply:

(a) Verified statements and reply verified statements heretofore filed in this proceeding pursuant to the provisions of subparagraphs (a) and (b) of the second ordering paragraph of the order of March 12, 1968, need not be resubmitted, but any party desiring to have his statement made part of the record must notify the Commission and opposing parties, as described in subparagraphs (c) and (d) herein, on or before the date hereinafter provided for the filing of additional verified statements, of the Sub-Numbers and commodities embraced therein under which he desires such statement to be considered. Such statements, as well as those set forth in subparagraph (b), will be subject to the right of other parties to object to all or any part thereof. If any verified statement submitted pursuant to this order contains cost or other studies, the party submitting such statement shall make available to any other party, upon request, all underlying data supporting such studies.

(b) Verified statements in addition to those heretofore filed in this proceeding may be filed by any person. Each such statement shall be confined, to a specific subnumbered proceeding and the involved commodities which shall be designated on the cover or first page of such statement. All such statements shall be duly verified in the manner provided by Rule 50 and Form No. 6 of the general rules of practice.

(c) An original and 24 copies of additional verified statements in support of respondents shall be furnished to the Commission and a copy served upon each party which filed a protest, verified statement or brief in opposition in this proceeding. One additional copy

[1] The order embraces Ex Parte No. 259, Increased Freight Rates, 1968, Sub-No. 2 through Sub-No. 11.

shall be sent by first-class mail to each of the regional offices of the Commission listed in the appendix hereto, where it will be open to public inspection. Copies of such statements shall be furnished to any interested person upon request. Such statements must be filed on or before August 12, 1968, and shall include a certificate of service on opposing parties.

(d) An original and 24 copies of additional verified statements of persons in opposition to said schedules shall be furnished to the Commission. Service of 25 copies upon Mr. Edward A. Kaier, 1036 Transportation Building, Washington, D.C., shall constitute service upon all respondents. One copy of each additional verified statement shall be sent by first-class mail to each of the regional offices of the Commission, where it will be open to public inspection. These statements must be filed on or before September 3, 1968, and shall contain a certificate of service on opposing parties. Copies shall be furnished to any interested party upon request addressed to the witness or his counsel.

(e) any party desiring to cross-examine witnesses for the respondents must give notice, in writing, of such demand to the witness and his counsel with copy to the Commission on or before August 23, 1968. Respondents must give similar notice of their desire to cross-examine witnesses for the protestants on or before September 9, 1968.

It is further ordered, That the hearings in:

(a) Ex Parte No. 259 (Sub-No. 2) Increased Freight Rates, 1968, will commence on September 9, 1968, at 9:30 a.m., District of Columbia daylight saving time at the offices of the Interstate Commerce Commission, Washington, D.C.

(b) Ex Parte No. 259 (Sub-No. 6) Increased Freight Rates, 1968, Ex Parte No. 259 (Sub-No. 4) Increased Freight Rates, 1968, and Ex Parte No. 259 (Sub-No. 3) Increased Freight Rates, 1968, will commence on September 16, 1968, at 9:30 a.m., District of Columbia daylight saving time at the offices of the Interstate Commerce Commission, Washington, D.C.

(c) Ex Parte No. 259 (Sub-No. 5) Increased Freight Rates, 1968, Ex Parte No. 259 (Sub-No. 7) Increased Freight Rates, 1968, and Ex Parte No. 259 (Sub-No. 8) Increased Freight Rates, 1963, will commence on September 25, 1968, at 9:30 a.m., District of Columbia daylight saving time at the offices of the Interstate Commerce Commission, Washington, D.C.

(d) Ex Parte No. 259 (Sub-No. 9) Increased Freight Rates, 1968, Ex Parte No. 259 (Sub-No. 10) Increased Freight Rates, 1968 and Ex Parte No. 259 (Sub-No. 11) Increased Freight Rates, 1968, will commence on October 7, 1968, at 9:30 a.m., District of Columbia daylight saving time at the offices of the Interstate Commerce Commission, Washington, D.C.

It is further ordered, That this proceeding be, and it is hereby, referred to such hearing examiners as may be hereafter designated for hearing at the times and place set forth above and that this proceeding will not be the subject of an examiner's recommended report and order because due and timely execution of our functions requires an expedited decision.

And it is further ordered, That a copy of this order be filed with the Director, Office of the Federal Register for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

APPENDIX

Regional offices of the Commission to which a copy of verified statements are to be sent. Other copies are to be sent to the Commission, Washington, D.C. 20423, as provided by the order.

Regional Office, Interstate Commerce Commission, John Fitzgerald Kennedy Building, Government Center, Room 2211B, Boston, Mass. 02203.

Regional Office, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

Regional Office, Interstate Commerce Commission, 1252 West Peachtree Street NW., Atlanta, Ga. 30308.

Regional Office, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

Regional Office, Interstate Commerce Commission, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

Regional Office, Interstate Commerce Commission, Federal Office Building, 450 Golden Gate Avenue, Post Office Box 36004, San Francisco, Calif. 94102.

[F.R. Doc. 68-8276; Filed, July 11, 1968; 8:46 a.m.]

[Notice 1198]

APPLICATIONS BY MOTOR CARRIERS OF PROPERTY

JULY 10, 1968.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Commission Act, and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9921 (2d Republication) (BOWMAN TRANSPORTATION, INC.—Purchase (Portion)—ALABAMA HIGHWAY EXPRESS, INC.), published in the November 1, 1967, and republication published in the June 19, 1968, issues of the FEDERAL REGISTER, on pages 15141 and 9051, respectively. This second republication is to redescribe certain erroneously described routes. The authority should read: *General commodities,* except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier,* over irregular routes, from rail sidings at certain specified points in Alabama, to points in Alabama within 75 miles of each of the same points, from rail sidings at certain specified points in Mississippi, to points in Mississippi within 50 miles of each of the same points, from rail sidings at certain specified points in Tennessee, to points within 50 miles of each of the same points, with restrictions; between points in Alabama within 65 miles of Birmingham, Ala., including Birmingham, on the one hand, and, on the other Louisville, Ky., points in Indiana, and Tennessee, certain specified points in Florida, Illinois, and Ohio, with restrictions; etc., in lieu of the description in the prior republication.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8314; Filed, July 11, 1968; 8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during July.

3 CFR

PROCLAMATION:
Aug. 3, 1901 (see PLO 4461) ... 9616
3857 ... 10003
EXECUTIVE ORDERS:
May 4, 1907 (see PLO 4470) ... 9709
May 27, 1913 (revoked in part by PLO 4468) ... 9708
March 21, 1914 (revoked in part by PLO 4468) ... 9708
1664 (revoked by PLO 4466) ... 9618
3797–A (see PLO 4470) ... 9709
8579 (see PLO 4474) ... 9822

5 CFR

213 ... 9581, 9645, 9865
550 ... 9703

7 CFR

17 ... 10005
52 ... 9582
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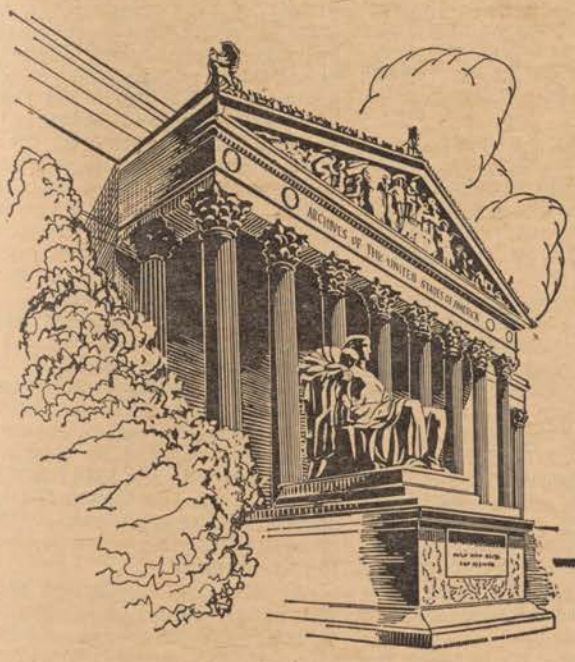
PART II

Department of Transportation

United States Coast Guard

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Load Lines for Vessels Engaged in Domestic or Foreign Voyages by Sea



Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

SUBCHAPTER E—LOAD LINES

[CGFR 68-60]

LOAD LINES FOR VESSELS ENGAGED IN DOMESTIC OR FOREIGN VOYAGES BY SEA

1. The International Convention on Load Lines, 1966, has been ratified by the required number of signatory countries and will become effective on July 21, 1968. Copies of this new Convention may be obtained from the Government Printing Office, Washington, D.C. 20402, by requesting for "Load Lines: Convention with Regulations—1966"; for $1.25 per copy (It is also identified as "Treaties and other International Acts Series 6331"). This Convention will replace the 1930 International Load Line Convention. Under Article 16(4) of the 1966 Convention, U.S.-flag vessels holding 1930 International Load Line Certificates issued on or before July 20, 1968, will have until July 21, 1970, to apply for and be issued 1966 International Load Line Certificates. On and after July 21, 1970, the United States normally will not accept International Load Line Certificates issued under the 1930 International Load Line Convention. Under Article 4(4) of the International Convention on Load Lines, 1966, existing ships having load lines may not be required to increase their freeboard. However, such ships which do not comply with the requirements of the 1966 Convention will be issued 1966 Convention certificates with appropriate notations.

2. The rules and regulations in this document contain the applicable requirements governing the assignment of load line marks, the certifications of load line marks placed on ships, and editorial corrections and changes to various rules and regulations to reflect the necessary changes in requirements and administration because the International Convention on Load Lines, 1966, supersedes the 1930 International Load Line Convention, on July 21, 1968. The rules and regulations in this document shall be effective on and after July 21, 1968; however, at the option of the owner and to permit for an orderly transition to the new requirements, the owner may request and be issued Coastwise Load Line Certificates as set forth in 46 CFR Part 42 prior to July 21, 1968, if the assigning authority finds the ship in compliance with the revised requirements.

3. The major changes in the load line requirements as set forth in this document from those previously published in 46 CFR Parts 43 to 46, inclusive, may be described as follows:

a. Effective July 21, 1968, no load line certificates will be issued which are based on the forms published in 46 CFR Part 43, but will be of the style and format as shown in 46 CFR Subpart 42.50 in this document.

b. Under the new requirements all vessels engaged in foreign and coastwise voyages will be designated as a Type "A" or a Type "B" ship, and no separate category provided for "tankers," which will be considered normally as a Type "A" ship.

c. Existing vessels will not be automatically eligible for a decrease in freeboard. It will be necessary to show compliance with new requirements applicable to such vessels. For example, a Type "B" ship must have hatch covers meeting the new strength requirements. If the vessel has portable wood or steel plate hatch covers instead of pontoon covers or watertight gasketed hatch covers in an exposed freeboard deck or in the forward quarter-length of an exposed superstructure deck, the penalty applied removes the decrease in freeboard so that the vessel's freeboard will not be changed.

d. The chief differences in the revised load line regulations from those previously in effect are:

(1) Minimum requirements for minimum bow height or prescribed forecastle.

(2) Increased recognition given to subdivision for cargo ships, the modification of the sheer correction, and the elimination of the camber correction, the flush deck penalty, and certain penalties for Winter North Atlantic Service.

(3) Cargo ship subdivision is different from passenger ship subdivision because no margin line concept is required. Instead, the flooding limits are maximum angle of heel, "angle of down-flooding" and/or loss of stability. This is a new concept and the details have been worked out in conjunction with the American Bureau of Shipping.

(4) The basic freeboard tables have been decreased. The 1966 tanker table is represented by the Type A freeboard table. The 1966 steamer table is represented by the Type B curve. Any Type B ship that can show either one compartment or two compartment subdivision will be able to use additionally decreased freeboard.

e. For passenger ships no change was made for calculating subdivision, which is in accordance with the Passenger Vessel Regulations (46 CFR Parts 70 to 80, inclusive; Subchapter H). The margin line and flooding limits, etc., are applied the same as before.

4. In accordance with the notice of proposed rule making published in the FEDERAL REGISTER of February 29, 1968 (33 F.R. 3564-3570), and the Merchant Marine Council Public Hearing Agenda dated March 25, 1968 (CG-249), the Merchant Marine Council held a public hearing on March 25, 1968, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items PH 1-68 to PH 8-68, inclusive. Item PH 1-68 contained proposals regarding "Load Lines" (CG-249, pages 1 to 120, inclusive). These proposals, as revised, are adopted and set forth in this document.

5. Interested persons have been afforded an opportunity to participate in the consideration of these proposals and certain changes were made in the proposals as a result thereof. With respect to the load lines for vessels engaged in international or coastwise voyages (Item PH 1-68), the text of 46 CFR Part 42 was revised to reflect views and comments set forth in 45 written comments and two oral comments received at the public hearing. These changes may be described briefly as follows:

(a) Rearrangement of requirements to parallel those in the International Convention on Load Lines, 1966.

(b) Rearrangement of the "administration" provisions in the proposals designated 46 CFR Subpart 42.01 along the lines used in other Coast Guard regulations and redesignating such practices, procedures, rules, and regulations as 46 CFR Subpart 42.01, authority and purpose; Subpart 42.03, application; Subpart 42.05, definition of terms used in this subchapter; Subpart 42.07, control, enforcement, and rights of appeal; Subpart 42.09, load line assignments and surveys—general requirements; and Subpart 42.11, applications for load line assignments and certificates.

(c) Many comments questioned the applicability of the revised load line regulations, especially those established under the International Convention on Load Lines, 1966, to a specific type of vessel; namely, oceanographic research vessels. The revised regulations designated §§ 42.03-1 to 42.03-15, inclusive, describe in greater detail the application of load line requirements by types of vessels and types of voyages in which vessels may be engaged. Attention is invited to the 1930 Convention which applied only to "merchant vessels" of 150 gross tons or over engaged on international voyages. The 1966 Convention applies to all new vessels of 79 feet or longer in length and to all existing vessels of 150 gross tons or over, which engage in foreign voyages or international voyages by sea (other than solely on Great Lakes voyages) and fly the flag of a country adhering to the Convention, except (i) ships of war; (ii) fishing vessels; (iii) pleasure craft (yachts) not used or engaged in trade or commerce; (iv) new vessels of less than 79 feet in length, and (v) existing vessels of less than 150 gross tons. The 1966 Convention applies to both registered vessels and unregistered vessels of a contracting Government and therefore includes U.S.-flag vessels numbered by a State under the Federal Boating Act of 1958, public vessels, etc., which do not come within one of the above listed exceptions. Those comments requesting that oceanographic research vessels engaged on international voyages be exempted from compliance with the 1966 Convention are rejected since the United States cannot unilaterally exempt such vessels from requirements other than as described in the Convention.

(d) The new regulations in 46 CFR Part 42 are primarily intended for vessels on international voyages and have their origin in the International Convention on Load Lines, 1966. Under the authority

in section 2 of the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88a), these regulations have been made applicable to domestic voyages by sea (coastwise, intercoastal, and special service voyages) by U.S.-flag merchant vessels of 150 gross tons or over, as applicable, to take advantage of reduced freeboards related to improvements in ship design and construction.

(e) The model forms of load line certificates in 46 CFR Subpart 42.50 were edited. The instructions to the assigning authority set forth in the forms were designated as sections, except where the instructions assist the surveyor in completing the form satisfactorily. The model International Load Line Certificates are set forth in a separate § 42.50–5. The model load line certificate for foreign-flag vessels of countries not adhering to the 1966 Convention is in § 42.50–10. The model coastwise load line certificates for U.S.-flag vessels are in § 42.50–15.

(f) Editorial changes are made to the current load line requirements in 46 CFR Part 43 to remove conflicts and duplication of revised requirements now in 46 CFR Part 42. Effective July 21, 1968, no new load line certificates following the model forms in 46 CFR Part 43 shall be issued.

(g) Editorial changes are made to the load line requirements in 46 CFR Parts 44 to 46, inclusive, to bring these regulations up to date, correct cross references, and delete obsolete requirements.

(h) Editorial changes are made to 46 CFR 2.85–1 in Subchapter A (Procedures Applicable to the Public) to bring it up to date and reflect the change in application of requirements implementing the International Convention on Load Lines, 1966.

(i) The following comparison tables show the various sections in 46 CFR Part 42 which are the same as or to similar to specific provisions in the International Convention on Load Lines, 1966, or where no equivalent provision is in the Convention or the regulations.

TABLE A—COMPARISON OF LOAD LINE REGULATIONS WITH 1966 CONVENTION

46 CFR Part 42—Section	*1966 Convention—Article or Regulation*
42.01–1(a)	None.
42.01–1(b)	None.
42.01–1(c)	Art. 2(2).
42.01–5(a)	None.
42.01–5(b)	None.
42.01–10(a)	Art. 12(1).
42.01–10(b)	Art. (1)(2).
42.01–10(c)	Art. (1)(2).
42.03–1(a)	None.
42.03–1(b)	Art. 4(1) (a), (b), (c); 4(2); 5(1); 5(2)(a).
42.03–5(a)(1)	Art. 4(2); 5(2)(a).
42.03–5(a)(2)	Art. 4(4).
42.03–5(a)(3)	None.
42.03–5(b)(1)	None.
42.03–5(b)(1)(i)	None.
42.03–5(b)(1)(ii)	None.
42.03–5(b)(1)(iii)	None.
42.03–5(b)(1)(iv)	None.
42.03–5(b)(1)(v)	None.
42.03–5(b)(1)(vi)	None.
42.03–5(b)(1)(vii)	None.
42.03–5(b)(2)	None.
42.03–5(c)	None.
42.03–10(a)	None.
42.03–10(b)	None.
42.03–10(c)	None.
42.03–10(d)(1)	None.
42.03–10(d)(2)	Art. 16(4).
42.03–15(a)	Art. 5(2)(a).
42.03–15(b)	None.
42.03–17(a)	Reg. 2(2).
42.03–17(b)	None.
42.03–17(c)	None.
42.03–20(a)	Art. 8(1).
42.03–20(b)	None.
42.03–25(a)	Art. 9(1).
42.03–25(b)	Art. 9(1).
42.03–30(a)	None.
42.03–30(b)	None.
42.03–30(b)(1)	Art. 6(1).
42.03–30(b)(2)	Art. 6(2).
42.03–30(b)(3)	Art. 6(4).
42.03–30(c)	None.
42.03–30(d)	Art. 16(2).
42.03–30(e)	None.
42.03–30(f)	None.
42.03–35(a)	None.
42.03–35(b)	None.
42.03–35(c)	None.
42.05–1	Art. 2(3).
42.05–10	None.
42.05–20	None.
42.05–25	None.
42.05–30(a)	Art. 2(7).
42.05–30(b)	None.
42.05–30(c)	None.
42.05–30(d)	None.
42.05–30(e)	None.
42.05–30(f)	None.
42.05–40(a)	Art. 5(2)(a).
42.05–40(b)	None.
42.05–40(c)	Art. 5(2)(a).
42.05–45(a)	Art. 2(4).
42.05–45(b)	None.
42.05–45(c)	Art. 2(4).
42.05–47	None.
42.05–50(a)	Art. 2(6).
42.05–50(a)(1)	Art. 2(6); 16(4).
42.05–50(a)(2)	Art. 28(2).
42.05–50(b)	None.
42.05–50(c)	None.
42.05–50(d)	None.
42.05–50(e)	None.
42.05–50(f)	None.
42.05–55	None.
42.05–60	None.
42.05–65	None.
42.07–1(a)	Art. 3(1).
42.07–1(b)	None.
42.07–1(c)	None.
42.07–1(d)	None.
42.07–1(e)	Art. 16(4).
42.07–1(f)	Art. 16(4); 28 (1), (2), (3).
42.07–5(a)	Art. 12(1).
42.07–5(b)	Art. 16(1).
42.07–5(c)	Art. 16(2).
42.07–10(a)	Art. 12(1).
42.07–10(a)(1)	None.
42.07–10(a)(2)	None.
42.07–10(a)(3)	None.
42.07–10(b)	Art. 12(1).
42.07–10(c)	Art. 12(2).
42.07–10(d)	Art. 12(3).
42.07–15(a)	Art. 11(1).
42.07–15(b)	Art. 11(2).
42.07–20(a)	None.
42.07–20(b)	None.
42.07–20(b)(1)	None.
42.07–20(b)(2)	None.
42.07–20(b)(3)	None.
42.07–20(c)	None.
42.07–25(a)	None.
42.07–25(b)	None.
42.07–30(a)	None.
42.07–30(b)	None.
42.07–35(a)	Art. 13; 16(3).
42.07–35(b)	Art. 13.
42.07–35(c)	Art. 13.
42.07–35(d)	Art. 16 (1), (2), (3).
42.07–35(e)	None.
42.07–35(f)	None.
42.07–35(g)	None.
42.07–35(h)	None.
42.07–35(i)	None.
42.07–40(a)	Art. 13; 16(3).
42.07–40(b)	None.
42.07–43(a)	None.
42.07–43(b)	None.
42.07–45(a)	Art. 16(3).
42.07–45(b)	None.
42.07–45(b)(1)	Art. 16(4).
42.07–45(b)(2)	Art. 16(4); 28 (1), (2), (3).
42.07–45(c)	Art. 19(5).
42.07–45(d)	Art. 19(1), (4)(a).
42.07–45(e)	None.
42.07–45(e)(1)	None.
42.07–45(e)(1)(i)	None.
42.07–45(e)(1)(ii)	None.
42.07–45(e)(1)(iii)	Art. 18(2); Annex III.
42.07–45(e)(2)	None.
42.07–45(e)(2)(i)	None.
42.07–45(e)(3)	None.
42.07–45(e)(3)(i)	None.
42.07–45(e)(3)(ii)	None.
42.07–45(e)(3)(iii)	None.
42.07–45(f)	Art. 18(2); Annex III.
42.07–45(f)(1)	Art. 18(2); Annex III.
42.07–45(f)(1)(i)	Art. 18(2); Annex III.
42.07–45(f)(1)(ii)	None.
42.07–45(f)(2)	None.
42.07–45(g)	None.
42.07–50(a)	None.
42.07–50(b)	None.
42.07–50(b)(1)	None.
42.07–50(b)(2)	None.
42.07–50(b)(3)	None.
42.07–50(b)(4)	None.
42.07–50(b)(5)	None.
42.07–55(a)	Art. 19(3).
42.07–55(b)	Art. 19(3).
42.07–55(b)(1)	None.
42.07–55(b)(2)	Art. 19(3)(a).
42.07–55(b)(3)	Art. 19(3)(b).
42.07–55(b)(4)	Art. 19(3)(c).
42.07–55(b)(5)	Art. 19(3)(d).
42.07–55(b)(6)	None.
42.07–55(b)(7)	None.
42.07–55(b)(8)	None.
42.07–60(a)	None.
42.07–60(b)	None.
42.07–60(b)(1)	Art. 21(1)(c); 21(2).
42.07–60(c)	None.
42.07–60(d)	None.
42.07–60(e)	Art. 21(3).
42.07–60(f)	None.
42.07–60(f)(1)	Art. 21(1), (1)(a), (1)(b), (1)(c).
42.07–60(f)(1)(i)	Art. 19(3)(a).
42.07–60(f)(1)(ii)	Art. 19(3)(b).
42.07–60(f)(2)	Art. 21(1) 2d par.
42.07–60(g)	None.
42.07–75(a)	None.
42.07–75(b)	None.
42.09–1(a)	None.
42.09–1(a)(1)	None.
42.09–1(a)(2)	None.
42.09–1(b)	Art. 16 (1), (2).
42.09–1(c)	None.
42.09–5(a)	Reg. 27(1).
42.09–5(b)	Reg. 27(2).
42.09–5(c)	Reg. 27(5).
42.09–5(d)	None.
42.09–10(a)	None.
42.09–10(a)(1)	None.
42.09–10(a)(2)	None.
42.09–10(b)	None.
42.09–10(c)	None.
42.09–15(a)	Art. 14(1)(a), (b).
42.09–15(b)	Art. 14(1)(a).
42.09–15(c)	Art. 14(1)(b).

46 CFR Part 42—Section	1966 Convention—Article or Regulation
42.09-15(c)(1)	Art. 19 (1), (2).
42.09-15(c)(2)	Art. 19(4) (a).
42.09-15(d)	Art. 14 (1) (c), (2).
42.09-20(a)	None.
42.09-20(a)(1)	None.
42.09-20(a)(2)	None.
42.09-20(b)	None.
42.09-20(c)	None.
42.09-25(a)	None.
42.09-25(b)	None.
42.09-25(b)(1)	None.
42.09-25(b)(2)	None.
42.09-25(b)(3)	None.
42.09-25(b)(4)	None.
42.09-25(b)(5)	None.
42.09-25(b)(6)	None.
42.09-25(b)(7)	None.
42.09-25(b)(8)	None.
42.09-30(a)	None.
42.09-30(b)	None.
42.09-30(c)	None.
42.09-30(d)	None.
42.09-30(e)	None.
42.09-30(f)	None.
42.09-30(g)	None.
42.09-35(a)	None.
42.09-35(b)	None.
42.09-35(c)	None.
42.09-35(d)	None.
42.09-35(e)	None.
42.09-40(a)	Art. 14(1) (c).
42.09-40(b)	Art. 14(1) (c).
42.09-40(b)(1)	Art. 14(1) (c).
42.09-40(b)(1)(i)	Art. 14(1) (c) (i).
42.09-40(b)(1)(ii)	Art. 14(1) (c) (ii).
42.09-40(b)(1)(iii)	Art. 14(1) (c) (iii).
42.09-40(b)(1)(iv)	Art. 14(1) (c) (iv).
42.09-40(b)(2)	Art. 14(1) (c).
42.09-40(c)	None.
42.09-40(d)	None.
42.09-45(a)	None.
42.09-45(b)	None.
42.09-50(a)	Art. 15.
42.09-50(b)	Art. 10(1).
42.09-50(c)	Art. 10(2).
42.11-1(a)	None.
42.11-1(b)	None.
42.11-1(c)	None.
42.11-5(a)	None.
42.11-5(b)	None.
42.11-10(a)	Art. 17(1), 17(3).
42.11-10(a)(1)	Art. 17(2).
42.11-10(b)	None.
42.11-15(a)	Reg. 2(2).
42.11-20(a)	None.
Subpart 42.13	Annex I.
42.13-1(a)	Annex I, Chapter I General.
42.13-1(b)	Annex I, Chapter I General.
42.13-5(a)	Reg. 1.
42.13-5(b)	Reg. 1.
42.13-10(a)	Reg. 2(2).
42.13-10(b)	Reg. 2(2).
42.13-10(c)	Reg. 2(3).
42.13-10(d)	Reg. 2(4).
42.13-10(e)	Reg. 2(5).
42.13-15(a)	Art. 2(8), Reg. 3(1).
42.13-15(b)	Reg. 3(2).
42.13-15(c)	Reg. 3(3).
42.13-15(d)	Reg. 3(4).
42.13-15(e)(1)	Reg. 3(5) (a).
42.13-15(e)(2)	Reg. 3(5) (b).
42.13-15(e)(3)	Reg. 3(5) (c).
42.13-15(f)(1)	Reg. 3(6) (a).
42.13-15(f)(2)	Reg. 3(6) (b).
42.13-15(g)	Reg. 3(7).
42.13-15(h)	Reg. 3(8).
42.13-15(i)(1)	Reg. 3(9).
42.13-15(i)(2)	Reg. 3(9).
42.13-15(j)(1)	Reg. 3(10) (a).
42.13-15(j)(2)	Reg. 3(10) (b).
42.13-15(j)(2)(i)	Reg. 3(10) (b) (i).
42.13-15(j)(2)(ii)	Reg. 3(10) (b) (ii).
42.13-15(j)(2)(iii)	Reg. 3(10) (b) (iii).
42.13-15(j)(2) Note	Reg. 3(10) (b) 2d par.
42.13-15(j)(3)	Reg. 3(10) (c).
42.13-15(j)(4)	Reg. 3(10) (d).
42.13-15(k)	Reg. 3(11).
42.13-15(l)	Reg. 3(12).
42.13-20(a)	Reg. 4.
42.13-25(a)	Reg. 5.
42.13-30(a)	Reg. 6(1).
42.13-30(b)	Reg. 6(2).
42.13-30(b)(1)	Reg. 6(2) (a).
42.13-30(b)(2)	Reg. 6(2) (b).
42.13-30(b)(3)	Reg. 6(2) (c).
42.13-30(b)(4)	Reg. 6(2) (d).
42.13-30(b)(5)	Reg. 6(2) (e).
42.13-30(b)(6)	Reg. 6(2) (f).
42.13-30(c)	Reg. 6(3).
42.13-30(d)(1)	Reg. 6(4) (a).
42.13-30(d)(2)	Reg. 6(4) (b).
42.13-30(d)(3)	Reg. 6(4) (c).
42.13-30(d)(4)	Reg. 6(4) (d).
42.13-30(d)(5)	Reg. 6(4) (e).
42.13-30(d)(5) Note	Reg. 6(4) (e) 2d par.
42.13-30(d)(6)	Reg. 6(4) (f).
42.13-30(e)	Reg. 6(5).
42.13-30(f)	Reg. 6(6).
42.13-30(g)	Reg. 6(7).
42.13-30(h)	Reg. 6(8).
42.13-30(i)	Reg. 6(9).
42.13-35(a)	Reg. 7.
42.13-40(a)	Reg. 8.
42.13-45(a)	Reg. 9.
42.15-1(a)	Reg. 10(1).
42.15-1(b)	Reg. 10(2).
42.15-5(a)	Reg. 11.
42.15-10(a)	Reg. 12(1).
42.15-10(b)	Reg. 12(2).
42.15-15(a)	Reg. 13, 1st par.
42.15-15(a)(1)	Reg. 13, position one.
42.15-15(a)(2)	Reg. 13, position two.
42.15-20(a)	Reg. 14(1).
42.15-20(b)	Reg. 14(2).
42.15-25(a)(1)	Reg. 15(1).
42.15-25(b)(1)	Reg. 15(2).
42.15-25(b)(2)	Reg. 15(3).
42.15-25(b)(3)	Reg. 15(4).
42.15-25(b)(4)	Reg. 15(5).
42.15-25(c)(1)	Reg. 15(6).
42.15-25(d)(1)	Reg. 15(7).
42.15-25(d)(2)	Reg. 15(8).
42.15-25(e)(1)	Reg. 15(9).
42.15-25(f)(1)	Reg. 15(10).
42.15-25(g)(1)	Reg. 15(11).
42.15-25(h)(1)	Reg. 15(12).
42.15-25(h)(2)	Reg. 15(12).
42.15-25(i)(1)	Reg. 15(13).
42.15-30(a)(1)	Reg. 16(1).
42.15-30(b)(1)	Reg. 16(2).
42.15-30(b)(2)	Reg. 16(3).
42.15-30(c)(1)	Reg. 16(4).
42.15-30(c)(2)	Reg. 16(4).
42.15-35(a)	Reg. 17(1).
42.15-35(b)	Reg. 17(2).
42.15-40(a)	Reg. 18(1).
42.15-40(b)	Reg. 18(2).
42.15-40(c)	Reg. 18(3).
42.15-45(a)	Reg. 19(1).
42.15-45(b)	Reg. 19(2).
42.15-45(c)	Reg. 19(3).
42.15-45(d)	Reg. 19(4).
42.15-45(e)	Reg. 19(5).
42.15-50(a)	Reg. 20.
42.15-55(a)	Reg. 21(1).
42.15-55(b)	Reg. 21(2).
42.15-60(a)	Reg. 22(1).
42.15-60(b)	Reg. 22(2).
42.15-60(c)	Reg. 22(3).
42.15-60(d)	Reg. 22(4).
42.15-60(e)	Reg. 22(5).
42.15-65(a)	Reg. 23(1).
42.15-65(b)	Reg. 23(2).
42.15-65(c)	Reg. 23(3).
42.15-70(a)	Reg. 24(1).
42.15-70(a)(1)	Reg. 24(1).
42.15-70(a)(2)	Reg. 24(1).
42.15-70(a)(3)	Reg. 24(1).
42.15-70(a)(4)	Reg. 24(1).
42.15-70(b)	Reg. 24(2).
42.15-70(c)	Reg. 24(3).
42.15-70(c) Note	Reg. 24(3), 2d par.
42.15-70(d)	Reg. 24(4).
42.15-70(e)	Reg. 24(5).
42.15-70(f)	Reg. 24(6).
42.15-75(a)	Reg. 25(1).
42.15-75(b)	Reg. 25(2).
42.15-75(c)	Reg. 25(3).
42.15-75(d)	Reg. 25(4).
42.15-75(e)	Reg. 25(5).
42.15-80(a)(1)	Reg. 26(1).
42.15-80(b)(1)	Reg. 26(2).
42.15-80(b)(2)	Reg. 26(3).
42.15-80(c)(1)	Reg. 26(4).
42.15-80(d)(1)	Reg. 26(5).
42.15-80(d)(2)	Reg. 26(6).
42.20-1(a)	Reg. 27(1).
42.20-5(a)	Reg. 27(2).
42.20-5(a)(1)	Reg. 27(2) (a).
42.20-5(a)(2)	Reg. 27(2) (b).
42.20-5(b)	Reg. 27(3).
42.20-5(b)(1)	Reg. 27(3) (a).
42.20-5(b)(2)	Reg. 27(3) (b).
42.20-5(b)(3)	Reg. 27(3) (c).
42.20-5(c)	Reg. 27(4).
42.20-10(a)	Reg. 27(5).
42.20-10(b)	Reg. 27(6).
42.20-10(c)	Reg. 27(7).
42.20-10(c)(1)	Reg. 27(7) (a).
42.20-10(c)(2)	Reg. 27(7) (b).
42.20-10(c)(3)	Reg. 27(7) (c).
42.20-10(c)(4)	Reg. 27(7) (d).
42.20-10(c)(5)	Reg. 27(7) (e).
42.20-10(d)	Reg. 27(7), 2d par.
42.20-10(d)(1)	Reg. 27(7), 3d par.
42.20-10(d)(2)	Reg. 27(7), 3d par.
42.20-10(d)(3)	Reg. 27(7), 3d par.
42.20-10(d)(4)	Reg. 27(7), 3d par.
42.20-10(e)	Reg. 27(8).
42.20-10(f)	Reg. 27(9).
42.20-10(g)	Reg. 27(10).
42.20-10(h)	Reg. 27(11).
42.20-15(a)(1)	Reg. 28(1).
42.20-15(b)(1)	Reg. 28(2).
42.20-20(a)	Reg. 29.
42.20-25(a)	Reg. 30.
42.20-30(a)	Reg. 31(1).
42.20-30(b)	Reg. 31(2).
42.20-30(c)	Reg. 31(3).
42.20-35(a)	Reg. 32.
42.20-40(a)	Reg. 33.
42.20-45(a)	Reg. 34(1).
42.20-45(b)	Reg. 34(2).
42.20-50(a)	Reg. 35(1).
42.20-50(b)	Reg. 35(2).
42.20-50(b)(1)	Reg. 35(2), 2d par.
42.20-50(c)	Reg. 35(3).
42.20-50(d)	Reg. 35(4)
42.20-50(e)	Reg. 35(5).
42.20-55(a)	Reg. 36(1).
42.20-55(a)(1)	Reg. 36(1) (a).
42.20-55(a)(2)	Reg. 36(1) (b).
42.20-55(a)(3)	Reg. 36(1) (c).
42.20-55(a)(4)	Reg. 36(1) (d).
42.20-55(a)(5)	Reg. 36(1) (e).
42.20-55(a)(6)	Reg. 36(1) (f).
42.20-55(a)(7)	Reg. 36(1) (g).
42.20-55(a)(8)	Reg. 36(1) (h).
42.20-55(b)	Reg. 36(2).
42.20-55(c)	Reg. 36(3).
42.20-55(d)	Reg. 36(4).
42.20-60(a)	Reg. 37(1).
42.20-60(b)	Reg. 37(2).
42.20-60(c)(1)	Reg. 37(3) (a).
42.20-60(c)(2)	Reg. 37(3) (b).
42.20-60(c)(3)	Reg. 37(3) (c).
42.20-65(a)(1)	Reg. 38(1).
42.20-65(a)(2)	Reg. 38(2).
42.20-65(a)(3)	Reg. 38(3).
42.20-65(a)(4)	Reg. 38(4).
42.20-65(a)(5)	Reg. 38(5).
42.20-65(a)(6)	Reg. 38(6).
42.20-65(a)(7)	Reg. 38(7).
42.20-65(b)(1)	Reg. 38(8).
42.20-65(c)(1)	Reg. 38(9).

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42.20-65(c)(2)	Reg. 38(10).
42.20-65(c)(3)	Reg. 38(11).
42.20-65(c)(4)	Reg. 38(12).
42.20-65(c)(4)(i)	Reg. 38(12), 2d par.
42.20-65(d)(1)	Reg. 38(13).
42.20-65(e)(1)	Reg. 38(14).
42.20-65(f)(1)	Reg. 38(15).
42.20-70(a)	Reg. 39(1).
42.20-70(a)(1)	Reg. 39(1).
42.20-70(a)(2)	Reg. 39(1).
42.25-70(b)	Reg. 39(2).
42.20-70(b)(1)	Reg. 39(2)(a).
42.20-70(b)(2)	Reg. 39(2)(b).
42.20-70(c)	Reg. 39(3).
42.20-75(a)(1)	Reg. 40(1).
42.20-75(a)(2)	Reg. 40(2).
42.20-75(b)(1)	Reg. 40(3).
42.20-75(b)(2)	Reg. 40(4).
42.20-75(c)(1)	Reg. 40(5).
42.20-75(d)(1)	Reg. 40(6).
42.20-75(e)(1)	Reg. 40(7).
42.20-75(e)(2)	Reg. 40(8).
42.25-1(a)	Reg. 41.
42.25-5(a)	Reg. 42(1).
42.25-5(b)	Reg. 42(2).
42.25-10(a)	Reg. 43(1).
42.25-10(b)	Reg. 43(2).
42.25-10(c)	Reg. 43(3).
42.25-15(a)(1)	Reg. 44(1).
42.25-15(a)(2)	Reg. 44(2).
42.25-15(a)(3)	Reg. 44(3).
42.25-15(a)(4)	Reg. 44(4).
42.25-15(b)	Reg. 44(5).
42.25-15(c)(1)	Reg. 44(6).
42.25-15(c)(2)	Reg. 44(7).
42.25-15(c)(3)	Reg. 44(8).
42.25-15(c)(4)	Reg. 44(9).
42.25-15(d)(1)	Reg. 44(10).
42.25-15(e)(1)	Reg. 44(11).
42.25-15(f)(1)	Reg. 44(12).
42.25-20(a)	Reg. 45(1).
42.25-20(b)	Reg. 45(2).
42.25-20(c)	Reg. 45(3).
42.25-20(d)	Reg. 45(4).
42.25-20(e)	Reg. 45(5).
42.30-1(a)	Annex II Introduction.
42.30-1(a)(1)	Annex II Introduction.
42.30-1(a)(2)	Annex II Introduction.
42.30-1(b)	Annex II Introduction.
42.30-1(c)	Annex II Introduction.
42.30-5(a)(1)	Reg. 46(1)(a).
42.30-5(a)(1)(i)	Reg. 46(1)(a).
42.30-5(a)(2)	Reg. 46(1)(b).
42.30-5(a)(2)(i)	Reg. 46(1)(b).
42.30-5(b)(1)	Reg. 46(2).
42.30-5(b)(1)(i)(a)	Reg. 46(2).
42.30-5(b)(1)(i)(b)	Reg. 46(2).
42.30-5(c)	Reg. 46(3).
42.30-5(c)(1)	Reg. 46(3).
42.30-10(a)	Reg. 47.
42.30-10(a)(1)	None.
42.30-10(a)(2)	Reg. 47.
42.30-15(a)	Reg. 48(1).
42.30-15(a)(1)	Reg. 48(1).
42.30-15(b)	Reg. 48(2).
42.30-15(b)(1)	Reg. 48(2).
42.30-15(c)	Reg. 48(3).
42.30-15(c)(1)	Reg. 48(3)(a).
42.30-15(c)(1)(i)	Reg. 48(3)(a).
42.30-15(c)(2)	Reg. 48(3)(b).
42.30-15(c)(3)	Reg. 48(3)(c).
42.30-20(a)	Reg. 49(1).
42.30-20(a)(1)	Reg. 49(1).
42.30-20(b)	Reg. 49(2).
42.30-20(b)(1)	Reg. 49(2).
42.30-20(c)	Reg. 49(3).
42.30-20(c)(1)	Reg. 49(3).
42.30-20(d)(1)	Reg. 49(4)(a).
42.30-20(d)(1)(i)	Reg. 49(4)(a).
42.30-20(d)(2)	Reg. 49(4)(b).
42.30-20(d)(2)(i)	Reg. 49(4)(b).
42.30-20(e)	Reg. 49(5).
42.30-20(e)(1)	Reg. 49(5).
42.30-20(e)(2)	Reg. 49(5).
42.30-20(f)(1)	Reg. 49(6)(a).
42.30-20(f)(1)(i)	Reg. 49(6)(a).
42.30-20(f)(2)	Reg. 49(6)(b).
42.30-20(f)(2)(i)	Reg. 49(6)(b).
42.30-20(g)(1)	Reg. 49(7)(a).
42.30-20(g)(1)(i)	Reg. 49(7)(a).
42.30-20(g)(2)	Reg. 49(7)(b).
42.30-20(g)(2)(i)	Reg. 49(7)(b).
42.30-25(a)	Reg. 50.
42.30-25(a)(1)	Reg. 50.
42.30-25(a)(1)(i)	Reg. 50.
42.30-30(a)	Reg. 51(1).
42.30-30(a)(1)	Reg. 51(1).
42.30-30(a)(1)(i)	Reg. 51(1).
42.30-30(b)	Reg. 51(2).
42.30-30(b)(1)	Reg. 51(2).
42.30-30(b)(1)(i)	Reg. 51(2).
42.30-30(c)	Reg. 51(3).
42.30-30(c)(1)	Reg. 51(3).
42.30-30(c)(1)(i)	Reg. 51(3).
42.30-30(d)	Reg. 51(4).
42.30-30(d)(1)	Reg. 51(4).
42.30-30(d)(1)(i)	Reg. 51(4).
42.30-35(a)	Reg. 52.
42.30-35(a)(1)	Reg. 52(a).
42.30-35(a)(2)	Reg. 52(b).
42.35-1(a)	None.
42.35-1(b)	None.
42.35-1(c)	None.
42.35-5(a)	None.
42.35-5(b)	None.
42.35-10(a)	None.
42.35-10(b)	None.
42.35-15(a)	None.
42.50-1(a)	None.
42.50-1(b)	None.
42.50-1(b)(1)	Art. 18(2).
42.50-1(b)(2)	None.
42.50-1(c)	None.
42.50-5(a)	None.
42.50-5(a)(1)	None.
42.50-5(a)(2)	Annex III.
42.50-5(a)(3)	None.
42.50-5(a)(4)	Annex III.
42.50-5(b)	Annex III.
42.50-5(c)	Annex III.
42.50-5(d)	None.
42.50-5(e)	Annex III.
42.50-10(a)	Annex III.
42.50-10(a)(1)	None.
42.50-10(b)	None.
42.50-15(a)	None.
42.50-15(a)(1)	None.
42.50-15(a)(2)	None.
42.50-15(a)(3)	None.
42.50-15(b)	None.
42.50-15(c)	None.
42.50-15(d)	None.
42.50-15(e)	None.

TABLE B—COMPARISON OF 1966 CONVENTION WITH LOAD LINE REGULATIONS

1966 Convention—Article or Regulation	46 CFR Part 42—Section
Art. 1(1)	None.
Art. 1(2)	42.01-1(c); 42.01-10(b), (c).
Art. 2(1)	None.
Art. 2(2)	42.01-1(c).
Art. 2(3)	42.05-1
Art. 2(4)	42.05-45(a),(c).
Art. 2(5)	None.
Art. 2(6)	42.05-50(a), (a)(1).
Art. 2(7)	42.05-30(a).
Art. 2(8)	42.13-15(a).
Art. 3(1)	42.07-1(a).
Art. 3(2)	None.
Art. 4(1)(a)	42.03-1(b).
Art. 4(1)(b)	42.03-1(b).
Art. 4(1)(c)	42.03-1(b).
Art. 4(2)	42.03-1(b); 42.03-5(a)(1).
Art. 4(3)	None.
Art. 4(4)	42.03-5(a)(2).
Art. 4(5)	None.
Art. 5(1)	42.03-1(b).
Art. 5(2)(a)	42.03-1(b); 42.03-15(a); 42.05-40(a), (c).
Art. 5(2)(b)	None.
Art. 5(2)(c)	None.
Art. 6(1)	42.03-30(b)(1).
Art. 6(2)	42.03-30(b)(2).
Art. 6(3)	None.
Art. 6(4)	42.03-30(b)(3).
Art. 7(1)	None.
Art. 7(2)	None.
Art. 8(1)	42.03-20(a).
Art. 8(2)	None.
Art. 9(1)	42.03-25(a), (b).
Art. 9(2)	None.
Art. 10(1)	42.09-50(b).
Art. 10(2)	42.09-50(c).
Art. 11(1)	42.07-15(a).
Art. 11(2)	42.07-15(b).
Art. 12(1)	42.01-10(a); 42.07-5(a); 42.07-10(a), (b).
Art. 12(2)	42.07-10(c).
Art. 12(3)	42.07-10(d).
Art. 13	42.07-35(a), (b), (c); 42.07-40(a).
Art. 14(1)(a)	42.09-15(a), (b).
Art. 14(1)(b)	42.09-15(a), (c).
Art. 14(1)(c)	42.09-40(a), (b), (b)(1).
Art. 14(1)(c)(i)	42.09-40(b)(1)(i).
Art. 14(1)(c)(ii)	42.09-40(b)(1)(ii).
Art. 14(1)(c)(iii)	42.09-40(b)(1)(iii).
Art. 14(1)(c)(iv)	42.09-40(c)(1)(iv).
Art. 14(2)	42.09-15(d).
Art. 15	42.09-50(a).
Art. 16(1)	42.07-5(b); 42.07-35(d); 42.09-1(b).
Art. 16(2)	42.03-30(d); 42.07-5(c); 42.07-35(d); 42.09-1(b).
Art. 16(3)	42.07-35(a); 42.07-35(d); 42.07-40(a); 42.07-45(a).
Art. 16(4)	42.03-10(d)(2); 42.05-50(a)(1); 42.07-1(e)(f); 42.07-45(b)(1), (2).
Art. 17(1)	42.11-10(a).
Art. 17(2)	42.11-10(a)(1).
Art. 17(3)	42.11-10(a).
Art. 17(4)	None.
Art. 18(1)	None.
Art. 18(2)	42.07-45(e)(1)(iii); 42.07-45(f), (f)(1), (f)(1)(i); 42.50-1(b).
Art. 19(1)	42.07-45(d); 42.09-15(c)(1).
Art. 19(2)	42.09-15(c)(1).
Art. 19(3)	42.07-55(a), (b).
Art. 19(3)(a)	42.07-55(b)(2); 42.07-60(f)(1)(i).
Art. 19(3)(b)	42.07-55(b)(3); 42.07-60(f)(1)(ii).
Art. 19(3)(c)	42.07-55(b)(4).
Art. 19(3)(d)	42.07-55(b)(5).
Art. 19(4)(a)	42.07-45(d); 42.09-15(c)(2).
Art. 19(4)(b)	None.
Art. 19(5)	42.07-45(c).
Art. 20	None.
Art. 21(1)	42.07-60(f)(1).
Art. 21(1)(a)	42.07-60(f)(1).
Art. 21(1)(b)	42.07-60(f)(1).
Art. 21(1)(c)	42.07-60(b)(1); 42.07-60(f)(1).
Art. 21(1), 2d par.	42.07-60(f)(2).
Art. 21(2)	42.07-60(b)(1).
Art. 21(3)	42.07-60(e).
Art. 22	None.
Art. 23	None.
Art. 24	None.
Art. 24(1)(a)	None.
Art. 24(1)(b)	None.

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Art. 24(2)	None.
Art. 25	None.
Art. 26(1)	None.
Art. 26(1)(a)	None.
Art. 26(1)(b)	None.
Art. 26(1)(c)	None.
Art. 26(2)	None.
Art. 27(1)	None.
Art. 27(1)(a)	None.
Art. 27(1)(b)	None.
Art. 27(1)(c)	None.
Art. 27(2)	None.
Art. 28(1)	42.07–1(f); 42.07–45(b)(2).
Art. 28(2)	42.05–50(a)(2); 42.07–1(f); 42.07–45(b)(2).
Art. 28(3)	42.07–1(f); 42.07–45(b)(2).
Art. 28(4)	None.
Art. 29(1)	None.
Art. 29(2)	None.
Art. 29(2)(a)	None.
Art. 29(2)(b)	None.
Art. 29(2)(c)	None.
Art. 29(3)	None.
Art. 29(3)(a)	None.
Art. 29(3)(b)	None.
Art. 29(3)(c)	None.
Art. 29(3)(d)	None.
Art. 29(3)(e)	None.
Art. 29(4)	None.
Art. 29(4)(a)	None.
Art. 29(4)(b)	None.
Art. 29(4)(c)	None.
Art. 29(4)(d)	None.
Art. 29(5)	None.
Art. 29(6)	None.
Art. 29(7)	None.
Art. 30(1)	None.
Art. 30(2)	None.
Art. 30(3)	None.
Art. 31(1)	None.
Art. 31(2)	None.
Art. 31(3)	None.
Art. 31(4)	None.
Art. 32(1)(a)	None.
Art. 32(1)(b)	None.
Art. 32(2)(a)	None.
Art. 32(2)(b)	None.
Art. 32(3)	None.
Art. 33(1)	None.
Art. 33(2)	None.
Art. 34	None.
Annex I	Subpart 42.13.
Chapter I General	42.13–1 (a) and (b).
Reg. 1	42.13–5 (a) and (b).
Reg. 2(1)	42.13–10(a).
Reg. 2(2)	42.03–17(a); 42.11–15(a); 42.13–10(b).
Reg. 2(3)	42.13–10(c).
Reg. 2(4)	42.13–10(d).
Reg. 2(5)	42.13–10(e).
Reg. 3(1)	42.13–15(a).
Reg. 3(2)	42.13–15(b).
Reg. 3(3)	42.13–15(c).
Reg. 3(4)	42.13–15(d).
Reg. 3(5)(a)	42.13–15(e)(1).
Reg. 3(5)(b)	42.13–15(e)(2).
Reg. 3(5)(c)	42.13–15(e)(3).
Reg. 3(6)(a)	42.13–15(f)(1).
Reg. 3(6)(b)	42.13–15(f)(2).
Reg. 3(7)	42.13–15(g).
Reg. 3(8)	42.13–15(h).
Reg. 3(9)	42.13–15(i)(1), (2).
Reg. 3(10)(a)	42.13–15(j)(1).
Reg. 3(10)(b)	42.13–15(j)(2).
Reg. 3(10)(b)(i)	42.13–15(j)(2)(i).
Reg. 3(10)(b)(ii)	42.13–15(j)(2)(ii).
Reg. 3(10)(b)(iii)	42.13–15(j)(2)(iii).
Reg. 3(10)(b), 2d par	42.13–15(j)(2) Note.
Reg. 3(10)(c)	42.13–15(j)(3).
Reg. 3(10)(d)	42.13–15(j)(4).
Reg. 3(11)	42.13–15(k).
Reg. 3(12)	42.13–15(l).
Reg. 4	42.13–20(a).
Reg. 5	42.13–25(a).
Reg. 6(1)	42.13–30(a).
Reg. 6(2)	42.13–30(b).
Reg. 6(2)(a)	42.13–30(b)(1).
Reg. 6(2)(b)	42.13–30(b)(2).
Reg. 6(2)(c)	42.13–30(b)(3).
Reg. 6(2)(d)	42.13–30(b)(4).
Reg. 6(2)(e)	42.13–30(b)(5).
Reg. 6(2)(f)	42.13–30(b)(6).
Reg. 6(3)	42.13–30(c).
Reg. 6(4)(a)	42.13–30(d)(1).
Reg. 6(4)(b)	42.13–30(d)(2).
Reg. 6(4)(c)	42.13–30(d)(3).
Reg. 6(4)(d)	42.13–30(d)(4).
Reg. 6(4)(e)	42.13–30(d)(5).
Reg. 6(4)(e), 2d par	42.13–30(d)(5) Note.
Reg. 6(4)(f)	42.13–30(d)(6).
Reg. 6(5)	42.13–30(e).
Reg. 6(6)	42.13–30(f).
Reg. 6(7)	42.13–30(g).
Reg. 6(8)	42.13–30(h).
Reg. 6(9)	42.13–30(i).
Reg. 7	42.13–35(a).
Reg. 8	42.13–40(a).
Reg. 9	42.13–45(a).
Reg. 10(1)	42.15–1(a).
Reg. 10(2)	42.15–1(b).
Reg. 11	42.15–5(a).
Reg. 12(1)	42.15–10(a).
Reg. 12(2)	42.15–10(b).
Reg. 13, first par	42.15–15(a).
Reg. 13, position 1	42.15–15(a)(1).
Reg. 13, position 2	42.15–15(a)(2).
Reg. 14(1)	42.15–20(a).
Reg. 14(2)	42.15–20(b).
Reg. 15(1)	42.15–25(a)(1).
Reg. 15(2)	42.15–25(b)(1).
Reg. 15(3)	42.15–25(b)(2).
Reg. 15(4)	42.15–25(b)(3).
Reg. 15(5)	42.15–25(b)(4).
Reg. 15(6)	42.15–25(c)(1).
Reg. 15(7)	42.15–25(d)(1).
Reg. 15(8)	42.15–25(d)(2).
Reg. 15(9)	42.15–25(e)(1).
Reg. 15(10)	42.15–25(f)(1).
Reg. 15(11)	42.15–25(g)(1).
Reg. 15(12)	42.15–25(h)(1).
Reg. 15(12)	42.15–25(h)(2).
Reg. 15(13)	42.15–25(i)(1).
Reg. 16(1)	42.15–30(a)(1).
Reg. 16(2)	42.15–30(b)(1).
Reg. 16(3)	42.15–30(b)(2).
Reg. 16(4)	42.15–30(c)(1).
Reg. 16(4)	42.15–30(c)(2).
Reg. 17(1)	42.15–35(a).
Reg. 17(2)	42.15–35(b).
Reg. 18(1)	42.15–40(a).
Reg. 18(2)	42.15–40(b).
Reg. 18(3)	42.15–40(c).
Reg. 19(1)	42.15–45(a).
Reg. 19(2)	42.15–45(b).
Reg. 19(3)	42.15–45(c).
Reg. 19(4)	42.15–45(d).
Reg. 19(5)	42.15–45(e).
Reg. 20	42.15–50(a).
Reg. 21(1)	42.15–55(a).
Reg. 21(2)	42.15–55(b).
Reg. 22(1)	42.15–60(a).
Reg. 22(2)	42.15–60(b).
Reg. 22(3)	42.15–60(c).
Reg. 22(4)	42.15–60(d).
Reg. 22(5)	42.15–60(e).
Reg. 23(1)	42.15–65(a).
Reg. 23(2)	42.15–65(b).
Reg. 23(3)	42.15–65(c).
Reg. 24(1)	42.15–70(a), (a)(1), (a)(2), (a)(3), (a)(4).
Reg. 24(2)	42.15–70(b).
Reg. 24(3)	42.15–70(c).
Reg. 24(3), 2d par	42.15–70(c) Note.
Reg. 24(4)	42.15–70(d).
Reg. 24(5)	42.15–70(e).
Reg. 24(6)	42.15–70(f).
Reg. 25(1)	42.15–75(a).
Reg. 25(2)	42.15–75(b).
Reg. 25(3)	42.15–75(c).
Reg. 25(4)	42.15–75(d).
Reg. 25(5)	42.15–75(e).
Reg. 26(1)	42.15–80(a)(1).
Reg. 26(2)	42.15–80(b)(1).
Reg. 26(3)	42.15–80(b)(2).
Reg. 26(4)	42.15–80(c)(1).
Reg. 26(5)	42.15–80(d)(1).
Reg. 26(6)	42.15–80(d)(2).
Reg. 27(1)	42.09–5(a); 42.20–1(a).
Reg. 27(2)	42.09–5(b); 42.20–5(a).
Reg. 27(2)(a)	42.20–5(a)(1).
Reg. 27(2)(b)	42.20–5(a)(2).
Reg. 27(3)	42.20–5(b).
Reg. 27(3)(a)	42.20–5(b)(1).
Reg. 27(3)(b)	42.20–5(b)(2).
Reg. 27(3)(c)	42.20–5(b)(3).
Reg. 27(4)	42.20–5(c).
Reg. 27(5)	42.09–5(c); 42.20–10(a).
Reg. 27(6)	42.20–10(b).
Reg. 27(7)	42.20–10(c).
Reg. 27(7)(a)	42.20–10(c)(1).
Reg. 27(7)(b)	42.20–10(c)(2).
Reg. 27(7)(c)	42.20–10(c)(3.
Reg. 27(7)(d)	42.20–10(c)(4).
Reg. 27(7)(e)	42.20–10(c)(5).
Reg. 27(7), 2d par	42.20–10(d).
Reg. 27(7), 3d par	42.20–10(d), (1), (2), (3), (4).
Reg. 27(8)	42.20–10(e).
Reg. 27(9)	42.20–10(f).
Reg. 27(10)	42.20–10(g).
Reg. 27(11)	42.20–10(h).
Reg. 28(1)	42.20–15(a)(1).
Reg. 28(2)	42.20–15(b)(1).
Reg. 29	42.20–20(a).
Reg. 30	42.20–25(a).
Reg. 31(1)	42.20–30(a).
Reg. 31(2)	42.20–30(b).
Reg. 31(3)	42.20–30(c).
Reg. 32	42.20–35(a).
Reg. 33	42.20–40(a).
Reg. 34(1)	42.20–45(a).
Reg. 34(2)	42.20–45(b).
Reg. 35(1)	42.20–50(a).
Reg. 35(2)	42.20–50(b).
Reg. 35(2), 2d par	42.20–50(b)(1).
Reg. 35(3)	42.20–50(c).
Reg. 35(4)	42.20–50(d).
Reg. 35(5)	42.20–50(e).
Reg. 36(1)	42.20–55(a).
Reg. 36(1)(a)	42.20–55(a)(1).
Reg. 36(1)(b)	42.20–55(a)(2).
Reg. 36(1)(c)	42.20–55(a)(3).
Reg. 36(1)(d)	42.20–55(a)(4).
Reg. 36(1)(e)	42.20–55(a)(5).
Reg. 36(1)(f)	42.20–55(a)(6).
Reg. 36(1)(g)	42.20–55(a)(7).
Reg. 36(1)(h)	42.20–55(a)(8).
Reg. 36(2)	42.20–55(b).
Reg. 36(3)	42.20–55(c).
Reg. 36(4)	42.20–55(d).
Reg. 37(1)	42.20–60(a).
Reg. 37(2)	42.20–60(b).
Reg. 37(3)(a)	42.20–60(c)(1).
Reg. 37(3)(b)	42.20–60(c)(2).
Reg. 37(3)(c)	42.20–60(c)(3).
Reg. 38(1)	42.20–65(a)(1).
Reg. 38(2)	42.20–65(a)(2).
Reg. 38(3)	42.20–65(a)(3).
Reg. 38(4)	42.20–65(a)(4).
Reg. 38(5)	42.20–65(a)(5).
Reg. 38(6)	42.20–65(a)(6).
Reg. 38(7)	42.20–65(a)(7).
Reg. 38(8)	42.20–65(b)(1).
Reg. 38(9)	42.20–65(c)(1).
Reg. 38(10)	42.20–65(c)(2).
Reg. 38(11)	42.20–65(c)(3).
Reg. 38(12)	42.20–65(c)(4).
Reg. 38(12), 2d par	42.20–65(c)(4)(i).
Reg. 38(13)	42.20–65(d)(1).
Reg. 38(14)	42.20–65(e)(1).
Reg. 38(15)	42.20–65(f)(1).

1966 Convention—Article or Regulation	*46 CFR Part 42—Section*
Reg. 39(1)	42.20–70 (a), (a) (1), (a) (2).
Reg. 39(2)	42.20–70(b).
Reg. 39(2) (a)	42.20–70(b) (1).
Reg. 39(2) (b)	42.20–70(b) (2).
Reg. 39(3)	42.20–70(c).
Reg. 40(1)	42.20–75(a) (1).
Reg. 40(2)	42.20–75(a) (2).
Reg. 40(3)	42.20–75(b) (1).
Reg. 40(4)	42.20–75(b) (2).
Reg. 40(5)	42.20–75(c) (1).
Reg. 40(6)	42.20–75(d) (1).
Reg. 40(7)	42.20–75(e) (1).
Reg. 40(8)	42 20–75(e) (2).
Reg. 41	42.25–1(a).
Reg. 42(1)	42.25–5(a).
Reg. 42(2)	42.25–5(b).
Reg. 43(1)	42.25–10(a).
Reg. 43(2)	42.25–10(b).
Reg. 43(3)	42.25–10(c).
Reg. 44(1)	42.25–15(a) (1).
Reg. 44(2)	42.25–15(a) (2).
Reg. 44(3)	42.25–15(a) (3).
Reg. 44(4)	42.25–15(a) (4).
Reg. 44(5)	42.25–15(b).
Reg. 44(6)	42.25–15(c) (1).
Reg. 44(7)	42.25–15(c) (2).
Reg. 44(8)	42.25–15(c) (3).
Reg. 44(9)	42.25–15(c) (4).
Reg. 44(10)	42.25–15(d) (1).
Reg. 44(11)	42.25–15(e) (1).
Reg. 44(12)	42.25–15(f) (1).
Reg. 45(1)	42.25–20(a).
Reg. 45(2)	42.25–20(b).
Reg. 45(3)	42.25–20(c).
Reg. 45(4)	42.25–20(d).
Reg. 45(5)	42.25–20(e).
Annex II Introduction	42.30–1 (a), (a) (1), (a) (2), (b), (c).
Reg. 46(1) (a)	42.30–5(a) (1), (a) (1) (i).
Reg. 46(1) (b)	42.30–5 (a) (2), (a) (2) (i).
Reg. 46(2)	42.30–5 (b) (1), (b) (1) (i) (a), (b) (1) (i) (b).
Reg. 46(3)	42.30–5 (c), (c) (1).
Reg. 47	42.30–10 (a), (a) (2).
Reg. 48(1)	42.30–15 (a), (a) (1).
Reg. 48(2)	42.30–15 (b), (b) (1).
Reg. 48(3)	42.30–15(c).
Reg. 48(3) (a)	42.30–15(c) (1), (c) (1) (i).
Reg. 48(3) (b)	42.30–15(c) (2).
Reg. 48(3) (c)	42.30–15(c) (3).
Reg. 49(1)	42.30–20 (a), (a) (1).
Reg. 49(2)	42.30–20 (b), (b) (1).
Reg. 49(3)	42.30–20 (c), (c) (1).
Reg. 49(4) (a)	42.30–20 (d) (1), (d) (1) (i).
Reg. 49(4) (b)	42.30–20 (d) (2), (d) (2) (i).
Reg. 49(5)	42.30–20 (e), (e) (1), (e) (2).
Reg. 49(6) (a)	42.30–20 (f) (1), (f) (1) (i).
Reg. 49(6) (b)	42.30–20 (f) (2), (f) (2) (i).
Reg. 49(7) (a)	42.30–20 (g) (1), (g) (1) (i).
Reg. 49(7) (b)	42.30–20 (g) (2), (g) (2) (i).
Reg. 50	42.30–25 (a), (a) (1), (a) (1) (i).
Reg. 51(1)	42.30–30(a), (a) (1), (a) (1) (i).
Reg. 51(2)	42.30 (b), (b) (1), (b) (1) (i).
Reg. 51(3)	42.30–30 (c), (c) (1), (c) (1) (i).
Reg. 51(4)	42.30–30 (d), (d) (1), (d) (1) (i).
Reg. 52	42.30–35(a).
Reg. 52(a)	42.30–35(a) (1).
Reg. 52(b)	42.30–35(a) (2).
Annex III	42.50–5 (a) (1), (a) (3), (a) (4), (b), (d), (e).

6. In the administration of the International Convention on Load Lines, 1966, and as stated in Article 16(4) thereof, the 1930 International Load Line Convention certificate requirements will be superseded by the 1966 Convention on July 21, 1968, insofar as the United States of America is concerned. On and after July 21, 1968, the United States will not issue International Load Line Certificates under the provisions of the 1930 Convention. On and after July 21, 1970, the United States normally will not accept International Load Line Certificates under the provisions of the 1930 Convention other than as may be permitted for certain foreign vessels in the administration of Articles 16 and 28 of the 1966 Convention.

7. As provided in Article 24(1) of the International Convention on Load Lines, 1966, the other treaties and agreements with the Government of Canada regarding load lines and marine inspection matters shall continue to have full and complete effect.

8. The actions and recommendations of the Merchant Marine Council with respect to comments and views received and changes in the proposals in Item PH 1–68 (CG–249, pages 1 to 120, inclusive), are hereby adopted.

9. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, United States Code, and 49 CFR 1.4(a)(2) to promulgate regulations in accordance with the laws cited with the regulations below, the following regulations and amendments in this document are prescribed and shall be effective on and after July 21, 1968: *Provided,* That the regulations in this document with respect to coastwise load line requirements, other than the zones and seasonal areas in 46 CFR 42.30–1 to 42.30–35, inclusive, may be complied with during the interim period prior to the effective date specified in lieu of existing requirements.

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 2—VESSEL INSPECTIONS

1. The Authority note for Part 2 is amended to read as follows:

AUTHORITY: The provisions of this Part 2 issued under R.S. 4405, as amended, 4462, as amended, sec. 3, 60 Stat. 238, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 375, 416, 5 U.S.C. 552, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2). Additional authority cited with regulations affected.

Subpart 2.85—Load Lines

2. Section 2.85–1 is amended to read as follows:

§ 2.85–1 Assignment of load lines.

(a) The load line marks when placed on a vessel indicate the maximum mean draft to which such vessel can be lawfully submerged, in the various circumstances and seasons applicable to such vessel. See Subchapter E (Load Lines) of this chapter for applicable details governing assignment and marking of load lines.

(b) Merchant vessels of 150 gross tons or over and engaged in international, coastwise, or Great Lakes voyages are required to have load line marks by section 85, 88, or 88a of Title 46, United States Code. The International Convention on Load Lines, 1966, applies to ships engaged in international voyages which are ships registered in countries the Governments of which are Contracting Governments; ships registered in territories to which the 1966 Convention is made applicable; and unregistered ships flying the flag of a State, the Government of which is a Contracting Government. The exceptions are (1) ships of war; (2) new ships of less than 79 feet in length; (3) existing ships of less than 150 gross tons; (4) pleasure yachts not engaged in trade; and (5) fishing vessels.

(c) The procedures for obtaining the assignment of load line marks, the issuance of load line certificates, the surveys and annual inspections required, the causes for cancellation of certificates, the enforcement and control exercised in administration, including the rights of appeal, and the model forms of load line certificates are set forth in Parts 42 to 46, inclusive, in Subchapter E (Load Lines) of this chapter.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a)

SUBCHAPTER E—LOAD LINES

Subchapter E is amended by inserting before Part 43 a new Part 42 reading as follows:

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

Subpart 42.01—Authority and Purpose

Sec.
42.01–1 Authority for regulations.
42.01–5 Assignment of functions.
42.01–10 Purpose of regulations.

Subpart 42.03—Application

42.03–1 Establishment of load lines.
42.03–5 U.S.-flag vessels subject to the requirements of this subchapter.
42.03–10 Foreign vessels subject to the requirements of this subchapter.
42.03–15 The Great Lakes of North America.
42.03–17 Special load line marks for vessels carrying timber deck cargo.
42.03–20 Equivalents.
42.03–25 Experimental installations.
42.03–30 Exemptions for vessels.
42.03–35 U.S.-flag vessels and Canadian vessels navigating solely on sheltered waters of Puget Sound and contiguous west coast waters of United States and Canada.

Subpart 42.05—Definition of Terms Used in This Subchapter

42.05–1 Approved.
42.05–10 Assigning authority.
42.05–20 Commandant.
42.05–25 Coast Guard District Commander or District Commander.
42.05–30 Existing vessel.

Sec.
42.05-40 Great Lakes.
42.05-45 International voyage.
42.05-47 Marine inspector or inspector.
42.05-50 New vessel.
42.05-55 Officer in Charge, Marine Inspection.
42.05-60 Recognized classification society.
42.05-65 Surveyor.

Subpart 42.07—Control, Enforcement, and Rights of Appeal

42.07-1 Load lines required.
42.07-5 Marks placed on vessel to indicate load lines.
42.07-10 Submergence of load line marks.
42.07-15 Zones and seasonal areas.
42.07-20 Logbook entries.
42.07-25 Approval of the Commandant.
42.07-30 Approval of the assigning authority.
42.07-35 American Bureau of Shipping as assigning authority.
42.07-40 Recognized classification society as an assigning authority.
42.07-43 Change in assigning authority.
42.07-45 Load line certificates.
42.07-50 Penalties for violations.
42.07-55 Cancellation of load line certificates or exemption certificates.
42.07-60 Control.
42.07-75 Right of appeal.

Subpart 42.09—Load Line Assignments, and Surveys—General Requirements

42.09-1 Assignment of load lines.
42.09-5 All vessels—division into types.
42.09-10 Stability, subdivision and strength.
42.09-15 Surveys by the American Bureau of Shipping or assigning authority.
42.09-20 Surveys of foreign vessels.
42.09-25 Survey requirements for all vessels.
42.09-30 Additional survey requirements for steel-hull vessels.
42.09-35 Additional survey requirements for wood-hull vessels.
42.09-40 Annual surveys.
42.09-45 Correction of deficiencies.
42.09-50 Repairs or alterations to vessel after it has been surveyed.

Subpart 42.11—Applications for Load Line Assignments, Surveys, and Certificates

42.11-1 General.
42.11-5 Applications for load line assignments, surveys, and certificates for U.S.-flag vessels.
42.11-10 Applications for load line assignments and certificates for vessels other than U.S.-flag vessels.
42.11-15 Application for timber load lines.
42.11-20 Application for annual survey.

Subpart 42.13—General Rules for Determining Load Lines

42.13-1 Assumptions.
42.13-5 Strength of vessel.
42.13-10 Freeboards assigned vessels.
42.13-15 Definitions of terms.
42.13-20 Deck line.
42.13-25 Load line mark.
42.13-30 Lines to be used with the load line mark.
42.13-35 Mark of assigning authority.
42.13-40 Details of marking.
42.13-45 Verification of marks.

Subpart 42.15—Conditions of Assignment of Freeboard

42.15-1 Information to be supplied to the master.
42.15-5 Superstructure end bulkheads.
42.15-10 Doors.
42.15-15 Position of hatchways, doorways and ventilators.
42.15-20 Cargo and other hatchways.
42.15-25 Hatchways closed by portable covers and secured weathertight by tarpaulins and battening devices.
42.15-30 Hatchways closed by weathertight covers of steel or other equivalent material fitted with gaskets and clamping devices.
42.15-35 Machinery space openings.
42.15-40 Miscellaneous openings in freeboard and superstructure decks.
42.15-45 Ventilators.
42.15-50 Air pipes.
42.15-55 Cargo ports and other similar openings.
42.15-60 Scuppers, inlets, and discharges.
42.15-65 Side scuttles.
42.15-70 Freeing ports.
42.15-75 Protection of the crew.
42.15-80 Special conditions of assignment for Type "A" vessels.

Subpart 42.20—Freeboards

42.20-1 Types of vessels.
42.20-5 Type "A" vessels.
42.20-10 Type "B" vessels.
42.20-15 Freeboard tables.
42.20-20 Correction to the freeboard for vessels under 328 feet in length.
42.20-25 Correction for block coefficient.
42.20-30 Correction for depth.
42.20-35 Correction for position of deck line.
42.20-40 Standard height of superstructure.
42.20-45 Length of superstructure.
42.20-50 Effective length of superstructure.
42.20-55 Trunks.
42.20-60 Deduction for superstructures and trunks.
42.20-65 Sheer.
42.20-70 Minimum bow height.
42.20-75 Minimum freeboards.

Subpart 42.25—Special Requirements for Vessels Assigned Timber Freeboards

42.25-1 Application of this subpart.
42.25-5 Definitions of terms used in this subpart.
42.25-10 Construction of ship.
42.25-15 Stowage.
42.25-20 Computation for freeboard.

Subpart 42.30—Zones, Areas, and Seasonal Periods

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AUTHORITY: The provisions of this Part 42 issued under sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2). Interpret or apply International Convention on Load Lines, 1966; Treaties and Other International Acts Series 6331, proclaimed Sept. 7, 1967.

Subpart 42.01—Authority and Purpose

§ 42.01-1 Authority for regulations.

(a) The statutory authority to prescribe rules and regulations requiring certain vessels to have and display load line marks indicating the maximum draft to which such vessels may be safely loaded and the certification thereof by the assigning authority is in the act of March 2, 1929, as amended (46 U.S.C. 85-85g), the Coastwise Load Line Act, as amended (46 U.S.C. 88-88i), and subsection 6(b)(1) of the Department of Transportation Act (49 U.S.C. 1655(b)).

(b) The governing requirements for load line marks and their certification for certain vessels engaged on foreign voyages or international voyages other than Great Lakes voyages are in the International Convention on Load Lines, 1966 (hereinafter referred to as the 1966 Convention). The President on September 7, 1967, issued a Proclamation stating that the International Convention on Load Lines, 1966, on and after July 21, 1968, shall be observed and fulfilled with good faith by the United States of America and by the citizens of the United States and all other persons subject to the jurisdiction thereof. For the United States this 1966 Convention supersedes on July 21, 1968, the International Load Line Convention, London, 1930 (hereinafter referred to as the 1930 Convention) (see Articles 16, 24, and 28 of the 1966 Convention).

(c) In Article 1 of the International Convention on Load Lines, 1966, is stated the general obligation under this Convention of each Contracting Government. All measures which may be necessary to give effect to the 1966 Convention are required for vessels on international voyages. The word "Administration" as used in the 1966 Convention is defined in Article 2(2) thereof as meaning "* * * the Government of the State whose flag the ship is flying." For the United States of America, the Commandant, U.S. Coast Guard, superintends the administration and enforcement of the 1966 Convention. The Commandant also exercises the control provisions in the 1966 Convention applicable to vessels subject thereto when on waters subject to the jurisdiction of the United States. (See 14 U.S.C. 2, 632, 46 U.S.C. 2, 372.)

NOTE: The International Convention on Load Lines, 1966, is for sale at $1.25 per copy by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, as a pamphlet 6331 in the "Treaties and other International Acts Series," and is entitled "Load Lines Convention, with Regulations, Between the United States of America and Other Governments, London, April 5, 1966."

§ 42.01-5 Assignment of functions.

(a) The Department of Transportation Act (Public Law 89-670, 80 Stat. 931-950; 49 U.S.C. 1651-1659), transferred to and vested in the Secretary of Transportation "* * * all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other officers and offices in the

Department of the Treasury" (subsection 6(b)(1), 49 U.S.C. 1655(b)), which included all functions, powers, and duties pertaining to load line marks and their certification. This transfer is subject to certain conditions, modifications, and exceptions as set forth in such act. By a rule in 49 CFR 1.4(a) the Secretary of Transportation delegated to the Commandant, U.S. Coast Guard, authority to exercise certain functions, powers, and duties as set forth in subsections 6(a)(4), 6(b)(1), and 6(g) of such act (49 U.S.C. 1655), subject to conditions, exceptions, and modifications as described in 49 CFR Part 1. By a rule in 49 CFR 1.9 the Secretary of Transportation continued in effect actions taken prior to April 1, 1967.

(b) The Commandant, U.S. Coast Guard, in a notice dated March 31, 1967, and effective April 1, 1967 (32 F.R. 5611), approved the continuation of orders, rules, regulations, policies, procedures, privileges, waivers, and other actions, which had been made, allowed, granted, or issued prior to April 1, 1967, and provided that they shall continue in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority.

§ 42.01–10 Purpose of regulations.

(a) The load line marks when placed on a vessel shall indicate the maximum amidships draft to which such vessel can be lawfully submerged, in the various circumstances and seasons applicable to such vessel.

(b) The purpose of the rules and regulations in this subchapter is to set forth the uniform minimum requirements for required load line marks for the various categories of vessels when engaged on specific types of voyages, which by law or the International Convention on Load Lines, 1966, require appropriate load lines, surveys and inspections related thereto, their certification by authorized issuing authorities, and the carriage of required certificates aboard the respective vessels involved at all times.

(c) The rules and regulations in this subchapter also provide for the enforcement of load line requirements and control over vessels when it is believed such vessels may be in violation of applicable load line requirements.

Subpart 42.03—Application

§ 42.03–1 Establishment of load lines.

(a) Load lines are established for merchant vessels of 150 gross tons or over in conformity with the act of March 2, 1929, as amended (46 U.S.C. 85–85g), and the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i).

(b) Load lines are established under the International Convention on Load Lines, 1966, for (1) vessels registered in the United States; (2) vessels registered in U.S. territories to which the Convention is extended under Article 32 thereof; and (3) unregistered vessels flying the U.S. flag; when such vessels are engaged on international voyages: *Provided*, That such requirements shall not apply to: (i) Ships of war; (ii) new vessels of less than 79 feet in length; (iii) existing vessels of less than 150 gross tons; (iv) pleasure yachts not engaged in trade; and (v) fishing vessels: *Provided, further*, That no load line requirements in this part implementing only the 1966 Convention shall apply to vessels solely navigating the Great Lakes of North America (see § 42.05–40).

NOTE: Load lines are not established for vessels solely engaged on voyages on inland navigable waters of the United States (rivers, inland lakes, etc.); i.e., for vessels that, in the usual course of their employment, do not pass outside the line dividing inland waters from the high seas as defined in section 151 of Title 33, United States Code, and implementing regulations in 33 CFR Part 82. Load line requirements for vessels which operate solely on waters of the Great Lakes, including the St. Lawrence River, are contained in Part 45 of this subchapter.

§ 42.03–5 U.S.-flag vessels subject to the requirements of this subchapter.

(a) *Vessels engaged in foreign voyages or international voyages other than solely Great Lakes voyages.* (1) All U.S.-flag vessels as specified in § 42.03–1(b) and with exceptions as indicated, which engage in foreign voyages or international voyages by sea (other than solely in Great Lakes voyages) shall be subject to the applicable provisions of this part.

(2) As provided in Article 4(4) of the 1966 Convention, in order for existing vessels to take advantage of any reduction in freeboards from those previously assigned, the regulations in Subparts 42.13 to 42.25, inclusive, of this part shall be fully complied with. Except for due cause, such vessels shall not be required to increase their freeboards under the provisions of the 1966 Convention.

(3) All U.S.-flag vessels authorized to engage in foreign or international voyages may also engage in domestic voyages by sea and in Great Lakes voyages without additional load line marks and/or certificates. Except for load line marks and certificates, such vessels are subject to the other applicable provisions of Parts 44 and 45 of this subchapter.

(b) *Vessels engaged in domestic voyages by sea.* (1) All U.S.-flag vessels which engage in domestic voyages by sea (coastwise and intercoastal voyages) shall be subject to the applicable provisions of this part except the following:

(i) Merchant vessels of less than 150 gross tons.

(ii) Vessels which are mechanically propelled and numbered by a State or the Coast Guard under the Federal Boating Act of 1958 (46 U.S.C. 527–527g), and not required by other laws to be inspected and certificated by the Coast Guard. (This exception includes all mechanically propelled vessels of less than 150 gross tons, and uninspected motor propelled oceanographic vessels of less than 300 gross tons while operating pursuant to section 445 of Title 46, United States Code.)

(iii) Pleasure craft not used or engaged in trade or commerce.

(iv) Barges of less than 150 gross tons.

(v) Vessels engaged exclusively in voyages on waters within the United States or its possessions and which are determined not to be "coastwise" or "Great Lakes" voyages.

(vi) Ships of war.

(vii) U.S. public vessels other than those vessels of 150 gross tons or over and engaged in commercial activities.

(2) In order for existing vessels to take advantage of any reduction in freeboards from those previously assigned, the regulations in Subparts 42.13 to 42.25, inclusive, of this part shall be fully complied with. Except for due cause, such vessels shall not be required to increase their freeboards from those previously assigned.

(c) *Vessels engaged solely in Great Lakes voyages or special service coastwise voyages.* All U.S.-flag vessels, as specified in paragraph (b) of this section and with exceptions as indicated, which engage solely in Great Lakes voyages or special service coastwise voyages shall be subject to the applicable provisions of Parts 44 and 45 of this subchapter.

§ 42.03–10 Foreign vessels subject to requirements of this subchapter.

(a) *General.* All foreign merchant vessels of 150 gross tons or over, loading at or proceeding to sea from any port or place within the United States or its possessions for a foreign voyage by sea, or arriving within the jurisdiction of the United States or its possessions from a foreign voyage by sea, in both cases the Great Lakes excepted, are subject to the act of March 2, 1929, as amended (46 U.S.C. 85–85g), and the regulations in this part applicable to such service. All foreign merchant vessels of 150 gross tons or over, loading at or proceeding from any port or place within the United States on the Great Lakes of North America, or arriving within the jurisdiction of the United States on the Great Lakes, are subject to the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), and the regulations in Part 45 of this subchapter applicable to such service.

(b) *Canadian vessels.* All vessels of Canadian registry and holding valid certificates issued pursuant to Canadian laws and regulations are assumed to be in compliance with the applicable provisions of the act of March 2, 1929, as amended (46 U.S.C. 85–85g) and the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), the International Convention on Load Lines, 1930, until July 21, 1970, and the regulations in this subchapter, as permitted by section 5 of said laws.

(c) *Vessels of countries signatory to or adhering to the 1966 Convention.* The enforcement and control of load line requirements regarding vessels of countries signatory to or adhering to the 1966 Convention shall be as described in § 42.07–60 in this part, which is in accord with the provisions of Article 21 of the 1966 Convention. Such vessels when holding currently valid certificates issued pursuant to the 1966 Convention, or

recognized under such Convention, are assumed to be in compliance with the applicable provisions of such Convention. Such vessels are deemed to be in compliance with load line requirements found to be equally effective as those established in this part and therefore in compliance with the applicable load line provisions of the act of March 2, 1929, as amended, the Coastwise Load Line Act, 1935, as amended, and the regulations in this part as authorized by such laws. Vessels engaged in navigation on the Great Lakes are subject to application of seasonal international marks as specified in Part 45 of this subchapter.

(d) *Vessels of countries not signatory to or adhering to the 1966 Convention.* (1) Vessels of countries not signatory to or adhering to the 1966 Convention, when within the jurisdiction of the United States shall be subject to the act of March 2, 1929, as amended, the Coastwise Load Line Act, 1935, as amended, and the regulations in this subchapter as authorized by such laws.

(2) Vessels of countries signatory to or adhering only to the 1930 Convention, and holding valid certificates issued under that Convention prior to July 21, 1968, shall be recognized only until July 21, 1970, or until they expire, whichever date occurs first, or for such additional period as may be applicable under Article 16(4) of the 1966 Convention and § 42.05–50. After the date governing application to a specific merchant vessel of 150 gross tons or over, when within the jurisdiction of the United States, such vessel shall be subject to the applicable law described in paragraph (a) of this section and the regulations prescribed thereunder in this subchapter.

§ 42.03–15 The Great Lakes of North America.

(a) The term "Great Lakes of North America" means those waters of North America which are defined in § 42.05–40, and in the exception in Article 5(2)(a) of the 1966 Convention.

(b) The expressions in the regulations in this part, such as "voyages by sea," "proceed to sea," "arrive from the high seas," etc., shall be construed as having no application to voyages on the Great Lakes or portions thereof unless specifically provided otherwise in Part 45 of this subchapter.

§ 42.03–17 Special load line marks for vessels carrying timber deck cargo.

(a) Certain vessels having load line marks not related to carriage of timber deck cargo may be assigned timber load lines if they are in compliance with the applicable requirements governing timber deck cargoes in this subchapter. The timber load lines apply and may be used only when the vessel is carrying timber deck cargo.

(b) A new or existing vessel having timber load lines assigned to it, when carrying timber deck cargo, may be loaded to the vessel's timber load line applicable to the voyage and season.

(c) When an existing vessel does not completely meet the applicable requirements in §§ 42.13–1 to 42.20–75, inclusive, and the owner requests the load line assigning authority for timber load lines, then the applicable requirements for timber load lines in Part 43 of this subchapter shall be met before assigning such timber load lines.

§ 42.03–20 Equivalents.

(a) Where in this subchapter it is provided that a particular fitting, material, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that a particular provision shall be made or arrangement shall be adopted, the assigning authority, with the prior approval of the Commandant, may accept in substitution therefor any other fitting, material, apparatus, or equipment, or type thereof, or any other provision or arrangement: *Provided*, That it can be demonstrated by trial thereof or otherwise that the substitution is at least as effective as that required by the regulations in this subchapter.

(b) In any case where it is shown to the satisfaction of the assigning authority and the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, appropriate alternatives may be permitted under such conditions as are consistent with the minimum standards set forth in this subchapter.

§ 42.03–25 Experimental installations.

(a) Complete information (including plans, necessary instructions and limitations, if any) on proposed experimental installations affecting any fitting, material, appliance, apparatus, arrangement, or otherwise shall be submitted to the assigning authority for evaluation. After acceptance by the assigning authority, the complete information of such installation shall be forwarded to the Commandant for specific approval prior to installation. Complete information shall also be furnished for any associated installation(s) deemed necessary to prevent endangering the vessel during the trial period of proposed experimental installations.

(b) The use of approved experimental installations shall be permitted only when in accordance with instructions and limitations as specifically prescribed for such installations by the Commandant.

§ 42.03–30 Exemptions for vessels.

(a) For an individual vessel or category of vessels, upon the specific recommendation of the assigning authority, the Commandant may authorize an exemption from one or more load line requirements.

(b) Exemptions from specific load line requirements are authorized, subject to certain conditions, as follows:

(1) For vessels engaged on international voyages between the United States and near neighboring ports of its possessions or of foreign countries. The exemptions may be permitted because the requirements are deemed to be unreasonable or impracticable due to the sheltered nature of the waters on which the voyages occur or other conditions. The assigning authority, after obtaining the Commandant's approval, may exempt a vessel from load line requirements. Such a vessel shall comply with the safety requirements which the assigning authority deems are adequate for such a voyage. These exemptions shall be valid only so long as such a vessel shall remain engaged on specific designated voyages. If the voyage involves a foreign country or countries, the United States will require an agreement with such country or countries as to the exemptions to be permitted and added safety features necessary prior to the issuance of the appropriate load line certificate.

(2) For vessels engaged on international voyages, which embody features of a novel kind, and where nonexemption may seriously impede research, development, and incorporation of novel features into vessels. The assigning authority, after obtaining the Commandant's approval, may exempt a vessel from load line requirements in order to permit vessels embodying features of a novel kind, and where nonexemption may seriously impede research, development, etc., if the vessel complies with safety requirements which the assigning authority and the Commandant deem necessary to insure the overall vessel safety in the vessel's intended service. If the voyage or voyages intended involve a foreign country or countries, then the United States will require an agreement with such country or countries as to the exemptions to be permitted and added safety features necessary prior to the issuance of a Load Line Exemption Certificate.

(3) For vessels not normally engaged on international voyages but which are required to undertake single international voyages. In exceptional circumstances the assigning authority, after obtaining the Commandant's approval, may exempt a vessel required to undertake a single international voyage from any of the applicable load line requirements. Such a vessel shall comply with the safety requirements which the assigning authority deems are adequate for such a voyage.

(c) A vessel given one or more exemptions from load line requirements under the provisions of paragraph (b)(1) of this section will be issued the appropriate load line certificate, using Form *A1*, *A2*, or *A3*. In each case the exemptions shall be specified on the load line certificate together with the Convention authority which authorizes such exemptions.

(d) A vessel given one or more exemptions under the provisions of paragraph (b) (2) or (3) of this section will be issued a Load Line Exemption Certificate, using Form *E1*. This certificate shall be in lieu of a regular load line certificate, and the vessel shall be considered as in compliance with applicable load line requirements.

(e) Vessels engaged on domestic voyages by sea or solely on Great Lakes voyages are not granted exemptions from load line requirements. Such vessels which embody features of a novel kind as described in paragraph (b)(2) of this section are given special consideration under the provisions of § 42.03–20. After obtaining the Commandant's

approval, the assigning authority shall have the permission describing the substitution or alternate together with the conditions or safety features necessary briefly described on the face of the appropriate certificate issued.

(f) Vessels not normally engaged on domestic voyages by sea or solely on Great Lakes voyages, and required to undertake a single voyage by sea or solely on the Great Lakes shall be subject to the Coastwise Load Line Act, as amended, and the regulations in Part 45 of this subchapter. No authority exists to exempt such a vessel from the applicable load line requirements.

§ 42.03–35 U.S.-flag vessels and Canadian vessels navigating solely on sheltered waters of Puget Sound and contiguous west coast waters of United States and Canada.

(a) In a Treaty between the United States and Canada proclaimed on August 11, 1934, the respective Governments were satisfied of the sheltered nature of certain sheltered waters of the west coast of North America. It was agreed to exempt vessels of the United States and Canadian vessels from load line requirements when such vessels engaged on international voyages originating on, wholly confined to, and terminating on such waters. In Article I of this Treaty these sheltered waters are described as follows: "* * * the waters of Puget Sound, the waters lying between Vancouver Island and the mainland, and east of a line from a point 1 nautical mile west of the city limits of Port Angeles in the State of Washington to Race Rocks on Vancouver Island, and of a line from Hope Island, British Columbia, to Cape Calvert, Calvert Island, British Columbia, the waters east of a line from Cape Calvert to Duke Point on Duke Island, and the waters north of Duke Island and east of Prince of Wales Island, Baranof Island, and Chicagof Island, the waters of Peril, Neva, and Olga Straits to Sitka, and the waters east of a line from Port Althorp of Chicagof Island to Cape Spencer, Alaska, are sheltered waters * * *."

(b) U.S.-flag vessels and Canadian vessels navigating solely on the sheltered waters described in paragraph (a) of this section are by virtue of this Treaty of August 11, 1934, not subject to load line requirements in the load line acts, the 1966 Convention, and the regulations in this subchapter. Vessels navigating these sheltered waters as a part of an international or other type of voyages cannot claim the benefits of this Treaty and shall be in compliance with the applicable load line requirements in the load line acts, the 1966 Convention, and the regulations in this subchapter.

(c) Since subdivision requirements apply to all passenger vessels subject to the 1960 International Convention on Safety of Life at Sea, those passenger vessels navigating solely on the sheltered waters described in paragraph (a) of this section shall be in compliance with such 1960 Convention requirements and the regulations in Part 46 of this subchapter. The Coast Guard issues to such a vessel a stability letter. The assigning authority may issue to such a passenger vessel an appropriate load line certificate, modified to meet the conditions governing such vessel.

Subpart 42.05—Definition of Terms Used in This Subchapter

§ 42.05–1 Approved.

This term means approved by the Commandant, U.S. Coast Guard, unless otherwise stated.

§ 42.05–10 Assigning authority.

This term means the "American Bureau of Shipping" or such other recognized classification society which the Commandant may approve as the load line assigning and issuing authority for a vessel, as provided in sections 3 of the load line acts.

§ 42.05–20 Commandant.

This term means the Commandant, U.S. Coast Guard, Department of Transportation, Washington, D.C. 20591.

§ 42.05–25 Coast Guard District Commander or District Commander.

These terms mean an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district. This includes enforcement of load line requirements as described in this subchapter.

§ 42.05–30 Existing vessel.

(a) As used in this Part 42, for a vessel engaged on international voyages or on domestic voyages by sea, the term "existing vessel" means a vessel which is not a new vessel. With few exceptions an "existing vessel" is a vessel the keel of which was laid, or which was at a similar stage of construction, prior to July 21, 1968. (See § 42.05–50 for the definition of a new vessel.)

(b) As used in Part 43 of this subchapter, for a vessel engaged on international voyages, the term "existing vessel" means a vessel whose keel was laid prior to July 1, 1932. (See § 43.01–25 of this subchapter.)

(c) As used in Part 43 of this subchapter, for a vessel engaged on domestic voyages by sea and subject to the Coastwise Load Line Act, 1935, as amended, the term "existing vessel" means one whose keel was constructively laid prior to November 27, 1935, if of 4,000 gross tons or over, and prior to August 27, 1936, if less than 4,000 gross tons. (See § 43.01–25 of this subchapter.)

(d) As used in Part 44 of this subchapter, for a vessel marked with load lines for special service on a coastwise or interisland voyage, the term "existing vessel" means one whose keel was laid prior to September 28, 1937. (See § 44.01–20 of this subchapter.)

(e) As used in Part 45 of this subchapter, for a vessel engaged solely on Great Lakes voyages, the term "existing vessel" means one whose keel was laid prior to August 27, 1936. (See § 45.01–10 of this subchapter.)

(f) As used in Part 46 of this subchapter, for a passenger vessel marked with subdivision load lines, the term "existing vessel" means a vessel whose keel was laid or was converted to such service prior to May 26, 1965. (See § 46.05–30 of this subchapter.)

§ 42.05–40 Great Lakes.

(a) This term means the Great Lakes of North America.

(b) As used in this part, the term "solely navigating the Great Lakes" includes any special service coastwise navigation performed by the vessel.

(c) In concurrence with related Canadian regulations, the waters of the St. Lawrence River west of a rhumb line drawn from Cap de Rosiers to West Point, Anticosti Island, and west of a line along 63° W. longitude from Anticosti Island to the north shore of the St. Lawrence River shall be considered as a part of the Great Lakes.

§ 42.05–45 International voyage.

(a) The term "international voyage" as used in this part shall have the same meaning as the term "international voyage" in Article 2(4) of the 1966 Convention. Except for vessels operating solely on the waters indicated in Article 5(2) of the 1966 Convention, an "international voyage" means a sea voyage from any country to a port outside such country, or conversely. For this purpose, every territory for the international relations of which any specific Contracting Government is responsible or for which the United Nations are the administering authority is regarded as a separate country.

(b) The 1966 Convention does not apply to vessels solely navigating the Great Lakes. Accordingly, such vessels shall not be considered as being on an "international voyage" for the purpose of this subchapter.

(c) For the purpose of administration of load line requirements in this subchapter, the Commonwealth of Puerto Rico, the Territory of Guam, the Virgin Islands, and all possessions and lands held by the United States under a protectorate or mandate shall each be considered to be a "territory" of the United States.

§ 42.05–47 Marine inspector or inspector.

These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 42.05–50 New vessel.

(a) As used in this Part 42, for a vessel engaged on international voyages or on domestic voyages by sea, the term "new vessel" means a vessel, the keel of which is laid, or which is at a similar stage of construction, on or after July 21, 1968.

(See § 42.05–30 for definition of an existing vessel.)

(1) This definition applies to all vessels of countries signatory to or acceding to the 1966 Convention prior to April 21, 1968, and to vessels of countries not adhering to an applicable Convention as indicated in Article 16(4) of the 1966 Convention.

(2) For countries which accede to the 1966 Convention after April 21, 1968, a "new vessel" (foreign) shall be one whose keel is constructively laid 3 months or more after such date.

(b) As used in Part 43 of this subchapter, for a vessel engaged on international voyages, the term "new vessel" means one whose keel was laid on or after July 1, 1932, and prior to July 21, 1968. (See § 43.01–25 of this subchapter.)

(c) As used in Part 43 of this subchapter, for a vessel engaged on domestic voyages by sea and subject to the Coastwise Load Line Act, 1935, as amended, a "new vessel" is one whose keel was constructively laid prior to July 21, 1968, and on or after November 27, 1935, if of 4,000 gross tons and over, or on or after August 27, 1936, if less than 4,000 gross tons. (See § 43.01–25 of this subchapter.)

(d) As used in Part 44 of this subchapter, for a vessel marked with load lines for special service on a coastwise or interisland voyage, the term "new vessel" means one whose keel is laid on or after September 28, 1937. (See § 44.01–20 of this subchapter.)

(e) As used in Part 45 of this subchapter, for a vessel engaged solely on Great Lakes voyages, the term "new vessel" means one whose keel is laid on or after August 27, 1936. (See § 45.01–10 of this subchapter.)

(f) As used in Part 46 of this subchapter, for a passenger vessel marked with subdivision load lines, the term "new vessel" means a vessel whose keel is laid or is converted to such service on or after May 26, 1965. (See § 46.05–25 of this subchapter.)

§ 42.05–55 Officer in Charge, Marine Inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of a marine inspection zone, and may supervise or perform the duties of a marine inspector.

§ 42.05–60 Recognized classification society.

The term "recognized classification society" means the American Bureau of Shipping or other classification society recognized by the Commandant, as provided in sections 3 of the load line acts, and who also may be approved as a load line assigning and issuing authority.

§ 42.05–65 Surveyor.

The term "surveyor" means any person designated by the American Bureau of Shipping or other classification society recognized by the Commandant as the person who actually examines the vessel and/or materials associated with such examination, and who ascertains such vessel complies with applicable load line requirements.

Subpart 42.07—Control, Enforcement, and Rights of Appeal

§ 42.07–1 Load lines required.

(a) The vessels listed in §§ 42.03–5 and 42.03–10 as subject to the applicable requirements in this subchapter shall have load lines accurately marked amidships, port and starboard, as provided in this Part 42 or the 1966 Convention, unless otherwise stated. Those vessels issued load line exemption certificates may not be required to have load line marks (see § 42.03–30). The applicable load line marks shall be also described in required load line certificates issued to such vessels by the authorized assigning and issuing authority.

(b) For vessels marked with international load lines and navigating the Great Lakes, such vessels are also subject to the requirements in Part 45 of this subchapter while on the Great Lakes. See § 45.01–75(b) for load line marks used by such vessels.

(c) For Great Lakes vessels operating solely on Great Lakes voyages, the requirements for the applicable load line marks are in Parts 44 and 45 of this subchapter. Great Lakes vessels when making other international or unlimited coastwise voyages shall comply with the applicable requirements in Parts 42, 44, and 45 of this subchapter.

(d) For coastwise steam colliers, barges, and self-propelled barges in special services, the requirements for the applicable load line marks are in Part 44 of this subchapter. These requirements also include the regulations governing such vessels when they additionally engage in Great Lakes voyages, international voyages, or unlimited coastwise voyages. The corresponding load line requirements in this Part 42 do apply to such vessels when engaged on international voyages.

(e) Existing load line requirements for U.S.-flag merchant vessels in Part 43 of this subchapter may apply to all such vessels engaged on international or coastwise voyages until July 21, 1968, and thereafter to existing vessels until their current load line certificates issued pursuant to Part 43 expire or until July 21, 1970, whichever shall occur first. Thereafter, for vessels on international and coastwise voyages, only applicable 1966 Convention certificates will be issued.

(f) For foreign vessels of countries signatory to or adhering to the 1966 Convention, the applicable requirements in this Part 42 shall apply on and after July 21, 1968. For foreign vessels of countries adherent to the 1930 Convention, which do accede to the 1966 Convention between April 21, 1968, and April 21, 1970, the applicable requirements in Part 43 of this subchapter may be extended for 27 months beyond the accession date unless the certificate expires during such time, and thereafter such vessels shall be certificated under the 1966 Convention. For foreign vessels of countries adherent to the 1930 Convention, and not acceding to the 1966 Convention, such vessels shall be subject to the applicable requirements in Part 43 until July 21, 1970, and thereafter shall be surveyed, assigned, and certificated as a foreign vessel under the applicable requirements in this Part 42. For foreign vessels not adhering to either the 1930 Convention or the 1966 Convention and subject to the load line acts, the applicable requirements in Parts 42 and 45 shall apply on and after July 21, 1968, except that such vessels holding valid certificates issued under Part 43 of this subchapter on July 21, 1968, may continue under such certificates until they expire or until July 21, 1970, whichever occurs first.

§ 42.07–5 Marks placed on vessel to indicate load lines.

(a) Load line marks to indicate the maximum amidship's draft to which a vessel can be lawfully submerged, in the various circumstances and seasons, shall be permanently marked on each side of the vessel in the form, manner, and location as required by this subchapter.

(b) The load line marks placed on a vessel shall be attested to by a valid load line certificate. The issuing authority shall not deliver the required load line certificate to the vessel until after it has ascertained that the vessel meets the applicable survey requirements and the placement of the marks on the vessel has been confirmed.

(c) The requirements for load line marks apply to all new and existing vessels as specified in §§ 42.03–5 and 42.03–10, except when a vessel has been issued a load line exemption certificate in lieu of a load line certificate.

§ 42.07–10 Submergence of load line marks.

(a) Except as provided otherwise in this section, vessels of the types described in subparagraphs (1) through (3) of this paragraph shall not be so loaded as to submerge at any time when departing for a voyage by sea, or on the Great Lakes, or during the voyage, or on arrival, the applicable load lines marked on the sides of the vessel for the season of the year and the zone or area in which the vessel may be operating.

(1) Merchant vessels of 150 gross tons or over, as described in §§ 42.03–5 or 42.03–10, and on voyages subject to the load line acts.

(2) All new vessels of 79 feet or over in length on voyages subject to the 1966 Convention.

(3) All vessels of 150 gross tons or over other than merchant vessels covered by subparagraph (1) of this paragraph on voyages subject to the 1966 Convention.

(b) When loading a vessel in a favorable zone for a voyage on which the vessel will enter a less favorable zone, such allowance must be made that the vessel, when crossing into the less favorable zone, will conform to the regulations and freeboard for the less favorable zone.

(c) When a vessel is in fresh water of unit density, the appropriate load line

may be submerged by the amount of the fresh water allowance shown on the applicable load line certificate. Where the density is other than unity, an allowance shall be made proportional to the difference between 1.025 and the actual density. This paragraph does not apply to vessels when navigating the Great Lakes.

(d) When a vessel departs from a port situated on a river or inland waters, deeper loading shall be permitted corresponding to the weight of fuel and all other materials required for consumption between the port of departure and the sea. This paragraph does not apply to vessels when navigating the Great Lakes.

§ 42.07–15 Zones and seasonal areas.

(a) A vessel subject to the load line acts or the 1966 Convention shall comply, as applicable, with the requirements regarding the zones and seasonal areas described in Subpart 42.30.

(b) A port located on the boundary line between two zones or areas shall be regarded as within the zone or seasonal area from or into which the vessel arrives or departs.

§ 42.07–20 Logbook entries.

(a) As described in § 3.13–35 of Subchapter A (Procedures Applicable to the Public) of this chapter, official logbooks (Form CG–706–C), are furnished free to certain vessels, and after they have served their purpose they are filed with the applicable Officer in Charge, Marine Inspection.

(b) The master shall be responsible for having entered in the vessel's "official logbook" if carried, otherwise in his own log considered as its official logbook, the data required by sections 6 of the load line acts. These logbook entries shall be made before a vessel departs from her loading port or place and consist of:

(1) A statement of the load line marks applicable to the voyage; and,

(2) A statement of the position of the load line marks, port and starboard, at the time of departing from a port or place; i.e., the distance in inches of the water surface above or below the applicable load line; and,

(3) The actual drafts of the vessel, forward and aft, as nearly as the same can be ascertained, at the time of departing from a port or place.

(c) Where the master uses his own log, it shall be kept by the master or owner for 1 year after the actions noted therein have been completed and upon request shall be furnished to any load line enforcement officer.

§ 42.07–25 Approval of the Commandant.

(a) Where the requirements in this subchapter state that the approval of the Commandant is necessary, the owner or his agent shall furnish all information necessary, including background material, and/or final plans, calculations, and conclusions reached, as will enable the Commandant to obtain a comprehensive understanding of and reach a decision relative to the question or problem at issue prior to proceeding with the work. All information, plans and calculations submitted will remain with the Commandant as a part of the record on the vessel.

(b) If the owner or his agent desires to have information, plans, and calculations returned with Commandant's actions noted thereon, or if distribution of such information is necessary or required by regulations in this subchapter to owners, masters of vessels, etc., then the owner or his agent shall furnish multiple copies of the information as required.

§ 42.07–30 Approval of the assigning authority.

(a) Where the requirements in this subchapter state the approval of an assigning authority is required, the owner or his agent shall furnish the required information, including plans, etc., as required by and which will enable the assigning authority to obtain a comprehensive understanding of the matter and to reach pertinent decisions prior to proceeding with the work. When requested the assigning authority shall furnish the Coast Guard all information, etc., on any question at issue and decisions reached.

(b) All information required under this subchapter by an assigning authority with respect to a specific vessel shall be retained until 5 years after termination of certification by such authority.

§ 42.07–35 American Bureau of Shipping as an assigning authority.

(a) The American Bureau of Shipping, with its home office at 45 Broad Street, New York, N.Y. 10004, is hereby appointed as the prime assigning and issuing authority under the provisions of Articles 13 and 16(3) of the 1966 Convention and as directed by sections 3 of the load line acts. In this capacity the American Bureau of Shipping is empowered to assign load lines, to perform surveys and inspections required for load line assignments, and to determine that the position of and the manner of marking vessels has been done in accordance with applicable requirements.

(b) On behalf of the United States of America, the American Bureau of Shipping is authorized to issue, under its own seal and signature of its officials, the appropriate load line certificates or International Load Line Exemption Certificate as described in Subpart 42.50 of this part or in Parts 44 to 46, inclusive, of this subchapter. Except for the International Load Line Exemption Certificate, the required load line certificate issued to a specific vessel shall certify to the correctness of the load line marks assigned and marked on the vessel and compliance with authorized conditions, restrictions, and/or exemptions, if any. The International Load Line Exemption Certificate when issued to a vessel shall certify as to the compliance with the information applicable to the vessel.

(c) The designation and delegation to the American Bureau of Shipping as an assigning and issuing authority shall be in effect indefinitely unless for due cause it shall be terminated by proper authority and notice of cancellation is published in the FEDERAL REGISTER.

(d) The American Bureau of Shipping is authorized to renew from time to time by endorsement a load line certificate or an International Load Line Exemption Certificate.

(e) Before delivery of any certificate to the vessel identified therein, and before renewing any certificate by endorsement, the American Bureau of Shipping shall verify that the required load line marks assigned are marked on the vessel and the vessel is in compliance with authorized conditions, restrictions, and/or exemptions, if any.

(f) The American Bureau of Shipping shall issue all load line certificates in duplicate; one copy shall be delivered to the owner or master of the vessel, and one copy (together with a summary of data used to determine the assigned load lines) shall be forwarded to the Commandant.

(g) The American Bureau of Shipping shall prepare a load line survey report on each new vessel or existing vessel when brought into complete compliance with this part prior to issuing the required load line certificate described in Subpart 42.50 of this part. At the time the certificate is delivered, one copy of this report shall be delivered to the master of the vessel, and one copy shall be forwarded to the Commandant. When a load line survey report is superseded or revised, one copy shall be delivered to the master of the vessel, and one copy shall be forwarded to the Commandant.

(h) The load line survey report or stability information furnished to a specific vessel shall include a statement of the locations of all watertight subdivision bulkheads, including steps or recesses therein, which may be involved in the vessel's load line assignment.

(i) The authorized scale of maximum fees payable to the American Bureau of Shipping as an assigning and issuing authority is set forth in Subpart 42.35 of this part.

§ 42.07–40 Recognized classification society as an assigning authority.

(a) On behalf of the United States of America, under the provisions of Articles 13 and 16(3) and as provided in sections 3 of the load line acts, the Commandant, at the request of a shipowner, may appoint any other recognized classification society, which he may approve, as the assigning and issuing authority who shall perform the same functions and duties as indicated in § 42.07–35 for the American Bureau of Shipping.

(b) The appointment of a recognized classification society as the assigning and issuing authority will be limited to vessels specifically designated by the Commandant.

§ 42.07–43 Change in assigning authority.

(a) If the owner desires a change in assigning and issuing authority for a vessel, a special request shall be made in writing to the Commandant at least 90 days prior to the expiration date of the

present certificate or the annual endorsement thereon.

(b) A change in the assigning authority does not presume any change in assigned load lines.

§ 42.07–45 Load line certificates.

(a) The load line certificates for which the Government of the United States of America assumes full responsibility may be issued by the Commandant, the American Bureau of Shipping, or a recognized classification society when appointed as an authorized assigning and issuing authority for specifically designated vessels.

(b) The load line certificate shall certify to the correctness of the load line marks assigned to the vessel and that the vessel is in compliance with applicable requirements. A certificate issued under this subchapter also shall describe the applicable load line marks, conditions, restrictions, and/or exemptions, if any, the vessel shall observe, according to the season of the year and the zone or area in which the vessel may operate. The load line exemption certificate issued under § 42.03–30 shall certify the special conditions the vessel shall observe.

(1) For U.S.-flag vessels on international and coastwise voyages, and holding valid certificates issued pursuant to Part 43 of this subchapter on July 21, 1968, the period of validity of such certificates shall be until July 21, 1970, or until date of expiration, whichever shall occur first. For the other U.S.-flag vessels holding valid certificates issued pursuant to Part 43 on July 21, 1968, there is no change in the period of validity and they remain in effect to the date of expiration. Certificates issued after July 21, 1968, to U.S.-flag vessels shall be on the applicable forms described in Subpart 42.50 or in Parts 44 to 46, inclusive, of this subchapter.

(2) For foreign vessels holding valid 1930 Convention certificates on July 21, 1968, such certificates shall be accepted until July 21, 1970, or for such other periods which may apply to foreign vessels of specific countries as described in § 42.07–1(f).

(c) A load line assignment and certificate issued to any vessel under the authority of the regulations in this subchapter (or under the authority of any Government adhering to the 1966 Convention, under the provisions of Article 19(5) of the 1966 Convention) shall cease to be valid upon the transfer of such vessel to the flag of another Government.

(d) Except for the use of the 5-month extension endorsement, no load line certificate or exemption certificate shall be issued for a period in excess of 5 years. The annual survey of a vessel holding a valid load line certificate or exemption certificate shall be evidenced by an endorsement on the back of the certificate, by the attending authorized surveyor, upon satisfactory completion of the inspection.

(e) The form of certificate certifying to the correctness of the load line marks, assigned under the regulations in this part, may be in the form of temporary or provisional certificate, signed by the authorized surveyor pending early issuance of appropriate certificate as shown in Subpart 42.50 of this part as follows:

(1) International Load Line Certificate, 1966, issued to U.S. vessels engaged in foreign voyages, or engaged in coastwise or intercoastal voyages (provided such vessels qualify to engage in foreign voyages without restriction), as follows:

(i) Form *A1*, For general use.

(ii) Form *A2*, For sailing vessels.

(iii) Form *A3*, For general use, combined with timber deck cargo.

(2) Certificate issued to foreign vessels belonging to countries that have not ratified or acceded to the 1966 Convention or the 1930 Convention so long as applicable, as follows:

(i) Form *B*, For general use.

(3) Coastwise load line certificate (other than for special service as provided for by Part 44 of this subchapter) issued to U.S. vessels engaged solely in coastwise and/or intercoastal voyages (which may be subject to restrictions as to manning, routes, seasons, waters of operations, etc., as shown on the face of the certificate), as follows:

(i) Form *C1*, For general use.

(ii) Form *C2*, For sailing ships.

(iii) Form *C3*, For general use, combined with timber deck cargo.

(f) The form of certificate certifying to the correctness of exemptions granted under the regulations in this part shall be as shown in Subpart 42.50 of this part as follows:

(1) International load line exemption certificate issued under special conditions to U.S.-flag vessels engaged in foreign voyages, as follows:

(i) Form *E1*, For general international use.

(ii) Where this certificate is intended to expire after a single voyage, this information shall be noted on the face of the certificate.

(2) International load line certificate Form *A1*, *A2*, or *A3* issued under special conditions to U.S.-flag vessels on international voyages between the United States and near neighboring ports of its possessions or of foreign countries.

(g) The issuing authority shall provide the printed forms it may use under the regulations in this subchapter. These forms shall be approved by the Commandant before final printing. The international load line certificate and exemption certificate forms shall exactly reproduce the arrangement of the printed part of the model Forms *A1*, *A2*, *A3*, and *E1* indicated in Subpart 42.50 of this part for all official copies and any certified copies issued.

§ 42.07–50 Penalties for violations.

(a) The penalties for violation of various provisions of the load line acts or the regulations established thereunder are set forth in Title 46, United States Code, sections 85g and 88g. The Secretary of Transportation by 49 CFR 1.4(a) has transferred to the Commandant authority to assess, collect, remit or mitigate any monetary penalty imposed under these laws.

(b) The master and/or owner of a vessel that is operated, navigated, or used in violation of the provisions of the load line acts, or the regulations in this subchapter will be subject to the penalties as set forth in law, and the vessel shall also be liable therefor. Depending upon the gravity of the violations, the Coast Guard may do any one or more of the following:

(1) Detain a vessel if deemed to be overloaded in violation of Title 46, United States Code, section 85c or 88c, in accordance with section 85f or 88f, and have the vessel surveyed by three disinterested surveyors.

(2) Assess and collect applicable monetary penalties for certain violations as provided in Title 46, United States Code, sections 85g and 88g.

(3) Initiate criminal prosecution for certain violations when required by Title 46, United States Code, section 85g or 88g.

(4) Initiate an action of libel against the vessel involved if there is a failure to pay monetary penalties assessed.

(5) Initiate a suspension or revocation proceeding, in addition to the foregoing actions described in this paragraph against any officer or seaman holding a valid Coast Guard license or merchant mariner's document and who may violate any provision of the load line acts, the 1966 Convention, or the regulations in this subchapter, under the provisions of Title 46, United States Code, section 239, and the regulations prescribed thereunder in Part 137 of Subchapter K (Marine Investigations and Suspension and Revocation Proceedings) of this chapter.

(c) In determining offenses the provisions of Title 46, United States Code, sections 85g and 88g, also provide that "Each day a vessel is in violation of this act shall constitute a separate offense."

(d) The procedures governing the assessment, collection, remission and mitigation of any monetary penalty imposed under Title 46, United States Code, section 85g or 88g, for a violation of either load line law or the applicable regulations in this subchapter, as well as the appeal procedures to be followed, are in Subpart 2.50 of Subchapter A (Procedures Applicable to the Public) of this chapter.

§ 42.07–55 Cancellation of load line certificates or exemption certificates.

(a) Since vessels described in § 42.03–5 or § 42.03–10 when found qualified are issued appropriate load line certificates or load line exemption certificates, such certificates may be canceled by proper authority for due cause, including one or more of the causes as listed in paragraph (b) of this section. Such action may occur prior to the expiration date on the certificate and normal certificate surrender. The cancellation of such certificate means that the correctness of load line marks or special conditions described in the certificate for the named vessel no longer are recognized by the United States. Additionally, this means that the assigned load line marks are voided for such vessel.

(b) Certain causes for automatic cancellation of certificates are:

(1) The conditions of assignment have not been maintained as required by this subchapter.

(2) Material alterations have taken place in the hull or superstructure of the vessel, which will necessitate the assignment of an increased freeboard.

(3) The fittings and appliances have not been maintained in an effective condition for the protection of openings, guardrails, freeing ports, and means of access to crew's quarters.

(4) The structural strength of the vessel is lowered to such an extent that the vessel is unsafe.

(5) The load line certificate or International Load Line Exemption Certificate is not endorsed to show the vessel has been surveyed annually or periodically by the issuing authority as required by this part or the 1966 Convention.

(6) Issuance of a new load line certificate for the same vessel.

(7) Surrender of a certificate for cancellation when required.

(8) The owner, master, or agent of the vessel has furnished false or fraudulent information in or with the application for a certificate.

§ 42.07–60 Control.

(a) The Collector of Customs or the Coast Guard District Commander may detain a vessel for survey if there is reason to believe that the vessel is proceeding on her journey in excess of the draft allowed by the regulations in this part as indicated by the vessel's load line certificate, or otherwise. The Coast Guard District Commander may detain a vessel if it is so loaded as to be manifestly unsafe to proceed to sea.

(b) If the Collector of Customs orders a vessel detained, he shall immediately inform the Coast Guard District Commander thereof, who shall thereupon advise the Collector of Customs whether or not he deems that the vessel may proceed to sea with safety. If the Coast Guard District Commander orders a vessel detained, such officer will furnish the Collector of Customs immediate notification of such detention. The clearance shall be refused to any vessel which shall have been ordered detained, which shall be in effect until it is shown that the vessel is not in violation of the applicable law and the regulations in this part.

(1) Where a vessel is detained for noncompliance with "material alteration" and "effective maintenance" requirements of paragraph (f) (1) of this section, the detention shall only be exercised insofar as may be necessary to ensure that the vessel can proceed to sea without danger to passengers or crew.

(c) The detention of a vessel will be by written order of either the Coast Guard District Commander or the Collector of Customs, depending on who orders the detention. The Coast Guard District Commander will immediately arrange for a survey in the manner prescribed by section 7 of the load line acts. Unless the owner or agent waives in writing and stipulates to accept the Coast Guard's survey, the Coast Guard District Commander shall appoint three disinterested surveyors and, where practicable, one of them shall be from the Surveying Staff of the American Bureau of Shipping. Such surveyors shall conduct a survey to ascertain whether or not the vessel is loaded in violation of the applicable provisions in the load line acts, and the regulations in this subchapter. If the survey confirms the allegation that the vessel is in violation of either law or the applicable regulations in this subchapter, "the owner and agent shall bear the costs of the survey in addition to any penalty or fine imposed", as provided in these laws.

(d) Whenever a vessel is detained, the master or owner may, within 5 days, appeal to the Commandant who may, if he desires, order a further survey, and may affirm, set aside, or modify the order of the detaining officer.

(e) Where a foreign vessel is detained or intervention action of any other kind is taken against a foreign vessel, the officer carrying out the action shall immediately inform in writing the Consul or the diplomatic representative of the State whose flag the vessel is flying, of the decision involved together with all pertinent circumstances under which intervention was deemed necessary.

(f) Under sections 5 of the load line acts a vessel of a foreign country which has ratified the 1966 Convention shall be exempt from the provisions of the regulations in this subchapter insofar as the marking of the load lines and the certificating thereof are concerned, so long as such country similarly recognizes the load lines established by this subchapter for the purpose of a voyage by sea subject to the proviso in subparagraph (1) or the alternative proviso in subparagraph (2) of this paragraph.

(1) If the foreign vessel is marked with load lines and has on board a valid International Load Line Certificate certifying to the correctness of the marks, the control provisions in this part which are in accord with Article 21 of the 1966 Convention shall be observed. In this connection, the vessel shall not be loaded beyond the limits allowed by the certificate. The position of the load lines on the vessel shall correspond with the certificate. The vessel shall not have been so materially altered as to make the vessel manifestly unfit to proceed to sea without danger to human life, in regard to:

(i) The hull or superstructure (if necessitating assignment of an increased freeboard); and/or,

(ii) The appliances and fittings for protection of openings, guardrails, freeing ports, and means of access to crew's quarters (if necessitating replacement or other effective maintenance).

(2) (Alternatively provided) If the foreign vessel has on board an International Load Line Exemption Certificate in lieu of an International Load Line Certificate, 1966, in such case, verify that it is valid and any conditions stipulated therein are met.

(g) A foreign vessel of a nation for which the 1966 Convention has not come into force does not qualify for an International Load Line Certificate, 1966. However, such a vessel shall be required to have on board a valid Form *B* load line certificate or a recognized 1930 Convention certificate.

§ 42.07–75 Right of appeal.

(a) Whenever an owner, master, or agent of a vessel shall feel aggrieved by a decision or action of the American Bureau of Shipping, or a recognized classification society designated as a load line assigning authority, with respect to any matter arising in the performance of activities as an assigning authority, and after exhausting appeal reviews provided by the assigning authority such a person may appeal therefrom to the Commandant within 30 days after the decision or action appealed from shall have been rendered or taken. The decision of the Commandant on the matter shall be final.

(b) Any action or decision which is appealed shall remain in effect pending any decision by the authority to whom the appeal is directed.

Subpart 42.09—Load Line Assignments and Surveys—General Requirements

§ 42.09–1 Assignment of load lines.

(a) The assignment of load lines is conditioned upon the structural efficiency and satisfactory stability of the vessel, and upon the provisions provided on the vessel for her effective protection and the effective protection of the crew. Certain vessels, such as vessels carrying all their cargo as deck cargo, or vessels where design or service require special conditions to be applicable, shall have certain stability limitations imposed on them, as may be necessary. When stability limitations for a vessel are prescribed, the assigning authority shall furnish the master the vessel's maximum draft permitted and other conditions, including operating stability features, which may be applicable.

(1) No load line assignment shall be made under this part to a vessel proceeding on a foreign voyage, or where the load line assignment is related to the flooded stability provisions and the vessel is proceeding on a domestic voyage, until the applicable light ship characteristics are established and incorporated into the vessel's stability data approved by the Commandant and furnished to the master of the vessel.

(2) If load line assignments are made to vessels for coastwise voyages before the results of the required stability characteristics are determined and incorporated into the vessel's stability data approved by the Commandant, then such load line assignments shall be regarded as conditional and shall be subject to verification or modification for removal of the conditional status. Any vessel with conditional load line assignments shall not be loaded beyond a conservative safe draft. Where the Commandant deems it

unnecessary, the requirement for furnishing stability information to the masters of coastwise vessels assigned load lines not related to flooded stability may be omitted and the assigning authority and others concerned will be so notified.

(b) Each vessel subject to load line requirements shall carry on board a valid certificate attesting to compliance with such requirements. (See §§ 42.07–35 and 42.07–40 for additional data furnished to the vessel.)

(c) The master of the vessel for which a load line certificate has been issued shall be responsible for the maintenance of such certificate on board such vessel and for compliance with its terms and conditions. Additionally, the master shall be responsible for having the current load line survey report on board the vessel. This report shall be made available to surveyors when carrying out subsequent load line surveys.

§ 42.09–5 All vessels—division into types.

(a) For the purpose of this part, all vessels shall be considered as either Type "A" or Type "B" vessels.

(b) Type "A" vessels are normally designed to carry only liquid cargo in bulk, are arranged specifically for the purpose, and are assigned the least freeboards.

(c) All other vessels are considered to be Type "B" vessels, and are (except in special cases) assigned freeboards greater than those of Type "A" vessels, dependent upon the efficacy of the protection of openings, protection of crew, the degree of subdivision, etc., provided, as prescribed in this part.

(d) See Subparts 42.20 through 42.25 of this part for specific requirements governing freeboards for all vessels.

§ 42.09–10 Stability, subdivision, and strength.

(a) *All vessels.* Where regulations in this part, or in Part 46 of this subchapter, require or permit load line assignment on the basis of the vessel's ability to meet specified flooding, including damage stability requirements, the owner shall furnish the necessary plans and calculations demonstrating that the vessel is in compliance with the applicable requirements. This material shall be furnished to the assigning authority at the earliest practicable date for approval review, and who will forward it to the Commandant for approval.

(1) When stability information is required, the plans shall include the location and extent of all watertight subdivision bulkheads, etc., involved.

(2) Additional applicable stability, subdivision, and strength requirements are in §§ 42.09–1, 42.13–1 (a) and (b), 42.15–1 (a) and (b). The applicable flooded stability requirements are in §§ 42.20–5 and 42.20–10.

(b) *Passenger vessels.* In passenger vessels where the positions of the maximum load lines may be determined by the application of subdivision and stability requirements in this part or Part 46 of this subchapter, the provisions of both parts shall be accounted for and developed as necessary. See Subchapter H (Passenger Vessels) of this chapter for related data required to be submitted to the Commandant.

(c) *Light ship data.* All plans, etc., necessary for obtaining the Commandant's approval of test results (light ship data) and stability information shall be furnished by the owner. In the absence of existing acceptable light ship stability information, such data shall be obtained from a stability test performed under the supervision of the Commandant. Results of such tests, if satisfactory, will be approved by the Commandant.

§ 42.09–15 Surveys by the American Bureau of Shipping or assigning authority.

(a) *General.* Before issuing a certificate or placement of load line marks on a vessel, the assigning and issuing authority shall make an initial or periodic survey of the vessel as required by this subchapter. A load line survey report shall be made, reflecting information and facts based on initial surveys, including required and special elements as may be deemed necessary by the Commandant.

(b) *Initial survey.* An initial survey shall be made before the vessel is put in service or the first time the assigning authority is requested to survey a vessel. The survey shall include a complete inspection of its structure and equipment insofar as required by the applicable requirements in this subchapter. This survey shall be such as to ensure that the arrangements, materials, scantlings, and subsequent placement of load line marks fully comply with applicable requirements.

(c) *Periodical survey.* A periodical survey shall be made at intervals not exceeding five (5) years from an initial or previous periodic survey. The survey shall be similar to the initial survey insofar as extent and purpose are concerned.

(1) If the load line marks are found to be correct for the condition the vessel is then in, the assigning and issuing authority shall issue a new load line certificate, valid for such time as the condition of the vessel then warrants but in no case for a period of longer than 5 years. After a periodical survey has been performed and a new load line certificate cannot be issued to the vessel prior to the expiration of the existing certificate, the validity of the existing certificate may be extended by endorsement for a period not to exceed 5 months. This endorsement of the assigning authority shall be placed on the back of the certificate, as shown in Subpart 42.50 of this part with the various certificate forms. However, if there have been alterations which affect the vessel's freeboards, such extension is prohibited by Article 19(2) of the 1966 Convention and such extension shall not be granted.

(2) The periodical survey, including certificate extension or renewal, for a vessel holding an international load line exemption certificate for more than one voyage, shall be the same as for any other vessel covered by this section except for load line marks. However, other conditions specified in the exemption certificate shall be verified.

(d) *Annual surveys for endorsements.* Vessels subject to initial and periodic surveys shall have annual surveys, within 3 months either way of the certificate's anniversary date. The annual surveys shall be made by and prove satisfactory to the assigning and issuing authority prior to executing the required annual endorsements on load line certificates or exemption certificates. The scope shall be such as will ensure that the vessel complies with all requirements for this type of survey, and that the applicable load line marks are found to be correct for the condition the vessel is then in.

§ 42.09–20 Surveys of foreign vessels.

(a) *General.* Foreign vessels of countries which have not ratified or acceded to the 1966 Convention, or which do not have valid certificates issued under other international convention or treaty and recognized by the United States of America, if desiring to depart from a port or place in the United States, the Commonwealth of Puerto Rico, the Territory of Guam, or its possessions, shall be subjected to survey, marking, and certification by the American Bureau of Shipping or a recognized load line assigning and issuing authority as approved by the Commandant, unless:

(1) The vessel is exempted by the provisions of section 5 of the Act of March 2, 1929, as amended (46 U.S.C. 85d); or,

(2) The vessel is under tow and carrying neither passengers nor cargo.

(b) *Scope of survey.* A periodical survey described in § 42.09–15(c) shall be conducted by and prove satisfactory to the assigning and issuing authority. It shall be made prior to the issuance or the renewal of the applicable certificate.

(c) *Certification of load lines.* The assigning and issuing authority after determining the vessel meets the applicable requirements in this part may issue a load line certificate subject to requirements in § 42.07–45 and on the applicable form described in Subpart 42.50 of this part: *Provided,* That the load line certificate issued shall be valid for a period of 1 year. The certificate may be validated by endorsement for additional 1 year periods if the condition of the vessel so warrants, but in any event the certificate shall become void five (5) years from date of issue, or at the expiration of the fourth (4th) yearly validation, whichever occurs first. Whenever the condition of the vessel warrants special limitations, such information and facts shall be attested to on the front or back of the certificate as necessary, by the assigning and issuing authority.

§ 42.09–25 Survey requirements for all vessels.

(a) Before a survey may be completed, the vessel shall be placed in a drydock or hauled out. The surveyor shall be given complete access to all parts of the vessel to ensure that the vessel complies with all applicable requirements.

(b) The surveyor shall examine on all vessels the items, etc., listed in this paragraph to determine if in satisfactory

condition and meeting applicable requirements in this subchapter.

(1) Cargo hatch coamings, covers, beams and supports, gaskets, clamps, locking bars, tarpaulins, battens, cleats and wedges of hatches on exposed freeboard, quarter and superstructure decks, and elsewhere as may be necessary.

(2) Structure of the vessel, coamings, closures, and all means of protection provided for openings, such as for ventilators, companionways, machinery casings, fiddleys, funnels, enclosed superstructures on the freeboard deck (and their end bulkheads) or equivalent protective deck houses, openings in the freeboard and superstructure decks, and significant openings at higher levels in the vessel.

(3) Transverse watertight subdivision bulkheads, as fitted, including any openings therein and closures for such openings. They shall be examined throughout their vertical and transverse extent.

(4) All air-pipe outlets, their closures, all scuppers, and all sanitary discharges in the vessel's sides, including nonreturn valves installed.

(5) The main and auxiliary sea inlets and discharges in the machinery space, and elsewhere if existent, and the valves and controls for these items.

(6) All gangways, cargo ports, and airports, including dead covers or other similar openings in the vessel's sides and their closures.

(7) All guardrails, bulwarks, gangways, and freeing port shutters, including securing devices, and bars.

(8) All eye plates or similar fittings for timber (or other) deck-cargo lashings, including the lashings, sockets for uprights and protective devices as may be necessary for ventilators and steering arrangements.

§ 42.09–30 Additional survey requirements for steel-hull vessels.

(a) In addition to the requirements in § 42.09–25, the surveyor of the assigning authority shall examine the items, etc., listed in this section, to determine if in satisfactory condition and meeting applicable requirements in this subchapter.

(b) When the vessel is in drydock, the hull plating, etc., shall be examined.

(c) The holds, 'tween decks, peaks, bilges, machinery spaces, and bunkers shall be examined to determine the condition of the framing, etc.

(d) The deep tanks and other tanks which form part of the vessel shall be examined internally.

(e) If a double bottom is fitted, the tanks normally shall be examined internally. Where double bottom and other tanks are used for fuel-oil bunkers, such tanks need not be cleaned out, if the surveyor is able to determine by an external examination that their general condition is satisfactory.

(f) The deck shall be examined.

(g) Where, owing to the age and condition of the vessel or otherwise, the surveyor deems it necessary, the shell and deck plating may be required to be drilled or other acceptable means used, in order to ascertain the then thickness of such plating.

§ 42.09–35 Additional survey requirements for wood-hull vessels.

(a) In addition to the requirements in § 42.09–25, the surveyor of the assigning authority shall examine the items, etc., listed in this section, to determine if in satisfactory condition and meeting the applicable requirements in this subchapter.

(b) When the vessel is in drydock or hauled out, the keel, stem, stern frame or sternpost, outside planking, and caulking shall be examined.

(c) The fastenings shall be examined. Bolts, screws, or equivalent fastenings, as deemed necessary by the surveyor, must be backed out, or otherwise dealt with, to ensure soundness.

(d) The holds, 'tween decks, peaks, bilges, machinery spaces, and bunkers shall be examined.

(e) The entire structure, including decks, shall be examined. If considered necessary by the surveyor, borings shall be made, or other means may be used, to ascertain the condition of the materials. Should these measures disclose sufficient cause, further examination to satisfy the surveyor as to the true condition shall be made and check locations listed. This list shall be submitted to the assigning and issuing authority for record purposes, and for use in subsequent surveys.

§ 42.09–40 Annual surveys.

(a) Relative to §§ 42.09–15(d) and 42.09–20(c), the assigning and issuing authority shall make an annual survey of each vessel holding an appropriate certificate issued under this subchapter.

(b) The annual survey shall be of such scope and extent so as to ensure:

(1) The maintenance in an effective condition of the fittings and appliances for the:

(i) Protection of openings;

(ii) Guardrails;

(iii) Freeing ports; and,

(iv) Means of access to crew's quarters.

(2) That there have not been alterations made to the hull or superstructure which would affect the calculations determining the position of the load line marks.

(c) The assigning and issuing authority shall report on the annual survey made to the owner of the vessel.

(d) The scale of fees payable to the assigning and issuing authority for services is set forth in Subpart 42.35.

§ 42.09–45 Correction of deficiencies.

(a) During and after any survey made by the assigning and issuing authority, those items, fittings, etc., which are found to be in an unsatisfactory condition by the surveyor shall be repaired or renewed in order to place the vessel in a seaworthy condition.

(b) No load line certificate shall be issued, endorsed, extended, or renewed or delivered to a vessel subject to this subchapter until after unsatisfactory conditions have been corrected and the surveyor finds the vessel to be in a seaworthy condition.

§ 42.09–50 Repairs or alterations to vessel after it has been surveyed.

(a) After any survey of the vessel made under §§ 42.09–25 to 42.09–40, inclusive, as applicable, has been completed and deficiencies corrected as provided in § 42.09–45, no change shall be made in the vessel's structure, equipment, arrangement, material, or scantlings as covered by such survey, without the prior specific approval of the assigning and issuing authority.

(b) To avoid a freeboard or other penalty, any vessel which undergoes repairs, alterations, or modifications, including outfitting related thereto, shall continue to comply with the applicable requirements consistent with the load line certificate held.

(c) An existing vessel, originally certified under Part 43 of this subchapter, which undergoes repairs, alterations, or modifications of a major character, shall meet the requirements for a new vessel in this part insofar as the assigning and issuing authority and the Commandant deem reasonable and practicable.

Subpart 42.11—Applications for Load Line Assignments, Surveys, and Certificates

§ 42.11–1 General.

(a) The American Bureau of Shipping and other recognized classification societies approved as load line assigning and issuing authorities perform the duties connected with making load line assignments to vessels, including surveys; determining the position and manner of marking the load lines; and certifying to the correctness of assigned load line marks under their own hand and seal by issuing, endorsing, extending, or renewing appropriate certificates as described in this subchapter.

(b) The Commandant is responsible for the administration of the load line acts, the 1966 Convention, the 1930 Convention, other treaties regarding load lines, and the implementing regulations in this subchapter. The Commandant prescribed the content of applicable load line certificate forms, which are set forth in this subchapter.

(c) Except in special instances for Coast Guard vessels, the Commandant does not perform the duties of a load line assigning authority.

§ 42.11–5 Applications for load line assignments, surveys, and certificates for U.S.-flag vessels.

(a) Normally, the owner, master, or agent of a vessel shall apply in writing, on a timely basis, direct to the nearest local office of the American Bureau of Shipping for the assignment, survey, and certification of load lines. When noncurrent, a separate application shall be made for each function desired and submitted on a timely basis. The mailing address of the home office of American Bureau of Shipping is 45 Broad Street, New York, N.Y. 10004.

(b) After the Commandant has approved a recognized classification society as a load line assigning and issuing authority for a vessel, as described in a written request of the shipowner, the owner shall apply in writing, on a timely basis, direct to the approved assigning and issuing authority for the assignment, survey, and certification of load lines. When noncurrent, a separate application shall be made to such authority for each function desired, and submitted on a timely basis.

§ 42.11–10 Application for load line assignments and certificates for vessels other than U.S.-flag vessels.

(a) The application for the assignment of load lines and certificate for a foreign vessel belonging to (or which will belong to) either a country ratifying or acceding to the International Convention on Load Lines, 1966, or to a country with which the United States of America has a reciprocal load line agreement in effect shall be made by the Government whose flag the vessel flies, or will fly. The application may be made direct to the American Bureau of Shipping, or after receiving the Commandant's approval, to a recognized classification society which that country has requested as an assigning and issuing authority. When the load line assignment and certificate are authorized pursuant to the requirements in this part, the certificate must contain a statement that it has been issued at the request of a specific Government, which shall be named therein.

(1) When the load line assignment is performed under the applicable regulations in this subchapter, the assigning and issuing authority shall transmit to the requesting Government at the earliest practicable date, one copy of each certificate issued, the load line survey report used for computing the freeboard, and the freeboard computations. For information, the assigning and issuing authority shall also notify the Commandant of the names of the vessel and the Government involved and the date and place where the work was done.

(b) For a foreign vessel of a country not included in paragraph (a) of this section, the owner, master, or agent normally applies in writing direct to the nearest local office of the American Bureau of Shipping, or to any other assigning and issuing authority after it is approved by the Commandant, for the assignment, survey, and certification of load lines, or for renewal of a load line certificate, as may be necessary for the vessel to clear ports of the United States, the Commonwealth of Puerto Rico, the Territory of Guam, or its possessions. Normally the same requirements, conditions, procedures, distribution of applicable certificates, etc., shall be applied to such foreign vessels which are applied to similar U.S.-flag vessels of 150 gross tons or over.

§ 42.11–15 Application for timber load lines.

(a) The owner, master, or agent of a vessel having load lines assigned under this subchapter may apply to the assigning and issuing authority for timber load lines when making his application for a load line certificate. The assigning authority, after surveying the vessel and finding it in compliance with the applicable requirements in this subchapter, may have the vessel marked with timber load lines, which will also be certified to in the load line certificate.

§ 42.11–20 Application for annual survey.

(a) The owner, master, or agent of a vessel holding a load line certificate shall apply to the assigning and issuing authority who issued the certificate for the annual survey required by § 42.09–40 or the International Convention on Load Lines, 1966.

Subpart 42.13—General Rules for Determining Load Lines

§ 42.13–1 Assumptions.

(a) The regulations in this part are based on the assumption that the nature and stowage of the cargo, ballast, etc., are such as will secure sufficient stability of the vessel and avoid excessive structural stress.

(b) The regulations in this part are also based on the assumption that, where there are other international requirements relating to stability or subdivision applicable to vessels, these requirements have been met.

§ 42.13–5 Strength of vessel.

(a) The Commandant will satisfy himself that the general structural strength of the vessel is sufficient for the draft corresponding to the freeboard assigned.

(b) Vessels built and maintained in conformity with the requirements of a classification society recognized by the Commandant are considered to possess adequate strength for the purpose of the applicable requirements in this subchapter unless deemed otherwise by the Commandant.

§ 42.13–10 Freeboards assigned vessels.

(a) Vessels with mechanical means of propulsion, or lighters, barges, or other vessels without independent means of propulsion, shall be assigned freeboards in accordance with the provisions of §§ 42.13–1 to 42.30–75, inclusive.

(b) Vessels carrying timber deck cargoes may be assigned, in addition to the freeboard required by paragraph (a) of this section, timber freeboards in accordance with the provisions of §§ 42.25–1 to 42.25–50, inclusive.

(c) Vessels designed to carry sail, whether as the sole means of propulsion or as a supplementary means, and tugs, shall be assigned freeboards in accordance with the provisions of §§ 42.13–1 to 42.20–75, inclusive, and such additional freeboards as determined necessary by the Commandant.

(d) Vessels of wood or of composite construction, or of other materials the use of which the Commandant has approved, or vessels whose constructional features are such as to render the application of the provisions of §§ 42.13–1 to 42.25–20 unreasonable or impracticable, shall be assigned freeboards as determined necessary by the Commandant.

(e) The requirements in §§ 42.15–1 to 42.15–80, inclusive, shall apply to every vessel to which a minimum freeboard is assigned. Relaxations from these requirements may be granted to a vessel to which a greater than minimum freeboard is assigned on condition that the Commandant is satisfied with the safety conditions provided. In each such case the assigning authority shall report to the Commandant the specific matters in which the vessel is deficient, together with recommendations (including freeboard additions), as will enable the Commandant to reach a decision.

§ 42.13–15 Definitions of terms.

(a) *Length.* The length (*L*) shall be taken as 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the keel as defined in paragraph (e)(1) of this section, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline.

(b) *Perpendiculars.* The forward and after perpendiculars shall be taken at the forward and after ends of the length (*L*). The forward perpendicular shall coincide with the foreside of the stem on the waterline on which the length is measured.

(c) *Amidships.* Amidships is at the middle of the length (*L*).

(d) *Breadth.* Unless expressly provided otherwise, the breadth (*B*) is the maximum breadth of the vessel, measured amidships to the moulded line of the frame in a vessel with a metal shell and to the outer surface of the hull in a vessel with a shell of any other material.

(e) *Moulded depth.* (1) The moulded depth is the vertical distance measured from the top of the keel to the top of the freeboard deck beam at side. In wood and composite vessels the distance is measured from the lower edge of the keel rabbet. Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

(2) In vessels having rounded gunwales, the moulded depth shall be measured to the point of intersection of the moulded lines of the deck and sides, the lines extending as though the gunwale were of angular design.

(3) Where the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the moulded depth shall be measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part.

(f) *Depth for freeboard (D).* (1) The depth for freeboard (*D*) is the moulded

depth amidships, plus the thickness of the freeboard deck stringer plate, where fitted, plus

$$\frac{T(L-S)}{L}$$

if the exposed freeboard deck is sheathed;

where:

T is the mean thickness of the exposed sheathing clear of deck openings; and

S is the total length of superstructures as defined in paragraph (j)(4) of this section.

(2) The depth for freeboard (D) in a vessel having a rounded gunwale with a radius greater than 4 percent of the breadth (B) or having topsides of unusual form is the depth for freeboard of a vessel having a midship section with vertical topsides and with the same round of beam and area of topside section equal to that provided by the actual midship section.

(g) *Block coefficient.* The block coefficient (C_b) is given by

$$C_b = \frac{\nabla}{L.B.d_1}$$

where ∇ is the volume of the moulded displacement of the vessel, excluding bossing, in a vessel with a metal shell, and is the volume of displacement to the outer surface of the hull in a vessel with a shell of any other material, both taken at a moulded draught of d_1; and, d_1 is 85 percent of the least moulded depth.

(h) *Freeboard.* The freeboard assigned is the distance measured vertically downwards amidships from the upper edge of the deck line to the upper edge of the related load line.

(i) *Freeboard deck.* (1) The freeboard deck is normally the uppermost complete deck exposed to weather and sea, which has permanent means of closing all openings in the weather part thereof, and below which all openings in the sides of the vessel are fitted with permanent means of watertight closing. In a vessel having a discontinuance freeboard deck, the lowest line of the exposed deck and the continuation of that line parallel to the upper part of the deck is taken as the freeboard deck. At the option of the owner and subject to the approval of the Commandant a lower deck may be designated as the freeboard deck, provided it is a complete and permanent deck continuous in a fore and aft direction at least between the machinery space and peak bulkheads and continuous athwartships. When this lower deck is stepped the lowest line of the deck and the continuation of that line parallel to the upper part of the deck is taken as the freeboard deck.

(2) When a lower deck is designated as the freeboard deck, that part of the hull which extends above the freeboard deck is treated as a superstructure so far as concerns the application of the conditions of assignment and the calculation of freeboard. It is from this deck that the freeboard is calculated.

(j) *Superstructure.* (1) A superstructure is a decked structure on the freeboard deck, extending from side to side of the vessel or with the side plating not being inboard of the shell plating more than 4 percent of the breadth (B). A raised quarter deck is regarded as a superstructure.

(2) An enclosed superstructure is a superstructure with:

(i) Enclosing bulkheads of efficient construction;

(ii) Access openings, if any in these bulkheads fitted with doors complying with the requirements of § 42.15–10; and,

(iii) All other openings in sides or ends of the superstructure fitted with efficient weathertight means of closing.

NOTE: A bridge or poop shall not be regarded as enclosed unless access is provided for the crew to reach machinery and other working spaces inside the superstructures by alternative means, which are available at all times when bulkhead openings are closed.

(3) The height of a superstructure is the least vertical height measured at side from the top of the superstructure deck beams to the top of the freeboard deck beams.

(4) The length of a superstructure (S) is the mean length of the part of the superstructure which lies within the length (L).

(k) *Flush deck vessel.* A flush deck vessel is one which has no superstructure on the freeboard deck.

(l) *Weathertight.* Weathertight means that in any sea conditions water will not penetrate into the vessel.

§ 42.13–20 Deck line.

(a) The deck line is a horizontal line 12 inches in length and 1 inch in breadth. It shall be marked amidships on each side of the vessel, and its upper edge shall normally pass through the point where the continuation outwards of the upper surface of the freeboard deck intersects the outer surface of the shell (as illustrated in Figure 42.13–20(a)), provided that the deck line may be placed with reference to another fixed point on the vessel on condition that the freeboard is correspondingly corrected. The location of the reference point and the identification of the freeboard deck shall in all cases be indicated on the International Load Line Certificate (1966).

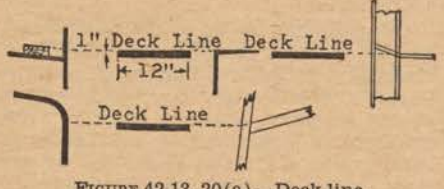


FIGURE 42.13–20(a)—Deck line.

§ 42.13–25 Load line mark.

(a) The load line mark shall consist of a ring 12 inches in outside diameter and 1 inch wide which is intersected by a horizontal line 18 inches in length and 1 inch in breadth, the upper edge of which passes through the center of the ring. The center of the ring shall be placed amidships and at a distance equal to the assigned summer freeboard measured vertically below the upper edge of the deck line (as illustrated in Figure 42.13–25(a)).

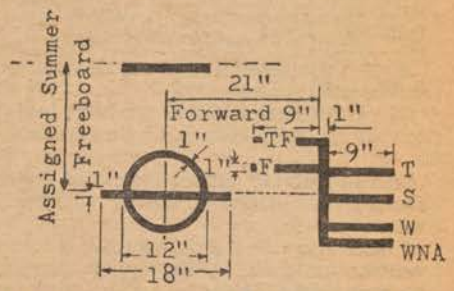


FIGURE 42.13–25(a)—Load line mark and lines to be used with this mark.

§ 42.13–30 Lines to be used with the load line mark.

(a) The lines which indicate the load line assigned in accordance with these regulations shall be horizontal lines 9 inches in length and 1 inch in breadth which extend forward of, unless expressly provided otherwise, and at right angles to, a vertical line 1 inch in breadth marked at a distance 21 inches forward of the center of the ring (as illustrated in Figure 42.13–25(a)).

(b) The following load lines shall be used:

(1) The summer load line indicated by the upper edge of the line which passes through the center of the ring and also by a line marked *S*.

(2) The winter load line indicated by the upper edge of a line marked *W*.

(3) The winter North Atlantic load line indicated by the upper edge of a line marked *WNA*.

(4) The tropical load line indicated by the upper edge of a line marked *T*.

(5) The fresh water load line in summer indicated by the upper edge of a line marked *F*. The fresh water load line in summer is marked abaft the vertical line. The difference between the fresh water load line in summer and the summer load line is the allowance to be made for loading in fresh water at the other load lines.

(6) The tropical fresh water load line indicated by the upper edge of a line marked *TF*, and marked abaft the vertical line.

(c) If timber freeboards are assigned, the timber load lines shall be marked in addition to ordinary load lines. These lines shall be horizontal lines 9 inches in length and 1 inch in breadth which extend abaft unless expressly provided otherwise, and are at right angles to, a vertical line 1 inch in breadth marked at a distance 21 inches abaft the center of the ring (as illustrated in Figure 42.13–30(c)).

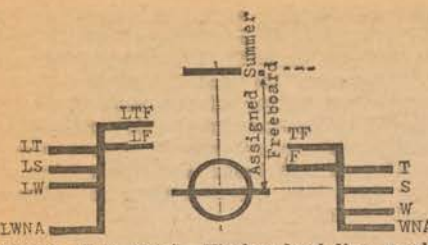


FIGURE 42.13-30(c)—Timber load line mark and lines to be used with this mark.

(d) The following timber load lines shall be used:

(1) The summer timber load line indicated by the upper edge of a line marked *LS*.

(2) The winter timber load line indicated by the upper edge of a line marked *LW*.

(3) The winter North Atlantic timber load line indicated by the upper edge of a line marked *LWNA*.

(4) The tropical timber load line indicated by the upper edge of a line marked *LT*.

(5) The fresh water timber load line in summer indicated by the upper edge of a line marked *LF* and marked forward of the vertical line.

NOTE: The difference between the fresh water timber load line in summer and the summer timber load line is the allowance to be made for loading in fresh water at the other timber load lines.

(6) The tropical fresh water timber load line indicated by the upper edge of a line marked *LTF* and marked forward of the vertical line.

(e) Where the characteristics of a vessel, or the nature of the vessel's service or navigational limits make any of the seasonal lines inapplicable, these lines may be omitted.

(f) Where a vessel is assigned a greater than minimum freeboard so that the load line is marked at a position corresponding to, or lower than, the lowest seasonal load line assigned at minimum freeboard in accordance with the present Convention, only the fresh water load line need be marked.

(g) On sailing vessels only the fresh water load line and the winter North Atlantic load line need be marked (as illustrated in Figure 42.13-30(g)).

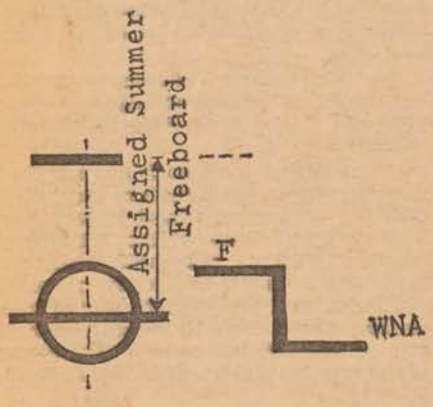


FIGURE 42.13-30(g)—Load line mark on sailing vessel and lines to be used with this mark.

(h) Where a winter North Atlantic load line is identical with the winter load line corresponding to the same vertical line, this load line shall be marked *W*.

(i) Additional load lines required by other international conventions in force may be marked at right angles to and abaft the vertical line specified in paragraph (a) of this section.

§ 42.13-35 Mark of assigning authority.

(a) The mark of the assigning authority by whom the load lines are assigned may be indicated alongside the load line ring above the horizontal line which passes through the center of the ring, or above and below it. This mark shall consist of not more than four initials to identify the assigning authority's name, each measuring approximately 4½ inches in height and 3 inches in width.

§ 42.13-40 Details of marking.

(a) The ring, lines and letters shall be painted in white or yellow on a dark ground or in black on a light ground. They shall also be permanently marked on the sides of the vessels to the satisfaction of the Commandant. The marks shall be plainly visible and, if necessary, special arrangements shall be made for this purpose.

§ 42.13-45 Verification of marks.

(a) The International Load Line Certificate (1966) shall not be delivered to the vessel until the officer or surveyor of the assigning and issuing authority has verified that load lines and marks certified in the certificates are correctly and permanently indicated on the vessel's sides.

Subpart 42.15—Conditions of Assignment of Freeboard

§ 42.15-1 Information to be supplied to the master.

(a) The master of every new vessel shall be supplied by the assigning and issuing authority with sufficient information, in an approved form, to enable him to arrange for the loading and ballasting of his vessel in such a way as to avoid the creation of any unacceptable stresses in the vessel's structure: *Provided*, That this requirement need not apply to any particular length, design or class of vessel where the Commandant considers it to be unnecesary and so notifies the assigning and issuing authority.

(b) The master of every new vessel, which is not already provided with stability information under an international convention for the safety of life at sea in force, shall be supplied with sufficient information in an approved form to give him guidance as to the stability of the vessel under varying conditions of service, and a copy shall be furnished to the Commandant.

§ 42.15-5 Superstructure end bulkheads.

(a) Bulkheads at exposed ends of enclosed superstructures shall be of efficient construction and shall be to the satisfaction of the Commandant.

§ 42.15-10 Doors.

(a) All access openings in bulkheads at ends of enclosed superstructures shall be fitted with doors of steel or other equivalent material, permanently and strongly attached to the bulkhead, and framed, stiffened and fitted so that the whole structure is of equivalent strength to the unpierced bulkhead and weathertight when closed. The means for securing these doors weathertight shall consist of gaskets and clamping devices or other equivalent means and shall be permanently attached to the bulkhead or to the doors themselves, and the doors shall be so arranged that they can be operated from both sides of the bulkhead.

(b) Except as otherwise provided in these regulations, the height of the sills of access openings in bulkheads at ends of enclosed superstructures shall be at least 15 inches above the deck.

§ 42.15-15 Position of hatchways, doorways and ventilators.

(a) For the purpose of this part two positions of hatchways, doorways and ventilators are defined as follows:

(1) Position 1: Upon exposed freeboard and raised quarter decks, and upon exposed superstructure decks situated forward of a point located a quarter of the vessel's length from the forward perpendicular.

(2) Position 2: Upon exposed superstructure deck situated abaft a quarter of the vessel's length from the forward perpendicular.

§ 42.15-20 Cargo and other hatchways.

(a) The construction and the means for securing the weathertightness of cargo and other hatchways in positions 1 and 2 shall be at least equivalent to the requirements of §§ 42.15-25 and 42.15-30.

(b) Coamings and hatchway covers to exposed hatchways on decks above the superstructure deck shall comply with the requirements of the Commandant.

§ 42.15-25 Hatchways closed by portable covers and secured weathertight by tarpaulins and battening devices.

(a) *Hatchway coamings.* (1) The coamings of hatchways closed by portable covers secured weathertight by tarpaulins and battening devices shall be of substantial construction, and their height above the deck shall be at least as follows:

(i) 23½ inches if in position 1.

(ii) 17½ inches if in position 2.

(b) *Hatchway covers.* (1) The width of each bearing surface for hatchway covers shall be at least 2½ inches.

(2) Where covers are made of wood, the finished thickness shall be at least 2⅜ inches in association with a span of not more than 4.9 feet.

(3) Where covers are made of mild steel, the strength shall be calculated with assumed loads not less than 358 pounds per square foot on hatchways in position 1, and not less than 266 pounds

per square foot on hatchways in position 2, and the product of the maximum stress thus calculated and the factor 4.25 shall not exceed the minimum ultimate strength of the material. They shall be so designed as to limit the deflection to not more than 0.0028 times the span under these loads.

(4) The assumed loads on hatchways in position 1 may be reduced to 205 pounds per square foot for vessels of 79 feet in length and shall be not less than 358 pounds per square foot for vessels of 328 feet in length. The corresponding loads on hatchways in position 2 may be reduced to 154 pounds per square foot and 266 pounds per square foot respectively. In all cases values at intermediate lengths shall be obtained by linear interpolation.

(c) *Portable beams.* (1) Where portable beams for supporting hatchway covers are made of mild steel the strength shall be calculated with assumed loads not less than 358 pounds per square foot on hatchways in position 1 and not less than 266 pounds per square foot on hatchways in position 2 and the product of the maximum stress thus calculated and the factor 5 shall not exceed the minimum ultimate strength of the material. They shall be so designed as to limit the deflection to not more than 0.0022 times the span under these loads. For vessels of not more than 328 feet in length the requirements of paragraph (b)(4) of this section are applicable.

(d) *Pontoon covers.* (1) Where pontoon covers used in place of portable beams and covers are made of mild steel the strength shall be calculated with the assumed loads given in paragraph (b)(3) of this section, and the product of the maximum stress thus calculated and the factor 5 shall not exceed the minimum ultimate strength of the material. They shall be so designed as to limit the deflection to not more than 0.0022 times the span. Mild steel plating forming the tops of covers shall be not less in thickness than 1 percent of the spacing of stiffeners or 0.24 inches if that be greater. For vessels of not more than 328 feet in length the requirements of paragraph (b)(4) of this section are applicable.

(2) The strength and stiffness of covers made of materials other than mild steel shall be equivalent to those of mild steel to the satisfaction of the Commandant.

(e) *Carriers or sockets.* (1) Carriers or sockets for portable beams shall be of substantial construction, and shall provide means for the efficient fitting and securing of the beams. Where rolling types of beams are used, the arrangements shall ensure that the beams remain properly in position when the hatchway is closed.

(f) *Cleats.* (1) Cleats shall be set to fit the taper of the wedges. They shall be at least 2½ inches wide and spaced not more than 23½ inches center to center; the cleats along each side or end shall be not more than 6 inches from the hatch corners.

(g) *Battens and wedges.* (1) Battens and wedges shall be efficient and in good condition. Wedges shall be of tough wood or other equivalent material. They shall have a taper of not more than 1 in 6 and shall be not less than ½-inch thick at the toes.

(h) *Tarpaulins.* (1) At least two layers of tarpaulin in good condition shall be provided for each hatchway in positions 1 and 2.

(2) The tarpaulins shall be waterproof and of ample strength. They shall be of a material of at least a standard weight and quality as approved by the assigning and issuing authority.

(i) *Security of hatchway covers.* (1) For all hatchways in position 1 or 2, steel bars or other equivalent means shall be provided in order efficiently and independently to secure each section of hatchway covers after the tarpaulins are battened down. Hatchway covers of more than 4.9 feet in length shall be secured by at least two such securing appliances.

§ 42.15–30 Hatchways closed by weathertight covers of steel or other equivalent material fitted with gaskets and clamping devices.

(a) *Hatchway coamings.* At positions 1 and 2 the height above the deck of hatchway coamings fitted with weathertight hatch covers of steel or other equivalent material fitted with gaskets and clamping devices shall be as specified in § 42.15–25(a)(1). The height of these coamings may be reduced, or the coamings omitted entirely, on condition that the Commandant is satisfied that the safety of the vessel is not thereby impaired in any sea conditions. Where coamings are provided they shall be of substantial construction.

(b) *Weathertight covers.* (1) Where weathertight covers are of mild steel the strength shall be calculated with assumed loads not less than 358 pounds per square foot on hatchways in position 1, and not less than 255 pounds per square foot on hatchways in position 2, and the product of the maximum stress thus calculated and the factor of 4.25 shall not exceed the minimum ultimate strength of the material. They shall be so designed as to limit the deflection to not more than 0.0028 times the span under these loads. Mild steel plating forming the tops of covers shall be not less in thickness than one percent of the spacing of stiffeners or 0.24 inches if that be greater. The provisions of § 42.15–25(b)(4) are applicable for vessels of not more than 328 feet in length.

(2) The strength and stiffness of covers made of materials other than mild steel shall be equivalent to those of mild steel to the satisfaction of the Commandant.

(c) *Means for securing weathertightness.* (1) The means for securing and maintaining weathertightness shall be to the satisfaction of the Commandant.

(2) The arrangements shall ensure that the tightness can be maintained in any sea conditions. For this purpose tests for tightness shall be required at the initial surveys, and may be required at periodical surveys and at annual inspections or at more frequent intervals.

§ 42.15–35 Machinery space openings.

(a) Machinery space openings in position 1 or 2 shall be properly framed and efficiently enclosed by steel casings of ample strength, and where the casings are not protected by other structures their strength shall be specifically considered. Access openings in such casings shall be fitted with doors complying with the requirements of § 42.15–10(a), the sills of which shall be at least 23½ inches above the deck if in position 1, and at least 15 inches above the deck if in position 2. Other openings in such casings shall be fitted with equivalent covers, permanently attached in their proper positions.

(b) Coamings of any fiddley, funnel, or machinery space ventilators in an exposed position on the freeboard or superstructure deck shall be as high above the deck as is reasonable and practicable. Fiddley openings shall be fitted with strong covers of steel or other equivalent material permanently attached in their proper positions and capable of being secured weathertight.

§ 42.15–40 Miscellaneous openings in freeboard and superstructure decks.

(a) Manholes and flush scuttles in position 1 or 2 within superstructures other than enclosed superstructures shall be closed by substantial covers capable of being made watertight. Unless secured by closely spaced bolts, the covers shall be permanently attached.

(b) Openings in freeboard decks other than hatchways, machinery space openings, manholes, and flush scuttles shall be protected by an enclosed superstructure, or by a deckhouse or companionway of equivalent strength and weathertightness. Any such opening in an exposed superstructure deck or in the top of a deckhouse on the freeboard deck which gives access to a space below the freeboard deck or a space within an enclosed superstructure shall be protected by an efficient deckhouse or companionway. Doorways in such deckhouses or companionways shall be fitted with doors complying with the requirements of § 42.15–10(a).

(c) In position 1 the height above the deck of sills to the doorways in companionways shall be at least 23½ inches. In position 2 they shall be at least 15 inches.

§ 42.15–45 Ventilators.

(a) Ventilators in position 1 or 2 to spaces below the freeboard deck or decks of enclosed superstructures shall have coamings of steel or other equivalent material, substantially constructed and efficiently connected to the deck. Where the coaming of any ventilator exceeds 35½ inches in height above the deck it shall be specially supported.

(b) Ventilators passing through superstructures other than enclosed superstructures shall have substantially constructed coamings of steel or other equivalent material at the freeboard deck.

(c) Ventilators in position 1 the coamings of which extend to more than 14.8 feet above the deck, and in position 2 the coamings of which extend to more than

7.5 feet above the deck, need not be fitted with closing arrangements unless specifically required by the Commandant.

(d) Except as provided in paragraph (c) of this section ventilator openings shall be provided with efficient weathertight closing appliances. In vessels of not more than 328 feet in length the closing appliances shall be permanently attached; where not so provided in other vessels, they shall be conveniently stowed near the ventilators to which they are to be fitted. Ventilators in position 1 shall have coamings of a height of at least 35½ inches above the deck; in position 2 the coamings shall be of a height at least 30 inches above the deck.

(e) In exposed positions, the height of coamings may be required to be increased to the satisfaction of the Commandant.

§ 42.15–50 Air pipes.

(a) Where air pipes to ballast and other tanks extend above the freeboard or superstructure decks, the exposed parts of the pipes shall be of substantial construction; the height from the deck to the point where water may have access below shall be at least 30 inches on the freeboard deck and 17½ inches on the superstructure deck. Where these heights may interfere with the working of the vessel, a lower height may be approved, provided the Commandant is satisfied that the closing arrangements and other circumstances justify a lower height. Satisfactory means permanently attached, shall be provided for closing the openings of the air pipes.

§ 42.15–55 Cargo ports and other similar openings.

(a) Cargo ports and other similar openings in the sides of vessels below the freeboard deck shall be fitted with doors so designed as to ensure watertightness and structural integrity commensurate with the surroundings shell plating. The number of such openings shall be the minimum compatible with the design and proper working of the vessel.

(b) Unless permitted by the Commandant the lower edge of such openings shall not be below a line drawn parallel to the freeboard deck at side, which has at its lowest point the upper edge of the uppermost load line.

§ 42.15–60 Scuppers, inlets, and discharges.

(a) Discharges led through the shell either from spaces below the freeboard deck or from within superstructures and deckhouses on the freeboard deck fitted with doors complying with the requirements of § 42.15–10 shall be fitted with efficient and accessible means for preventing water from passing inboard. Normally, each separate discharge shall have one automatic nonreturn valve with a positive means of closing it from a position above the freeboard deck. Where, however, the vertical distance from the summer load waterline to the inboard end of the discharge pipe exceeds $0.01L$, the discharge may have two automatic nonreturn valves without positive means of closing: *Provided*, That the inboard valve is always accessible for examination under service conditions; where that vertical distance exceeds $0.02L$ a single automatic nonreturn valve without positive means of closing may be accepted subject to the approval of the Commandant. The means for operating the positive action valve shall be readily accessible and provided with an indicator showing whether the valve is open or closed.

(b) In manned machinery spaces main and auxiliary sea inlets and discharges in connection with the operation of machinery may be controlled locally. The controls shall be readily accessible and shall be provided with indicators showing whether the valves are open or closed.

(c) Scuppers and discharge pipes originating at any level and penetrating the shell either more than 17½ inches below the freeboard deck or less than 23½ inches above the summer load waterline shall be provided with a nonreturn valve at the shell. This valve, unless required by paragraph (a) of this section, may be omitted if the piping is of thickness as specified in Subchapter F (Marine Engineering) of this chapter.

(d) Scuppers leading from superstructures or deckhouses not fitted with doors complying with the requirements of § 42.15–10 shall be led overboard.

(e) All valves and shell fittings required by this section shall be of steel, bronze, or other approved ductile material. Valves of oridinary cast iron or similar material are not acceptable. All pipes to which this section refers shall be of steel or other equivalent material to the satisfaction of the Commandant.

§ 42.15–65 Side scuttles.

(a) Side scuttles to spaces below the freeboard deck or to spaces within enclosed superstructures shall be fitted with efficient hinged inside deadlights arranged so that they can be effectively closed and secured watertight.

(b) No side scuttle shall be fitted in a position so that its sill is below a line drawn parallel to the freeboard deck at side and having its lowest point 2.5 percent of the breadth (B) above the load waterline, or 19½ inches, whichever is the greater distance.

(c) The side scuttles, together with their glasses, if fitted, and deadlights, shall be of substantial and approved construction.

§ 42.15–70 Freeing ports.

(a) Where bulwarks on the weather portions of freeboard or superstructure decks form wells, ample provision shall be made for rapidly freeing the deck of water and for draining them. Except as provided in paragraphs (b) and (c) of this section, the minimum freeing port area (A) on each side of the vessel for each well on the freeboard deck shall be that given by the following formulae in cases where the sheer in way of the well is standard or greater than standard. The minimum area for each well on superstructure decks shall be one-half of the area given by the formulae.

(1) Where the length of bulwark (l) in the well is 66 feet or less $A=7.6+0.11l$ (square feet)

(2) Where l exceeds 66 feet $A=0.23l$ (square feet)

(3) l need in no case be taken as greater than $0.7L$.

(4) If the bulwark is more than 3.9 feet in average height the required area shall be increased by 0.04 square feet per foot of length of well for each foot difference in height. If the bulwark is less than 3 feet in average height, the required area may be decreased by 0.04 square feet per foot of length for each foot difference in height.

(b) In vessels with no sheer the area calculated according to paragraph (a) of this section shall be increased by 50 percent. Where the sheer is less than the standard the percentage shall be obtained by linear interpolation.

(c) Where a vessel is fitted with a trunk which does not comply with the requirements of § 42.20–55(a)(5) or where continuous or substantially continuous hatchway side coamings are fitted between detached superstructures the minimum area of the freeing port openings shall be calculated from Table 42.15–70(c):

TABLE 42.15–70(c)

Breadth of hatchway or trunk in relation to the breadth of vessel	*Area of freeing ports in relation to the total area of the bulwarks*
40 percent or less	20 percent.
75 percent or more	10 percent.

NOTE: The area of freeing ports at intermediate breadths shall be obtained by linear interpolation.

(d) In vessels having superstructures which are open at either or both ends, adequate provision for freeing the space within such superstructures shall be provided to the satisfaction of the Commandant.

(e) The lower edges of the freeing ports shall be as near the deck as practicable. Two-thirds of the freeing port area required shall be provided in the half of the well nearest the lowest point of the sheer curve.

(f) All such openings in the bulwarks shall be protected by rails or bars spaced approximately 9 inches apart. If shutters are fitted to freeing ports, ample clearance shall be provided to prevent jamming. Hinges shall have pins or bearings of noncorrodible material. If shutters are fitted with securing appliances, these appliances shall be of approved construction.

§ 42.15–75 Protection of the crew.

(a) The strength of the deckhouses used for the accommodation of the crew shall be to the satisfaction of the Commandant.

(b) Efficient guard rails or bulwarks shall be fitted on all exposed parts of the freeboard and superstructure decks. The height of the bulwarks or guard rails shall be at least 39½ inches from the deck, provided that where this height would interfere with the normal operation of the vessel, a lesser height may be approved if the Commandant is satisfied that adequate protection is provided.

(c) The opening below the lowest course of the guard rails shall not exceed 9 inches. The other courses shall be not

more than 15 inches apart. In the case of vessels with rounded gunwales the guard rail supports shall be placed on the flat of the deck.

(d) Satisfactory means (in the form of guard rails, life lines, gangways or underdeck passages, etc.) shall be provided for the protection of the crew in getting to and from their quarters, the machinery space and all other parts used in the necessary work of the vessel.

(e) Deck cargo carried on any vessel shall be so stowed that any opening which is in way of the cargo and which gives access to and from the crew's quarters, the machinery space and all other parts used in the necessary work of the vessel, can be properly closed and secured against the admission of water. Effective protection for the crew in the form of guard rails or life lines shall be provided above the deck cargo if there is no convenient passage on or below the deck of the vessel.

§ 42.15–80 Special conditions of assignment for Type "A" vessels.

(a) *Machinery casings.* (1) Machinery casings on Type "A" vessels as defined in § 42.20–5 shall be protected by an enclosed poop or bridge of at least standard height, or by a deckhouse of equal height and equivalent strength, provided that machinery casings may be exposed if there are no openings giving direct access from the freeboard deck to the machinery space. A door complying with the requirements of § 42.15–10 may, however, be permitted in the machinery casing, provided that it leads to a space or passageway which is as strongly constructed as the casing and is separated from the stairway to the engine room by a second weathertight door of steel or other equivalent material.

(b) *Gangway and access.* (1) An efficiently constructed fore and aft permanent gangway of sufficient strength shall be fitted on Type "A" vessels at the level of the superstructure deck between the poop and the midship bridge or deckhouse where fitted, or equivalent means of access shall be provided to carry out the purpose of the gangway, such as passages below deck. Elsewhere, and on Type "A" vessels without a midship bridge, arrangements to the satisfaction of the Commandant shall be provided to safeguard the crew in reaching all parts used in the necessary work of the ship.

(2) Safe and satisfactory access from the gangway level shall be available between separate crew accommodations and also between crew accommodations and the machinery space.

(c) *Hatchways.* Exposed hatchways on the freeboard and forecastle decks or on the tops of expansion trunks on Type "A" vessels shall be provided with efficient watertight covers of steel or other equivalent material.

(d) *Freeing arrangements.* (1) Type "A" vessels with bulwarks shall have open rails fitted for at least half the length of the exposed parts of the weather deck or other effective freeing arrangements. The upper edge of the sheer strake shall be kept as low as practicable.

(2) Where superstructures are connected by trunks, open rails shall be fitted for the whole length of the exposed parts of the freeboard deck.

Subpart 42.20—Freeboards

§ 42.20–1 Types of vessels.

(a) For the purposes of freeboard computation vessels shall be divided into Type "A" and Type "B".

§ 42.20–5 Type "A" vessels.

(a) A Type "A" vessel is one which is designed to carry only liquid cargoes in bulk, and in which cargo tanks have only small access openings closed by watertight gasketed covers of steel or equivalent material. Such a vessel necessarily has the following inherent features:

(1) High integrity of the exposed deck; and

(2) High degree of safety against flooding, resulting from the low permeability of loaded cargo spaces and the degree of subdivision usually provided.

(b) A Type "A" vessel, if over 492 feet in length, and designed to have empty compartments when loaded to its summer load waterline, shall be able to withstand the flooding of any one of these empty compartments at an assumed permeability of 0.95, and remain afloat in a condition of equilibrium considered to be satisfactory by the Commandant. In such a vessel, if over 738 feet in length, the machinery space shall be treated as a floodable compartment but with a permeability of 0.85. For guidance of the following limits may be regarded as satisfactory:

(1) The final waterline after flooding is below the lower edge of any opening through which progressive flooding may take place.

(2) The maximum angle of heel due to unsymmetrical flooding is of the order of 15 degrees.

(3) The metacentric height in the flooded condition is positive.

(c) A Type "A" vessel shall be assigned a freeboard not less than that based on Table 42.20–15(a)(1).

§ 42.20–10 Type "B" vessels.

(a) All vessels which do not come within the provisions regarding Type "A" vessels in § 42.20–5 (a) and (b) shall be considered as Type "B" vessels.

(b) Type "B" vessels, which in position 1 have hatchways fitted with hatch covers complying with the requirements of § 42.15–25(d)(1) or § 42.15–30 shall, except as provided in paragraphs (c) to (g), inclusive, of this section be assigned freeboards based on Table 42.20–15(b)(1).

(c) Any Type "B" vessels of over 328 feet in length may be assigned freeboards less than those required under paragraph (b) of this section provided that, in relation to the amount of reduction granted, the Commandant is satisfied that:

(1) The measures provided for the protection of the crew are adequate;

(2) The freeing arrangements are adequate;

(3) The covers in positions 1 and 2 comply with the provisions of § 42.15–30 and have adequate strength; special care being given to their sealing and securing arrangements;

(4) The vessel, when loaded to its summer load waterline, will remain afloat in a satisfactory condition of equilibrium after flooding of any single damaged compartment at an assumed permeability of 0.95 excluding the machinery space; and

(5) In such a vessel, if over 738 feet in length, the machinery space shall be treated as a floodable compartment but with a permeability of 0.85.

(d) For guidance in applying paragraph (c) (4) and (5) of this section the limits given in § 42.20–5(b) (1), (2) and (3) may be regarded as satisfactory. Also, the relevant calculations may be based upon the following main assumptions:

(1) The vertical extent of damage is equal to the depth of the vessel;

(2) The penetration of damage is not more than $B/5$;

(3) No main transverse bulkhead is damaged;

(4) The height of the center of gravity above the base line is assessed allowing for homogeneous loading of cargo holds, and for 50 percent of the designed capacity of consumable fluids and stores, etc.

(e) In calculating the freeboards for Type "B" vessels which comply with the requirements of paragraph (c) of this section the values from Table 42.20–15 (b)(1) shall not be reduced by more than 60 percent of the difference between the "B" and "A" tabular values for the appropriate vessel lengths.

(f) The reduction in tabular freeboard allowed under paragraph (e) of this section may be increased up to the total difference between the values in Table 42.20–15(a)(1) and those in Table 42.20–15(b)(1) on condition that the vessel complies with the requirements of § 42.15–80 (a)(1), (b)(1), (b)(2), (d)(1), and (d)(2), as if it were a Type "A" vessel, and further complies with the provisions of paragraph (c) (1) to (4), inclusive of this section, except that the reference in paragraph (c)(4) of this section to the flooding of any single damaged compartment shall be treated as a reference to the flooding of any two adjacent fore and aft compartments, neither of which is the machinery space. Also any such vessel of over 738 feet in length, when loaded to its summer load waterline, shall remain afloat in a satisfactory condition of equilibrium after flooding of the machinery space, taken alone, at an assumed permeability of 0.85.

(g) Type "B" vessels, which in position 1 have hatchways fitted with hatch covers which comply with the requirements of § 42.15–25, other than paragraph (d)(1) of this section, shall be assigned freeboards based upon the values given in Table 42.20–15(b)(1) increased by the values given in Table 42.20–10(g):

TABLE 42.20-10(g)—FREEBOARD INCREASE OVER TABULAR FREEBOARD FOR TYPE "B" VESSELS, FOR VESSELS WITH HATCH COVERS NOT COMPLYING WITH § 42.15-25(d)(1) OR § 42.15-30.

Length of vessel (feet)	*Freeboard increase[1] (inches)*	*Length of vessel (feet)*	*Freeboard increase[1] (inches)*
350 and below	2.0	520	10.0
360	2.3	530	10.4
370	2.6	540	10.7
380	2.9	550	11.0
390	3.3	560	11.4
400	3.7	570	11.8
410	4.2	580	12.1
420	4.7	590	12.5
430	5.2	600	12.8
440	5.8	610	13.1
450	6.4	620	13.4
460	7.0	630	13.6
470	7.6	640	13.9
480	8.2	650	14.1
490	8.7	660	14.3
500	9.2	[2] 660	
510	9.6		

[1] Freeboards at intermediate lengths of vessel shall be obtained by linear interpolation.
[2] Vessels above 660 feet in length shall be dealt with by the Commandant.

(h) A lighter, barge, or other vessel without independent means of propulsion shall be assigned a freeboard in accordance with the provisions of the regulations in this part. However, in the case of barges which are unmanned the requirements of §§ 42.15-75, 42.15-80(b), and 42.20-70 shall not apply. Such unmanned barges which have on the freeboard deck only small access openings closed by watertight gasketed covers of steel or equivalent material may be assigned freeboards 25 percent less than those calculated in accordance with these regulations.

§ 42.20-15 Freeboard tables.

(a) *Type "A" vessels.* (1) The tabular freeboard for Type "A" vessels shall be determined from Table 42.20-15(a)(1):

TABLE 42.20-15(a)(1)—FREEBOARD TABLE FOR TYPE "A" VESSELS

Length of vessel (feet)	Freeboard[1] (inches)	Length of vessel (feet)	Freeboard[1] (inches)	Length of vessel (feet)	Freeboard[1] (inches)	Length of vessel (feet)	Freeboard[1] (inches)
80	8.0	370	52.7	660	103.3	950	126.7
90	8.9	380	54.7	670	104.4	960	127.2
100	9.8	390	56.8	680	105.5	970	127.7
110	10.8	400	58.8	690	106.6	980	128.1
120	11.9	410	60.9	700	107.7	990	128.6
130	13.0	420	62.9	710	108.7	1,000	129.0
140	14.2	430	65.0	720	109.7	1,010	129.4
150	15.5	440	67.0	730	110.7	1,020	129.9
160	16.9	450	69.1	740	111.7	1,030	130.3
170	18.3	460	71.1	750	112.6	1,040	130.7
180	19.8	470	73.1	760	113.5	1,050	131.0
190	21.3	480	75.1	770	114.4	1,060	131.4
200	22.9	490	77.1	780	115.3	1,070	131.7
210	24.5	500	79.0	790	116.1	1,080	132.0
220	26.2	510	80.9	800	117.0	1,090	132.3
230	27.8	520	82.7	810	117.8	1,100	132.6
240	29.5	530	84.5	820	118.6	1,110	132.9
250	31.1	540	86.3	830	119.3	1,120	133.2
260	32.8	550	88.0	840	120.1	1,130	133.5
270	34.6	560	89.6	850	120.7	1,140	133.8
280	36.3	570	91.1	860	121.4	1,150	134.0
290	38.0	580	92.6	870	122.1	1,160	134.3
300	39.7	590	94.1	880	122.7	1,170	134.5
310	41.4	600	95.5	890	123.4	1,180	134.7
320	43.2	610	96.9	900	124.0	1,190	135.0
330	45.0	620	98.3	910	124.6	1,200	135.2
340	46.9	630	99.6	920	125.2	[2] 1,200	----------
350	48.8	640	100.9	930	125.7		
360	50.7	650	102.1	940	126.2		

[1] Freeboards at intermediate lengths of vessels shall be obtained by linear interpolation.
[2] Vessels above 1,200 feet in length shall be dealt with by the Commandant.

(b) *Type "B" vessels.* (1) The tabular freeboard for Type "B" vessels shall be determined from Table 42.20-15(b)(1):

TABLE 42.20-15(b)(1)—FREEBOARD TABLE FOR TYPE "B" VESSELS

Length of vessel (feet)	Freeboard[1] (inches)	Length of vessel (feet)	Freeboard (inches)	Length of vessel (feet)	Freeboard[1] (inches)
80	8.0	460	83.1	840	161.2
90	8.9	470	85.6	850	162.8
100	9.8	480	88.1	860	164.3
110	10.8	490	90.6	870	165.9
120	11.9	500	93.1	880	167.4
130	13.0	510	95.6	890	168.9
140	14.2	520	98.1	900	170.4
150	15.5	530	100.6	910	171.8
160	16.9	540	103.0	920	173.3
170	18.3	550	105.4	930	174.7
180	19.8	560	107.7	940	176.1
190	21.3	570	110.0	950	177.5
200	22.9	580	112.3	960	178.9
210	24.7	590	114.6	970	180.3
220	26.6	600	116.8	980	181.7
230	28.5	610	119.0	990	183.1
240	30.4	620	121.1	1,000	184.4
250	32.4	630	123.2	1,010	185.8
260	34.4	640	125.3	1,020	187.2
270	36.5	650	127.3	1,030	188.5
280	38.7	660	129.3	1,040	189.8
290	41.0	670	131.3	1,050	191.0
300	43.3	680	133.3	1,060	192.3
310	45.7	690	135.3	1,070	193.5
320	48.2	700	137.1	1,080	194.8
330	50.7	710	139.0	1,090	196.1
340	53.2	720	140.9	1,100	197.3
350	55.7	730	142.7	1,110	198.6
360	58.2	740	144.5	1,120	199.9
370	60.7	750	146.3	1,130	201.2
380	63.2	760	148.1	1,140	202.3
390	65.7	770	149.8	1,150	203.5
400	68.2	780	151.5	1,160	204.6
410	70.7	790	153.2	1,170	205.8
420	73.2	800	154.8	1,180	206.9
430	75.7	810	156.4	1,190	208.1
440	78.2	820	158.0	1,200	209.3
450	80.7	830	159.6	[2] 1,200	----------

[1] Freeboards at intermediate lengths of vessel shall be obtained by linear interpolation.
[2] Vessels above 1,200 feet in length shall be dealt with by the Commandant.

§ 42.20-20 Correction to the freeboard for vessels under 328 feet in length.

(a) The tabular freeboard for a Type "B" vessel of between 79 feet and 328 feet in length having enclosed superstructures with an effective length of up to 35 percent of the length of the vessel shall be increased by:

$$0.09\,(328-L)\,(0.35-\frac{E}{L})\text{ inches}$$

where:
L=length of vessel in feet.
E=effective length of superstructure in feet as defined in § 42.20-50.

§ 42.20-25 Correction for block coefficient.

(a) Where the block coefficient (C_b) exceeds 0.68, the tabular freeboard specified in § 42.20-15 as modified, if applicable, by §§ 42.20-10 (e), (g), and 42.20-20(a) shall be multiplied by the factor $\frac{C_b+0.68}{1.36}$.

§ 42.20-30 Correction for depth.

(a) Where D exceeds $\frac{L}{15}$ the freeboard shall be increased by $(D-\frac{L}{15})$ R inches, where R is $\frac{L}{131.2}$ at lengths less than 393.6 feet and 3 at 393.6 feet length and above.

(b) Where D is less than $L/15$ no reduction shall be made except in a vessel with an enclosed superstructure cover-

ing at least 0.6L amidships, with a complete trunk, or combination of detached enclosed superstructures and trunks which extend all fore and aft, where the freeboard shall be reduced at the rate prescribed in paragraph (a) of this section.

(c) Where the height of superstructure or trunk is less than the standard height, the reduction shall be in the ratio of the actual to the standard height as defined in § 42.20–40.

§ 42.20–35 Correction for position of deck line.

(a) Where the actual depth to the upper edge of the deck line is greater or less than D, the difference between the depths shall be added to or deducted from the freeboard.

§ 42.20–40 Standard height of superstructure.

(a) The standard height of a superstructure shall be as given in Table 42.20–40(a):

TABLE 42.20–40(a) STANDARD HEIGHTS (IN FEET)[1]

Length (L)	Raised quarter-deck	All other superstructures
98.5 or less	3.0	5.9
246	3.9	5.9
410 or more	5.9	7.5

[1] The standard heights at intermediate lengths of the vessel shall be obtained by linear interpolation.

§ 42.20–45 Length of superstructure.

(a) Except as provided in paragraph (b) of this section, the length of a superstructure (S) shall be the mean length of the parts of the superstructure which lie within the length (L).

(b) Where the end bulkhead of an enclosed superstructure extends in a fair convex curve beyond its intersection with the superstructure sides, the length of the superstructure may be increased. This increase shall be two-thirds of the fore and aft extent of the portion of the superstructure formed by the curved bulkhead. The maximum curvature which may be taken into account in determining this increase is one-half the breadth of the superstructure at the point of intersection of the curved end of the superstructure with its side.

§ 42.20–50 Effective length of superstructure.

(a) Except as provided for in paragraph (b) of this section the effective length (E) of an enclosed superstructure of standard height shall be its length.

(b) In all cases where an enclosed superstructure of standard height is set in from the sides of the vessel as permitted in § 42.13–15(j), the effective length shall be the length modified by the ratio of b/Bs,

where:

"b" is the breadth of the superstructure at the middle of its length;

"Bs" is the breadth of the vessel at the middle of the length of the superstructure.

(1) Where a superstructure is set in for a part of its length, this modification shall be applied only to the set in part.

(c) Where the height of an enclosed superstructure is less than the standard height, the effective length shall be its length reduced in the ratio of the actual height to the standard height. Where the height exceeds the standard, no increase shall be made to the effective length of the superstructure.

(d) The effective length of a raised quarter deck if fitted with an intact front bulkhead, shall be its length up to a maximum of 0.6L. Where the bulkhead is not intact, the raised quarter deck shall be treated as a poop of less than standard height.

(e) Superstructures which are not enclosed shall have no effective length.

§ 42.20–55 Trunks.

(a) A trunk or similar structure which does not extend to the sides of the vessel shall be regarded as efficient on the following conditions:

(1) The trunk is at least as strong as a superstructure;

(2) The hatchways are in the trunk deck, and the hatchway coamings and covers comply with the requirements of §§ 42.15–15 to 42.15–30, inclusive, and the width of the trunk deck stringer provides a satisfactory gangway and sufficient lateral stiffness; however, small access openings with watertight covers may be permitted in the freeboard deck;

(3) A permanent working platform fore and aft fitted with guard rails is provided by the trunk deck, or by permanent gangways;

(4) Ventilators are protected by the trunk and watertight covers, if the height of the ventilator is below that specified in § 42.15–45(c);

(5) Open rails are fitted on the weather parts of the freeboard deck in way of the trunk for at least half their length;

(6) The machinery casings are protected by the trunk, by a superstructure of at least standard height, or by a deckhouse of the same height and of equivalent strength;

(7) The breadth of the trunk is at least 60 percent of the breadth of the vessel; and,

(8) Where there is no superstructure, the length of the trunk is at least 0.6L.

(b) The full length of an efficient trunk reduced in the ratio of its mean breadth to B shall be its effective length.

(c) The standard height of a trunk is the standard height of a superstructure other than a raised quarter deck.

(d) Where the height of a trunk is less than the standard height, its effective length shall be reduced in the ratio of the actual to the standard height. Where the height of hatchway coamings on the trunk deck is less than that required under § 42.15–25(a), a reduction from the actual height of trunk shall be made which corresponds to the difference between the actual and the required height of coaming.

§ 42.20–60 Deduction for superstructures and trunks.

(a) Where the effective length of superstructures and trunks is 1.0L, the deduction from the freeboard shall be 14 inches at 79 feet length of vessel, 34 inches at 279 feet length, and 42 inches at 400 feet length and above; deductions at intermediate lengths shall be obtained by linear interpolation.

(b) Where the total effective length of superstructures and trunks is less than 1.0L the deduction shall be a percentage obtained from Table 42.20–60(b)(1) or Table 42.20–60(b)(2):

TABLE 42.20–60(b)(1)—PERCENTAGE OF DEDUCTION FOR TYPE "A" VESSELS

	Total effective length of superstructures and trunks										
	0	0.1L	0.2L	0.3L	0.4L	0.5L	0.6L	0.7L	0.8L	0.9L	1.0L
Percentage of deduction for all types of superstructures[1]	0	7	14	21	31	41	52	63	75.3	87.7	100

[1] Percentages at intermediate lengths of superstructures and trunks shall be obtained by linear interpolation.

TABLE 42.20–60(b)(2)—PERCENTAGE OF DEDUCTION FOR TYPE "B" VESSELS

Percentage of deduction[1]	Line	Total effective length of superstructures and trunks									
		0	0.1L	0.2L	0.3L	0.4L	0.5L	0.6L	0.7L	0.8L	0.9L	1.0L
Vessels with forecastle and without detached bridge	I	0	5	10	15	23.5	32	46	63	75.3	87.7	100
Vessels with forecastle and detached bridge	II	0	6.3	12.7	19	27.5	36	46	63	75.3	87.7	100

[1] Percentages at intermediate lengths of superstructures and trunks shall be obtained by linear interpolation.

(c) For vessels of Type "B":

(1) Where the effective length of a bridge is less than 0.2L, the percentages shall be obtained by linear interpolation between lines I and II;

(2) Where the effective length of a forecastle is more than 0.4L, the percentages shall be obtained from line II; and,

(3) Where the effective length of a forecastle is less than 0.07L, the percentages in subparagraphs (1) and (2) of this paragraph shall be reduced by:

$$\frac{5\times(0.07L-f)}{0.07L}$$

where:

L is the length of vessel in feet.
f is the effective length of the forecastle.

§ 42.20–65 Sheer.

(a) *General.* (1) The sheer shall be measured from the deck at side to a line of reference drawn parallel to the keel through the sheer line amidships.

(2) In ships designed with a rake of keel, the sheer shall be measured in relation to a reference line drawn parallel to the design load waterline.

(3) In flush deck ships and in ships with detached superstructures the sheer shall be measured at the freeboard deck.

(4) In ships with topsides of unusual form in which there is a step or break in the topsides, the sheer shall be considered in relation to the equivalent depth amidships.

(5) In ships with a superstructure of standard height which extends over the whole length of the freeboard deck, the sheer shall be measured at the superstructure deck. Where the height exceeds the standard the least difference (Z) between the actual and standard heights shall be added to each end ordinate. Similarly, the intermediate ordinates at distances of 1/6L and 1/3L from each perpendicular shall be increased by 0.444Z and 0.111Z respectively.

(6) Where the deck of an enclosed superstructure has at least the same sheer as the exposed freeboard deck, the sheer of the enclosed portion of the freeboard deck shall not be taken into account.

(7) Where an enclosed poop or forecastle is of standard height with greater sheer than that of the freeboard deck, or is of more than standard height, if subparagraph (6) of this paragraph has not been used, an addition to the sheer of the freeboard deck shall be made as provided in subparagraph (4) of paragraph (c) of this section.

(b) *Standard sheer profile.* (1) The ordinates of the standard sheer profile are given in Table 42.20–65(b)(1):

TABLE 42.20–65(b)(1)—STANDARD SHEER PROFILE

(Where L is in feet)

	Station	Ordinate (in inches)		Factor
After half.	After Perpendicular.	0.1	L+10	1
	1/6 L from A.P.	0.0444	L+4.44	3
	1/3 L from A.P.	0.0111	L+1.11	3
	Amidships.		0	1
Forward half.	Amidships.		0	1
	1/3 L from F.P.	0.0222	L+2.22	3
	1/6 L from F.P.	0.0888	L+8.88	3
	Forward Perpendicular.	0.2	L+20	1

(c) *Measurement of variation from standard sheer profile.* (1) Where the sheer profile differs from the standard, the four ordinates of each profile in the forward or after half shall be multiplied by the appropriate factors given in the table of ordinates. The difference between the sums of the respective products and those of the standard divided by 8 measures the deficiency or excess of sheer in the forward or after half. The arithmetical mean of the excess or deficiency in the forward and after halves measures the excess or deficiency of sheer.

(2) Where the after half of the sheer has an excess and the forward half of the sheer has a deficiency, no credit shall be allowed for the part in excess and deficiency only shall be measured.

(3) Where there is an excess in the forward half of the sheer and in the after half there is a deficiency which does not exceed 25 percent, credit shall be allowed for the excess. When the deficiency in the after part of the sheer exceeds 50 percent, then no credit shall be given for the excess sheer forward. When the deficiency of the after sheer is between 25 percent and 50 percent intermediate allowances may be granted for excess sheer forward.

(4) When the actual height of a poop or forecastle at the end ordinate exceeds the standard the following formula shall be used:

$$s=\frac{y}{3}\ \frac{L'}{L}$$

where:

s= sheer credit, to be deducted from the deficiency or added to the excess of sheer.
y= difference between actual and standard height of superstructure at the end of sheer.
L'=mean enclosed length of poop or forecastle up to a maximum of 0.5L.
L=length of vessel as defined in § 42.13–15(a).

(i) The formula in this subparagraph (4) provides a curve in the form of a parabola tangent to the actual sheer curve at the freeboard deck and intersecting the end ordinate at a point below the superstructure deck a distance equal to the standard height of a superstructure. The superstructure shall not be less than standard height above this curve at any point. This curve shall be used in determining the sheer profile for forward and after halves of the ship.

(d) *Correction for variations from standard sheer profile.* (1) The correction for sheer shall be the deficiency or excess of sheer (see subparagraphs (c) (1) to (4) inclusive of this section) multiplied by:

$$0.75-\frac{S}{2L}$$

where:

S is the total length of enclosed superstructure.

(e) *Addition for deficiency in sheer.* (1) Where the sheer is less than the standard, the correction for deficiency in sheer (see paragraph (d)(1) of this section) shall be added to the freeboard.

(f) *Deduction for excess sheer.* (1) In ships where an enclosed superstructure covers 0.1L before and 0.1L abaft amidships, the correction for excess of sheer as calculated under the provisions of subparagraph (d)(1) of this section shall be deducted from the freeboard; in ships where no enclosed superstructure covers amidships, no deduction shall be made from the freeboard; where an enclosed superstructure covers less than 0.1L before and 0.1L abaft amidships, the deduction shall be obtained by linear interpolation. The maximum deduction for excess sheer shall be at the rate of 1½ inches per 100 feet of length.

§ 42.20–70 Minimum bow height.

(a) The bow height defined as the vertical distance at the forward perpendicular between the waterline corresponding to the assigned summer freeboard and the designed trim and the top of the exposed deck at side shall be not less than:

(1) For ships below 820 feet in length,

$$0.672L\left(1-\frac{L}{1640}\right)\ \frac{1.36}{C_b+0.68}\ \text{inches;}$$

where:

L is the length of the vessel in feet.
C_b is the block coefficient which is to be taken as not less than 0.68.

(2) For ships of 820 feet and above in length,

$$275.6\ \frac{1.36}{C_b+0.68}\ \text{inches;}$$

where:

C_b is the block coefficient which is to be taken as not less than 0.68.

(b) Where the bow height required in paragraph (a) of this section is obtained by sheer, the sheer shall extend for at least 15 percent of the length of the vessel measured from the forward perpendicular. Where it is obtained by fitting a superstructure, such superstructure shall extend from the stem to a point at least 0.07L abaft the forward perpendicular, and it shall comply with the following requirements:

(1) For ships not over 328 feet in length it shall be enclosed as defined in § 42.13–15(j); and,

(2) For ships over 328 feet in length it need not comply with § 42.13–15(j) but shall be fitted with closing appliances to the satisfaction of the Commandant.

(c) Vessels which, to suit exceptional operational requirements, cannot meet the requirements of paragraphs (a) and (b) of this section may be given special consideration by the Commandant.

§ 42.20–75 Minimum freeboards.

(a) *Summer freeboard.* (1) The minimum freeboard in summer shall be the freeboard derived from the tables in § 42.20–15, as modified by the corrections in §§ 42.20–5 and 42.20–10, as applicable, §§ 42.20–20, 42.20–25, 42.20–30, 42.20–35, 42.20–60, 42.20–65 and, if applicable, § 42.20–70.

(2) The freeboard in salt water, as calculated in accordance with subparagraph (1) of this paragraph, but without the correction for deck line, as provided by § 42.20–35, shall not be less than 2 inches. For ships having in position 1 hatchways with covers which do not comply with the requirements of §§ 42.15–25(d)(1), 42.15–30, or 42.15–80, the freeboard shall be not less than 6 inches.

(b) *Tropical freeboard.* (1) The minimum tropical freeboard shall be the freeboard obtained by a deduction from the summer freeboard of one forty-eighth of the summer draft measured from the keel (as defined in § 42.13–15(e)(1)) to the center of the ring of the load line mark.

(2) The freeboard in salt water, as calculated in accordance with subparagraph (a) (1) of this section, but without the correction for deck line, as provided by § 42.20–35, shall not be less than 2 inches. For ships having in position 1 hatchways with covers which do not comply with the requirements of § 42.15–25(d) (1), § 42.15–30, or § 42.15–80, the freeboard shall be not less than 6 inches.

(c) *Winter freeboard.* (1) The minimum winter freeboard shall be the freeboard obtained by an addition to the summer freeboard of one forty-eighth (1/48) of summer draft, measured from the top of the keel to the center of the ring of the load line mark.

(d) *Winter North Atlantic freeboard.* (1) The minimum freeboard for ships of not more than 328 feet in length which enter any part of the North Atlantic defined in § 42.30–35 during the winter seasonal period shall be the winter freeboard plus 2 inches. For other ships the winter North Atlantic freeboard shall be the winter freeboard.

(e) *Fresh water freeboard.* (1) The minimum freeboard in fresh water of unit density shall be obtained by deducting from the minimum freeboard in salt water:

$$\frac{\Delta}{40T} \text{ inches}$$

where:

Δ=displacement in salt water in tons at the summer load waterline; and,
T=tons per inch immersion in salt water at the summer load waterline.

(2) Where the displacement at the summer load waterline cannot be certified, the deduction shall be one forty-eighth of summer draft, measured from the keel (as defined in § 42.13–15(e) (1)) to the center of the ring of the load line mark.

Subpart 42.25—Special Requirements for Vessels Assigned Timber Freeboards

§ 42.25–1 Application of this subpart.

(a) The provisions of this Subpart 42.25 apply only to vessels to which timber load lines are assigned.

§ 42.25–5 Definitions of terms used in this subpart.

(a) *Timber deck cargo.* The term "timber deck cargo" means a cargo of timber carried on an uncovered part of a freeboard or superstructure deck. The term does not include wood pulp or similar cargo.

(b) *Timber load line.* A timber deck cargo may be regarded as giving a ship a certain additional buoyancy and a greater degree of protection against the sea. For that reason, ships carrying a timber deck cargo may be granted a reduction of freeboard calculated according to the provisions of § 42.25–20 and marked on the ship's side in accordance with the provisions of § 42.13–30 (c) and (d). However, in order that such special freeboard may be granted and used, the timber deck cargo shall comply with certain conditions which are laid down in § 42.25–15, and the vessel itself shall also comply with certain conditions relating to its construction which are set out in § 42.25–10.

§ 42.25–10 Construction of ship.

(a) *Superstructure.* (1) Ships shall have a forecastle of at least standard height and a length of at least 0.07L. In addition, if the ship is less than 328 feet in length, a poop of at least standard height, or a raised quarter deck with either a deckhouse or a strong steel hood of at least the same total height shall be fitted aft.

(b) *Double bottom tanks.* (1) Double bottom tanks where fitted within the midship half length of the ship shall have adequate watertight longitudinal subdivision.

(c) *Bulwarks.* (1) The ship shall be fitted either with permanent bulwarks at least 39½ inches in height, specially stiffened on the upper edge and supported by strong bulwark stays attached to the deck and provided with necessary freeing ports, or with efficient rails of the same height and of specially strong construction.

§ 42.25–15 Stowage.

(a) *General.* (1) Openings in the weather deck over which cargo is stowed shall be securely closed and battened down. The ventilators shall be efficiently protected.

(2) Timber deck cargo shall extend over at least the entire available length which is the total length of the well or wells between superstructures. Where there is no limiting superstructure at the after end, the timber shall extend at least to the after end of the aftermost hatchway. The timber shall be stowed as solidly as possible, to at least the standard height of a superstructure.

(3) On a ship within a seasonal winter zone in winter, the height of the deck cargo above the weather deck shall not exceed one-third of the extreme breadth of the ship.

(4) The timber deck cargo shall be compactly stowed, lashed, and secured. It shall not interfere in any way with the navigation and necessary work of the ship.

(b) *Uprights.* (1) Uprights, when required by the nature of the timber, shall be of adequate strength considering the breadth of the ship; the spacing shall be suitable for the length and character of timber carried, but shall not exceed 9.8 feet. Strong angles or metal sockets or equally efficient means shall be provided for securing the uprights.

(c) *Lashings.* (1) Timber deck cargo shall be efficiently secured throughout its length by independent overall lashings spaced not more than 9.8 feet apart. Eye plates for these lashings shall be efficiently attached to the sheer strake or to the deck stringer plate at intervals of not more than 9.8 feet. The distance from an end bulkhead of a superstructure to the first eye plate shall be not more than 6.6 feet. Eye plates and lashings shall be provided 23½ inches and 4.9 feet from the ends of timber deck cargoes where there is no bulkhead.

(2) Lashings shall be not less than ¾-inch close link chain or flexible wire rope of equivalent strength, fitted with sliphooks and turnbuckles, which shall be accessible at all times. Wire rope lashings shall have a short length of long link chain to permit the length of lashings to be regulated.

(3) When timber is in lengths less than 11.8 feet the spacing of the lashings shall be reduced or other suitable provisions made to suit the length of timber

(4) All fittings required for securing the lashings shall be of strength corresponding to the strength of the lashings.

(d) *Stability.* (1) Provision shall be made for a safe margin of stability at all stages of the voyage, regard being given to additions of weight, such as those due to absorption of water and icing and to losses of weight such as those due to consumption of fuel and stores.

(e) *Protection of crew, access to machinery spaces, etc.* (1) In addition to the requirements of § 42.15–75(e) guardrails or life lines spaced not more than 13 inches apart vertically shall be provided on each side of the deck cargo to a height of at least 39½ inches above the cargo.

(f) *Steering arrangements.* (1) Steering arrangements shall be effectively protected from damage by cargo and, as far as practicable, shall be accessible. Efficient provision shall be made for steering in the event of a breakdown in the main steering arrangements.

§ 42.25–20 Computation for freeboard.

(a) The minimum summer freeboards shall be computed in accordance with § 42.20–10 (a), (b), and (h) and §§ 42.20–15, 42.20–20, 42.20–25; 42.20–30, 42.20–60, and 42.20–65, except that § 42.20–60 is modified by substituting the percentages in Table 42.25–20(a) for those given in § 42.20–60:

TABLE 42.25–20(a)—PERCENTAGE OF DEDUCTION FOR SUPERSTRUCTURE

[Total Effective Length of Superstructure]

	0	0.1L	0.2L	0.3L	0.4L	0.5L	0.6L	0.7L	0.8L	0.9L	1.0L
Percentage of deduction for all types of superstructure [1]	20	31	42	53	64	70	76	82	88	94	100

[1] Percentages at intermediate lengths of superstructures shall be obtained by linear interpolation.

(b) The winter timber freeboard shall be obtained by adding to the summer timber freeboard one thirty-sixth of the molded summer timber draft.

(c) The winter North Atlantic timber freeboard shall be the same as the winter North Atlantic freeboard prescribed in § 42.20–75(d) (1).

(d) The tropical timber freeboard shall be obtained by deducting from the summer timber freeboard one forty-eighth of the molded summer timber draft.

(e) The fresh water timber freeboard shall be computed in accordance with § 42.20–75(e) (1) or (2) based on the summer timber load waterline.

Subpart 42.30—Zones, Areas, and Seasonal Periods

§ 42.30–1 Basis.

(a) The zones and areas in this subpart are, in general, based on the following criteria:

(1) Summer: not more than 10 percent winds of force 8 Beaufort (34 knots) or more.

(2) Tropical: not more than 1 percent winds of force 8 Beaufort (34 knots) or more. Not more than one tropical storm in 10 years in an area of 5° square in any 1 separate calendar month.

(b) In certain special areas, for practical reasons, some degree of relaxation has been found acceptable.

(c) A chart is attached to the International Convention on Load Lines, 1966, to illustrate the zones and areas defined in this Convention and in this subpart.

§ 42.30–5 Northern winter seasonal zones and area.

(a) *North Atlantic Winter Seasonal Zones I and II.* (1) The North Atlantic Winter Seasonal Zone I lies within the meridian of longitude 50° W. from the coast of Greenland to latitude 45° N.; thence the parallel of latitude 45° N. to longitude 15° W.; thence the meridian of longitude 15° W. to latitude 60° N.; thence the parallel of latitude 60° N. to the Greenwich Meridian, thence this meridian northwards.

(i) Seasonal periods:

Winter: October 16 to April 15.
Summer: April 16 to October 15.

(2) The North Atlantic Winter Seasonal Zone II lies within the meridian of longitude 68°30′ W. from the coast of the United States to latitude 40° N.; thence the rhumb line to the point latitude 36° N., longitude 73° W.; thence the parallel of latitude 36° N. to longitude 25° W.; and thence the rhumb line to Cape Torinana. Excluded from this zone are the North Atlantic Winter Seasonal Zone I and the Baltic Sea bounded by the parallel of the latitude of The Skaw in the Skagerrak.

(i) Seasonal periods:

Winter: November 1 to March 31.
Summer: April 1 to October 31.

(b) *North Atlantic Winter Seasonal Area.* (1) The boundary of the North Atlantic Winter Seasonal Area is the meridian of longitude 68°30′ W. from the coast of the United States to latitude 40° N.; thence the rhumb line to the southernmost intersection of the meridian of longitude 61° W. with the coast of Canada; and thence the east coasts of Canada and the United States.

(i) Seasonal periods:

(*a*) For ships over 328 feet in length:

Winter: December 16 to February 15.
Summer: February 16 to December 15.

(*b*) For ships of 328 feet and under in length:

Winter: November 1 to March 31.
Summer: April 1 to October 31.

(c) *North Pacific Winter Seasonal Zone.* The southern boundary of the North Pacific Winter Seasonal Zone is the parallel of latitude 50° N. from the east coast of the Union of Soviet Socialist Republics, to the west coast of Sakhalin; thence the west coast of Sakhalin to the southern extremity of Cafse Kril'on; thence the rhumb line to Wakkanai, Hokkaido, Japan; thence the east and south coasts of Hokkaido to longitude 145° E., thence the meridian of longitude 145° E. to latitude 35° N., thence the parallel of latitude 35° N. to longitude 150° W. and thence the rhumb line to the southern extremity of Dall Island, Alaska.

(1) Seasonal periods:

Winter: October 16 to April 15.
Summer: April 16 to October 15.

§ 42.30–10 Southern Winter Seasonal Zone.

(a) The northern boundary of the Southern Winter Seasonal Zone is the rhumb line from the east coast of the American continent at Cape Tres Puntas to the point latitude 34° S., longitude 50° W.; thence the parallel of latitude 34° S. to longitude 17° E.; thence the rhumb line to the point latitude 35°10′ S., longitude 20° E.; thence the rhumb line to the point latitude 34° S., longitude 28° E.; thence along the rhumb line to the point latitude 35°30′ S., longitude 118° E.; thence the rhumb line to Cape Grim on the northwest coast of Tasmania; thence along the north and east coasts of Tasmania to the southernmost point of Bruny Island; thence the rhumb line to Black Rock Point on Stewart Island; thence the rhumb line to the point latitude 47° S., longitude 170° E.; thence along the rhumb line to the point latitude 33° S., longitude 170° W.; and thence the parallel of latitude 33° S. to the west coast of the American continent.

(1) Valparaiso is to be considered as being on the boundary line of the Summer and the Winter Seasonal Zones.

(2) Seasonal periods:

Winter: April 16 to October 15.
Summer: October 16 to April 15.

§ 42.30–15 Tropical Zone.

(a) *Northern boundary of the Tropical Zone.* The northern boundary of the Tropical Zone is the parallel of latitude 13° N. from the east coast of the American continent to longitude 60° W.; thence the rhumb line to a point in latitude 10° N., longitude 58° W.; thence the parallel of latitude 10° N. to longitude 20° W.; thence the meridian of longitude 20° W. to latitude 30° N.; thence the parallel of latitude 30° N. to the west coast of Africa; from the east coast of Africa the parallel of latitude 8° N. to longitude 70° E.; thence the meridian of longitude 70° E. to latitude 13° N.; thence the parallel of latitude 13° N. to the west coast of India; thence around the south coast of India to latitude 10°30′ N. on the east coast of India; thence the rhumb line to a point in latitude 9° N., longitude 82° E.; thence the meridian of longitude 82° E. to latitude 8° N.; thence the parallel of latitude 8° N. to the west coast of Malaysia; thence the coast of Southeast Asia to the east coast of Vietnam at latitude 10° N.; thence the parallel of latitude 10° N. to longitude 145° E.; thence the meridian of longitude 145° E. to latitude 13° N.; and thence the parallel of latitude 13° N. to the west coast of the American continent.

(1) Saigon is to be considered as being on the boundary line of the Tropical Zone and the Seasonal Tropical Area.

(b) *Southern boundary of the Tropical Zone.* The southern boundary of the Tropical Zone is the rhumb line from the Port of Santos, Brazil, to the point where the meridian of longitude 40° W. intersects the Tropic of Capricorn; thence the Tropic of Capricorn to the west coast of Africa; from the east coast of Africa the parallel of latitude 20° S. to the west coast of Madagascar; thence the west and north coasts of Madagascar to longitude 50° E.; thence the meridian of longitude 50° E. to latitude 10° S.; thence the parallel of latitude 10°S. to longitude 98° E.; thence the rhumb line to Port Darwin, Australia; thence the coasts of Australia and Wessel Island eastwards to Cape Wessel; thence the parallel of latitude 11° S. to the west side of Cape York; from the east side of Cape York the parallel of latitude 11° S. to longitude 150° W.; thence the rhumb line to the point latitude 26° S., longitude 75° W.; and thence the rhumb line to the west coast of the American continent at latitude 30° S.

(1) Coquimbo and Santos are to be considered as being on the boundary line of the Tropical and Summer Zones.

(c) *Areas to be included in the Tropical Zone.* The following areas are to be treated as included in the Tropical Zone:

(1) The Suez Canal, the Red Sea, and the Gulf of Aden, from Port Said to the meridian of longitude 45° E.

(i) Aden and Berbera are to be considered as being on the boundary line of the Tropical Zone and the Seasonal Tropical Area.

(2) The Persian Gulf to the meridian of longitude 59° E.

(3) The area bounded by the parallel of latitude 22° S. from the east coast of Australia to the Great Barrier Reef, thence the Great Barrier Reef to latitude 11° S. The northern boundary of the area is the southern boundary of the Tropical Zone.

§ 42.30–20 Seasonal Tropical Areas.

The following are Seasonal Tropical Areas:

(a) *In the North Atlantic.* It is an area bounded on the north by the rhumb line from Cape Catoche, Yucatan, to Cape San Antonio, Cuba, the north coast of

Cuba to latitude 20° N., thence the parallel of latitude 20° N. to longitude 20° W.; on the west by the coast of the American continent; on the south and east by the northern boundary of the Tropical Zone.

(1) Seasonal periods:

Tropical: November 1 to July 15.
Summer: July 16 to October 31.

(b) *In the Arabian Sea.* An area bounded on the west by the coast of Africa, the meridian of longitude 45° E. in the Gulf of Aden, the coast of South Arabia and the meridian of longitude 59° E. in the Gulf of Oman; on the north and east by the coasts of Pakistan and India; on the south by the northern boundary of the Tropical Zone.

(1) Seasonal periods:

Tropical: September 1 to May 31.
Summer: June 1 to August 31.

(c) *In the Bay of Bengal.* The Bay of Bengal north of the northern boundary of the Tropical Zone.

(1) Seasonal periods:

Tropical: September 1 to May 31.
Summer: May 1 to November 30.

(d) *In the South Indian Ocean.* (1) An area bounded on the north and west by the southern boundary of the Tropical Zone and the east coast of Madagascar; on the south by the parallel of latitude 20° S.; on the east by the rhumb line from a point in latitude 20° S., longitude 50° E., to a point in latitude 15° S., longitude 51°30′ E., and thence by the meridian of longitude 51°30′ E. to latitude 10° S.

(i) Seasonal periods:

Tropical: April 1 to November 30.
Summer: December 1 to March 31.

(2) An area bounded on the north by the southern boundary of the Tropical Zone; on the east by the coast of Australia; on the south by the parallel of latitude 15° S. from longitude 51°30′ E., to longitude 120° E. and thence the meridian of longitude 120° E. to the coast of Australia; on the west by the meridian of longitude 51°30′ E.

(i) Seasonal periods:

Tropical: May 1 to November 30.
Summer: December 1 to April 30.

(e) *In the China Sea.* An area bounded on the west and north by the coasts of Vietnam and China from latitude 10° N. to Hong Kong; on the east by the rhumb line from Hong Kong to the Port of Sual (Luzon Island), and the west coasts of the Islands of Luzon, Samar, and Leyte to latitude 10° N.; on the south by the parallel of latitude 10° N.

(1) Hong Kong and Sual are to be considered as being on the boundary of the Seasonal Tropical Area and Summer Zone.

(2) Seasonal periods:

Tropical: January 21 to April 30.
Summer: May 1 to January 20.

(f) *In the North Pacific.* (1) An area bounded on the north by the parallel of latitude 25° N.; on the west by the meridian of longitude 160° E.; on the south by the parallel of latitude 13° N.; on the east by the meridian of longitude 130° W.

(i) Seasonal periods:

Tropical: April 1 to October 31.
Summer: November 1 to March 31.

(2) An area bounded on the north and east by the west coast of the American continent; on the west by the meridian of longitude 123° W. from the coast of the American continent to latitude 33° N., longitude 123° W.; to the point latitude 13° N., longitude 105° W.; on the south by the parallel of latitude 13° N.

(i) Seasonal periods:

Tropical: March 1 to June 30, and November 1 to November 30.
Summer: July 1 to October 31, and December 1 to February 28/29.

(g) *In the South Pacific.* (1) The Gulf of Carpentaria south of latitude 11° S.

(i) Seasonal periods:

Tropical: April 1 to November 30.
Summer: December 1 to March 31.

(2) An area bounded on the north and east by the southern boundary of the Tropical Zone; on the south by the Tropic of Capricorn from the east coast of Australia to longitude 150° W.; thence by the meridian of longitude 150° W. to latitude 20° S. and thence by the parallel of latitude 20° S. to the point where it intersects the southern boundary of the Tropical Zone; on the west by the boundaries of the area within the Great Barrier Reef included in the Tropical Zone, and by the east coast of Australia.

(i) Seasonal periods:

Tropical: April 1 to November 30.
Summer: December 1 to March 31.

§ 42.30–25 Summer Zones.

(a) The remaining areas constitute the Summer Zones.

(1) However, for ships of 328 feet and under in length, the area bounded on the north and west by the east coast of the United States; on the east by the meridian of longitude 68°30′ W. from the coast of the United States to latitude 40° N. and thence by the rhumb line to the point latitude 36° N., longtitude 73° W.; on the south by the parallel of latitude 36° N.; is a Winter Seasonal Area.

(i) Seasonal periods:

Winter: November 1 to March 31.
Summer: April 1 to October 31.

§ 42.30–30 Enclosed seas.

(a) *Baltic Sea.* This sea bounded by the parallel of latitude of The Skaw in the Skagerrak is included in the Summer Zones.

(1) However, for ships of 328 feet and under in length, it is a Winter Seasonal Area.

(i) Seasonal periods:

Winter: November 1 to March 31.
Summer: April 1 to October 31.

(b) *Black Sea.* This sea is included in the Summer Zones.

(1) However, for ships of 328 feet and under in length, the area north of latitude 44° N. is a Winter Seasonal Area.

(i) Seasonal periods:

Winter: December 1 to February 28/29.
Summer: March 1 to November 30.

(c) *Mediterranean.* This sea is included in the zones.

(1) However, for ships of 328 feet and under in length, the area bounded on the north and west by the coasts of France and Spain and the meridian of longitude 3° E. from the coast of Spain to latitude 40° N.; on the south by the parallel of latitude 40° N. from longitude 3° E. to the west coast of Sardinia; on the east by the west and north coasts of Sardinia from latitude 40° N. to longitude 9° E., thence by the meridian of longitude 9° E. to the south coast of Corsica, thence by the west and north coasts of Corsica to longitude 9° E. and thence by the rhumb line to Cape Sicie; is a Winter Seasonal Area.

(i) Seasonal periods:

Winter: December 16 to March 15.
Summer: March 16 to December 15.

(d) *Sea of Japan.* This sea south of the parallel of latitude 50° N. is included in the Summer Zones.

(1) However, for ships of 328 feet and under in length, the area between the parallel of latitude 50° N. and the rhumb line from the east coast of Korea at latitude 38° N. to the west coast of Hokkaido, Japan, at latitude 43°12′ N., is a Winter Seasonal Area.

(i) Seasonal periods:

Winter: December 1 to February 28/29.
Summer: March 1 to November 30.

§ 42.30–35 The Winter North Atlantic Load Line.

(a) The part of the North Atlantic referred to in § 42.20–75(d)(1) comprises:

(1) That part of the North Atlantic Winter Seasonal Zone II which lies between the meridians of 15° W. and 50° W.; and,

(2) The whole of the North Atlantic Winter Seasonal Zone I, the Shetland Islands to be considered as being on the boundary.

Subpart 42.35—Load Line Assignment, Surveys, and Inspections; Fees and Other Expenses

§ 42.35–1 Scale of fees.

(a) Subject to the conditions as set forth in this section, fees payable by owners will be charged for assignment of load line (including load line and condition survey, verification of markings and issuance of load line certificates) in accordance with Table 42.35–1.

TABLE 42.35-1—FEES FOR ASSIGNMENT OF LOAD LINE

Size of vessel	Classed vessel [1]	Unclassed vessels
Under 200 gross tons	$30.00	$100.00
200 and under 400 gross tons	30.00	125.00
400 and under 700 gross tons	35.00	155.00
700 and under 1,000 gross tons	40.00	190.00
1,000 and under 1,500 gross tons	40.00	230.00
1,500 and under 2,500 gross tons	50.00	270.00
2,500 and under 3,500 gross tons	60.00	310.00
3,500 and under 5,000 gross tons	70.00	350.00
5,000 and under 6,500 gross tons	85.00	390.00
6,500 and under 8,000 gross tons	100.00	430.00
8,000 and under 10,000 gross tons	110.00	470.00
10,000 and under 12,000 gross tons	120.00	510.00
12,000 and under 15,000 gross tons	130.00	550.00
15,000 gross tons and above	140.00	590.00

[1] Classed vessel means vessel in class with the assigning authority.

(b) In the case of unclassed vessels newly built, where an extensive review of construction plans and attendance during construction by the Surveyors of the assigning authority may be required; in the case of existing unclassed vessels where necessary plans are not available; and in cases where alterations or repairs are made, which would require more than a normal attendance by the Surveyors; additional fees, proportional to the amount of work involved, may be charged.

(c) The provisions of this section may be applied to either classed or unclassed vessels in cases where, due to alterations or changes in service, a new freeboard may be required.

§ 42.35–5 Fees for renewal of load line certificates.

(a) For unclassed vessels the fees for condition survey and renewal of load line certificates shall be 50 percent of the scale in § 42.35–1. In cases where alterations or repairs are made which would require more than a normal attendance by the Surveyors, additional fees, proportional to the amount of work involved, may be charged.

(b) For classed vessels where the survey is carried out in conjunction with a survey required for maintenance of class and for which a fee is chargeable, no charge will be made for the survey, but an amount not exceeding $25 for the issuance of the new load line certificate may be charged.

§ 42.35–10 Fees for annual load line inspection.

(a) The fee for annual load line inspection shall be $25 for vessels not exceeding 2,000 gross tons, and $35 for vessels of more than 2,000 gross tons. Where alterations or repairs are made, which would require more than a normal attendance by the Surveyors, additional fees, proportional to the work involved, may be charged.

(b) In the case of a classed vessel, no charge will be made for this inspection if carried out at the same time as a survey to the hull that is required for maintenance of class and for which a fee is chargeable.

§ 42.35–15 Traveling expenses.

(a) For all traveling expenses incurred in connection with the surveys described in this section there will be an additional charge.

Subpart 42.50—Load Line Certificates—Model Forms

§ 42.50–1 General.

(a) The provisions of this Subpart 42.50 set forth the requirements for the text of various load line certificates issued to vessels complying with the applicable requirements in this subchapter. See §§ 42.07–35 and 42.07–40 for requirements regarding load line assigning and issuing authorities. See § 42.07–45 for requirements regarding load line certificates.

(b) The text of the international load line certificate and exemption certificate and arrangement of the printed portions shall be the same as that set forth in this subpart in the model Forms *A1*, *A2*, *A3*, and *E1*, except for the following authorized variations:

(1) The freeboards and load line marks which are not applicable to a specific vessel need not be entered on the certificate issued.

(2) The provisions of Note 3 on the front of the certificate (Forms *A1*, *A2*, *A3*, *B*, *C1*, *C2*, and *C3*) may be changed to correctly describe the situation applicable to the vessel concerning information and instructions furnished the master about loading and ballasting the vessel to provide a guide as to stability under various conditions.

(c) In the load line certificates the assigning and issuing authority shall set forth its full official designation; i.e., its legal name, address of home office, and reference to the authorization from the Commandant.

§ 42.50–5 International load line certificates.

(a) The various forms of certificates certifying to the correctness of the load line marks assigned under the regulations in this subchapter and/or certain exemptions therefrom for U.S.-flag vessels engaged in foreign voyages, or engaged in coastwise or intercoastal voyages (provided such vessels qualify to engage in foreign voyages without restriction), are:

(1) Form *A1*, for general use.

(2) Form *A2*, for sailing vessels.

(3) Form *A3*, for general use, combined with timber deck cargo.

(4) Form *E1*, for general international or coastwise use.

(b) The text and arrangement of the printed portions of Form *A1* (printed front and back) are as follows:

INTERNATIONAL LOAD LINE CERTIFICATE (1966)

[Form A1]

(Official seal of issuing authority.)
(Certificate No. _____.)

Issued under the provisions of the International Convention on Load Lines, 1966, under the authority of the Government of the United States of America, and the Commandant, U.S. Coast Guard:

By _____
(Insert full official designation of issuing authority)

_____

and duly authorized for assigning purposes under the provisions of the Convention.

Name of ship	Distinctive number or letters	Port of registry	Length (*L*) as defined in Article 2(8) i.e., 46 CFR 42.13–15

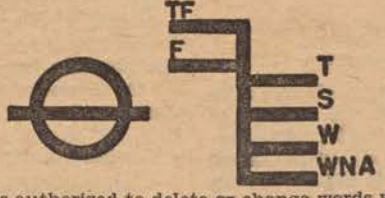
Freeboard assigned as: [1] { A new ship. / An existing ship. } Type of ship: [1] { Type "A". / Type "B". / Type "B" with reduced freeboard. / Type "B" with increased freeboard. }

	FREEBOARD FROM DECK LINE		LOAD LINE
Tropical	_____(inches)	(T)	_____(inches) above (S).
Summer	_____(inches)	(S)	Upper edge of line at level of center of ring.
Winter	_____(inches)	(W)	_____(inches) below (S).
Winter (North Atlantic).	_____(inches)	(WNA)	_____(inches) below (S).

Allowance for fresh water for all freeboards _____(inches).

(All measurements are to upper edge of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is _____ inches above or below the top of the _____ deck at side; i.e., freeboard [1] deck.



[1] The issuing authority is authorized to delete or change words whenever it is inapplicable to a specific vessel and to arrange wording so appropriate word insertions may be made, which accurately describe the facts.

Date of initial or periodical survey _____.

This is to certify that this ship has been surveyed and that the freeboards have been assigned and load lines shown above have been marked in accordance with the International Convention on Load Lines, 1966.

This certificate is valid until _____,[2] subject to periodical inspections in accordance with Article 14(1)(c) of the Convention, and endorsement thereof on the reverse side of the certificate.

Issued at _____, _____ 19____.
(Place of issue of certificate) (Date of issue)

_____
(Signature of official issuing the certificate)

[Seal of issuing authority]

The undersigned declares that he is duly authorized by the said Government to issue this certificate.

_____
(Signature)

[2] At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations, and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so endorsed on the reverse side.

NOTES

1. When a ship departs from a port situated on a river or inland waters, deeper loading shall be permitted corresponding to the weight of fuel and all other materials required for consumption between the point of departure and the sea.

2. When a ship is in fresh water of unit density, the appropriate load line may be submerged by the amount of the fresh water allowance shown above. Where the density is other than unity, an allowance shall be made proportional to the difference between 1.025 and the actual density.

3. It is the owner's responsibility to furnish the master with information and instructions for loading and ballasting this vessel to provide guidance as to stability of the vessel under varying conditions of service and to avoid unacceptable stresses in the vessel's structure.

(Reverse Side of Certificate)

ANNUAL INSPECTIONS

This to certify that at a periodical inspection required by Article 14(1)(c) of the Convention, this ship was found to comply with the relevant provisions of the Convention.

Place _____ Date _____.
_____
(Signature and seal of issuing authority)

Place _____ Date _____.
_____
(Signature and seal of issuing authority)

Place _____ Date _____.
_____
(Signature and seal of issuing authority)

Place _____ Date _____.
_____
(Signature and seal of issuing authority)

RENEWAL OF LOAD LINE CERTIFICATE

The provisions of the Convention being fully complied with by this ship, the validity of this certificate is, in accordance with Article 19(2) of the Convention, extended until _____.

Place _____ Date _____.
_____
(Signature and seal of issuing authority)

NOTES

4. The Winter North Atlantic Load Line applies only to vessels of 328 feet in length or less, which enter any part of the North Atlantic Ocean during the winter months as defined by the Load Line Regulations in 46 CFR 42.30–5 and 42.30–35. The periods during which the other seasonal load lines apply in different parts of the world are as stated in the Load Line Regulations in 46 CFR 42.30–5 to 42.30–30, inclusive.

5. This Load Line Certificate will be canceled by the Commandant, U.S. Coast Guard, if:

(a) The annual periodic inspections have not been carried out within 3 months either way of each anniversary date of the certificate.

(b) The certificate is not endorsed to show that the ship has been inspected as indicated in (a).

(c) Material alterations have been made to the hull or superstructure of the vessel, such as would necessitate the assignment of an increased freeboard.

(d) The fittings and appliances for the protection of the openings, guardrails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the certificate was issued.

(e) The structural strength of the ship is lowered to such an extent that the ship is unsafe.

6. When this certificate has expired or has been canceled, it must be delivered to the issuing authority.

(c) The text and arrangement of the printed portion of Form *A2* shall be identical with the information on the face and reverse sides of Form *A1* certificate in paragraph (b) of this section except for the identification of model form, description of the "Freeboard from deck line," the "Load Line," and the illustration of load line marks, which shall be as follows:

INTERNATIONAL LOAD LINE CERTIFICATE (1966)

[Form *A2*]

* * * * * * *

FREEBOARD FROM DECK LINE			LOAD LINE
Tropical Summer Winter	_____ (inches)		Upper edge of line at level of center of ring.
Winter—North Atlantic	_____ (inches)	(WNA)	Upper edge of line _____ (inches) below upper edge at level of center of ring.

Allowance for fresh water for all freeboards _____ (inches).

(All measurements are to upper edge of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is _____ inches above or below the top of the _____ deck at side; i.e., freeboard [1] deck.



* * * * * * *

[1] The issuing authority is authorized to delete or change words whenever it is inapplicable to a specific vessel and to arrange wording so appropriate word insertions may be made, which accurately describe the facts.

(d) The text and arrangement of the printed portion of Form *A3* shall be identical with the information on the face and reverse sides of Form *A1* certificate in paragraph (b) of this section except for the identification of model form, description of the "Freeboard from deck line," the "Load Line," and the illustration of load line marks, which shall be as follows:

INTERNATIONAL LOAD LINE CERTIFICATE (1966)

[Form *A3*]

* * * * * * *

The timber freeboards given in this certificate are applicable only when this ship carries a timber deck cargo and complies with special requirements of the Load Line Regulations regarding timber deck cargoes.

FREEBOARD FROM DECK LINE			LOAD LINE
Tropical	_____(inches)	------(T)	_____(inches) above (S).
Summer	_____(inches)	------(S)	Upper edge of line at level of center of ring.
Winter	_____(inches)	-----(W)	_____(inches) below (S).
Winter—North Atlantic	_____(inches)	---(WNA)	_____(inches) below (S).
Timber—tropical	_____(inches)	-----(LT)	_____(inches) above (LS).
Timber—summer	_____(inches)	-----(LS)	_____(inches) above (S).
Timber—winter	_____(inches)	----(LW)	_____(inches) below (LS).
Timber—winter—North Atlantic.	_____(inches)	--(LWNA)	_____(inches) below (LS).

Allowance for fresh water for all freeboards other than timber _____(inches).
Allowance for fresh water for all timber freeboards _____(inches).

(All measurements are to upper edge of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is _____ inches above or below the top of the _____ deck at side; i.e., freeboard [1] deck.

* * * * * * *



* * * * * * *

[1] The issuing authority is authorized to delete or change words whenever it is inapplicable to a specific vessel and to arrange wording so appropriate word insertions may be made, which accurately describe the facts.

(e) The text and arrangement of the printed portions of Form *E1* are as follows:

INTERNATIONAL LOAD LINE EXEMPTION CERTIFICATE

[Form *E1*]

(Official seal of issuing authority.)
(Certificate No. _____.)

Issued under the provisions of the International Convention on Load Lines, 1966, under the authority of the Government of the United States of America, and the Commandant, U.S. Coast Guard:

By _____
(Insert full official designation of issuing authority)

_____
and duly authorized for assigning purposes under the provisions of the Convention.

Name of ship	Distinctive number or letters	Port of registry

This is to certify that the above-mentioned ship is exempted from the provisions of the 1966 Convention, under the authority conferred by Article 6(2),[1] Article 6(4),[1] of the Convention referred to above.

The provisions of the Convention from which the ship is exempted under Article 6(2) are:

_____
_____

The voyage for which exemption is granted under Article 6(4) is:

From: _____
To: _____

Conditions, if any, on which the exemption is granted under either Article 6(2) or Article 6(4):

_____
_____

This certificate is valid until _____,[2] subject, where appropriate, to periodical inspections in accordance with Article 14(1)(c) of the Convention, and endorsement thereof on the reverse side of the certificate.

Issued at _____, _____.
(Place of issue of certificate) (Date of issue)

_____
(Signature of official issuing the certificate)

[Seal of issuing authority]

The undersigned declares that he is duly authorized by the said Government to issue this certificate.

_____
(Signature)

[1] The issuing authority is authorized to delete whichever reference is inapplicable.

[2] At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations, if permitted. If upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so endorsed on the reverse side.

(Reverse side of exemption certificate)

ANNUAL INSPECTIONS

This is to certify that this ship continues to comply with the conditions under which this exemption was granted.

Place _____ Date _____.

_____
(Signature and seal of issuing authority)

Place _____ Date _____.

_____
(Signature and seal of issuing authority)

Place _____ Date _____.

_____
(Signature and seal of issuing authority)

Place _____ Date _____.

_____
(Signature and seal of issuing authority)

RENEWAL OF LOAD LINE CERTIFICATE

This ship continues to comply with the conditions under which this exemption was granted and the validity of this certificate is, in accordance with Article 19(4)(a) of the Convention, extended until _____.

Place _____ Date _____.

_____

(Signature and seal of issuing authority)

§ 42.50–10 Load line certificate for foreign flag vessels.

(a) The form of load line certificate certifying to the correctness of the load line marks assigned under the regulations in this subchapter for foreign flag vessels engaged in voyages subject to the Load Line Act of March 2, 1929, as amended (46 U.S.C. 85–85g), is:

(1) Form *B*, for general use.

(b) The text and arrangement of the printed portion of Form *B* shall be identical with the information on the face and reverse sides of Form *A1* certificate in § 42.50–5(b) except for title of certificate, model form, the first paragraph, and the wording of certification for issuance and renewal, which shall be as follows:

LOAD LINE CERTIFICATE

[Form *B*]

(Official seal of issuing authority.)
(Certificate No. _____.)

Issued under the authority of the Commandant, U.S. Coast Guard, United States of America, under the provisions of the Load Line Act of March 2, 1929, as amended (46 U.S.C. 85–85g), and the Load Line Regulations in 46 CFR Part 42:

By _____

(Insert full official designation of issuing authority)

_____

and duly authorized for assigning purposes under the provisions of the Load Line Act of March 2, 1929, as amended.

* * * * * * *

This is to certify that this ship has been surveyed and the freeboards have been assigned and load lines shown above have been marked upon the vessel in manner and location as required by the Load Line Regulations of the Commandant, U.S. Coast Guard, in 46 CFR Part 42.

This certificate remains in force until _____,[2] subject to renewal in accordance with the Load Line Regulations, and endorsement thereof on the reverse side of this certificate.

Issued at _____, _____.

(Place of issue of certificate) (Date of issue)

_____

(Signature of official issuing the certificate)

[Seal of issuing authority]

* * * * * * *

[2] At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations. If upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so endorsed on the reverse side.

* * * * * * *

(Reverse side of certificate)

RENEWAL OF LOAD LINE CERTIFICATE

This is to certify the provisions of the Load Line Regulations of the Commandant, U.S. Coast Guard, are being fully complied with by this ship, and this certificate is renewed until _____.

Place _____ Date _____.

_____

(Signature and seal of issuing authority)

This is to certify the provisions of the Load Line Regulations of the Commandant, U.S. Coast Guard, are being fully complied with by this ship, and this certificate is renewed until _____.

Place _____ Date _____.

_____

(Signature and seal of issuing authority)

This is to certify the provisions of the Load Line Regulations of the Commandant, U.S. Coast Guard, are being fully complied with by this ship, and this certificate is renewed until _____.

Place _____ Date _____.

_____

(Signature and seal of issuing authority)

This is to certify the provisions of the Load Line Regulations of the Commandant, U.S. Coast Guard, are being fully complied with by this ship, and this certificate is renewed until _____.

Place _____ Date _____.

_____

(Signature and seal of issuing authority)

§ 42.50–15 Coastwise load line certificates for U.S.-flag vessels.

(a) The forms of the coastwise load line certificate, other than for special service which are provided for in Part 44 of this subchapter, certifying to the correctness of the load line marks assigned under the regulations in this part or Part 43 of this subchapter are:

(1) Form *C1*, for general use.

(2) Form *C2*, for sailing ships.

(3) Form *C3*, for general use, combined with timber deck cargo.

(b) Space shall be provided on the face of each of the coastwise load line certificates so that there may be entered thereon a record of the restrictions applicable to the vessel, if any.

(c) The text and arrangement of the printed portions of Form *C1* are as follows:

COASTWISE LOAD LINE CERTIFICATE

[Form *C1*]

(Official seal of issuing authority.)
(Certificate No. _____.)

Issued under the authority of the Commandant, U.S. Coast Guard, under the provisions of the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88g), and the Load Line Regulations in 46 CFR Part 42:

By _____

(Insert full official designation of issuing authority)

_____

and duly authorized for assigning purposes under the provisions of this law for vessels engaging in coastwise and/or intercoastal voyages.

Name of ship	Distinctive number or letters	Port of registry	Length (L) as defined in 46 CFR 42.13–15

Freeboard assigned as: [1] { A new ship. / An existing ship. } Type of ship: [1] { Type "A". / Type "B". / Type "B" with reduced freeboard. / Type "B" with increased freeboard. }

FREEBOARD FROM DECK LINE		LOAD LINE
Tropical	____(inches)___(T)	____(inches) above (S).
Summer	____(inches)___(S)	Upper edge of line at level of center of ring.
Winter	____(inches)__(W)	____(inches) below (S).

Allowance for fresh water for all freeboards _____ (inches).

(All measurements are to upper edge of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is _____ inches above or below the top of the _____ deck at side; i.e., freeboard [1] deck.



* * * * * * *

Date of initial or periodical survey _____.

The following is a record of the restrictions applicable to the above named ship:

_____

(List restrictions. If none, insert "None.")

_____

This is to certify that this ship has been surveyed and that the freeboards have been assigned and load lines shown above have been marked in accordance with the Commandant, U.S. Coast Guard, Coastwise Load Line Regulations in 46 CFR Parts 42 to 46, inclusive.

This certificate remains in force until _____,[2] subject to periodical inspections in accordance with applicable Load Line Regulations, and endorsement thereof on the reverse side of the certificate.

Issued at _____, _____

(Place of issue of certificate) (Date of issue)

By _____

(Name of issuing authority)

_____

(Signature of official issuing the certificate)

[Seal of issuing authority]

[1] The issuing authority is authorized to delete or change words inapplicable to a specific vessel and to arrange wording so appropriate word insertions may be made, which accurately describe the facts.

[2] At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations. If upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so endorsed on the reverse side.

NOTES

1. When a ship departs from a port situated on a river or inland waters, deeper loading shall be permitted corresponding to the weight of fuel and all other materials required for consumption between the point of departure and the sea.

2. When a ship is in fresh water of unit density the appropriate load line may be submerged by the amount of the fresh water allowance shown above. Where the density is other than unity, an allowance shall be made proportional to the difference between 1.025 and the actual density.

3. It is the owner's responsibility to furnish the master with information and instructions for loading and ballasting this vessel to provide guidance as to stability of the vessel under varying conditions of service and to avoid unacceptable stresses in the vessel's structure.

(Reverse side of Coastwise Load Line Certificate)

ANNUAL INSPECTIONS

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____

(Signature of Surveyor) (Place) (Date)

RENEWAL OF COASTWISE LOAD LINE CERTIFICATE

The provisions of the Coastwise Load Line Regulations of the Commandant, U.S. Coast Guard, in 46 CFR Parts 42 to 46, inclusive, being fully complied with by this ship, this certificate is renewed until _____.

Place _____ Date _____.

_____

(Name of issuing authority and signature of Surveyor)

NOTES

4. The periods and areas during which the seasonal load lines apply are as stated in the Load Line Regulations in 46 CFR 42.30–5, 42.30–15, 42.30–20, and 42.30–25.

5. This Coastwise Load Line Certificate will be canceled by the Commandant, U.S. Coast Guard, if:

(a) The annual periodic inspections have not been carried out within three months either way of each anniversary date of the certificate.

(b) The certificate is not endorsed to show that the ship has been inspected as indicated in (a).

(c) Material alterations have been made to the hull or superstructure of the vessel, such as would necessitate the assignment of an increased freeboard.

(d) The fittings and appliances for the protection of the openings, guardrails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the certificate was issued.

(e) The structural strength of the ship is lowered to such an extent that the ship is unsafe.

6. When this certificate has expired or has been canceled, it must be delivered to the issuing authority.

(d) The text and arrangement of the printed portion of Form *C2* shall be identical with the information on the face and reverse sides of Form *C1* certificate in paragraph (c) of this section except for the identification of model form, description of the "Freeboard from deck line", the "Load Line", and the illustration of load line marks, which shall be as follows:

COASTWISE LOAD LINE CERTIFICATE

[Form *C2*]

* * * * * * *

FREEBOARD FROM DECK LINE	LOAD LINE
Tropical Summer Winter } ——— (inches).	Upper edge of line at level of center of ring.

Allowance for fresh water for all freeboards ——— (inches).

(All measurements are to upper edge of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is ——— inches above or below the top of the ——— deck at side; i.e., freeboard [1] deck.



* * * * * * *

[1] The issuing authority is authorized to delete or change words inapplicable to a specific vessel and to arrange wording so appropriate word insertions may be made, which accurately describe the facts.

(e) The text and arrangement of the printed portion of Form *C3* shall be identical with the information on the face and reverse sides of Form *C1* certificate in paragraph (c) of this section except for the identification of model form, description of the "Freeboard from deck line," the "Load Line," and the illustration of load line marks, which shall be as follows:

COASTWISE LOAD LINE CERTIFICATE

[Form *C3*]

* * * * * * *

The timber freeboards given in this certificate are applicable only when this ship carries a timber deck cargo and complies wth the special requirements of the Load Line Regulations regarding timber deck cargoes.

FREEBOARD FROM DECK LINE			LOAD LINE
Tropical	——— (inches)	——(T)	——— (inches) above (S).
Summer	——— (inches)	——(S)	Upper edge of line at level of center of ring.
Winter	——— (inches)	——(W)	——— (inches) below (S).
Timber—tropical	——— (inches)	——(LT)	——— (inches) above (LS).
Timber—summer	——— (inches)	——(LS)	——— (inches) above (S).
Timber—winter	——— (inches)	——(LW)	——— (inches) below (LS).

Allowance for fresh water for all freeboards other than timber ——— (inches).

Allowance for fresh water for all timber freeboards ——— (inches).

(All measurements are to upper edge of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is ——— inches above or below the top of the ——— deck at side; i.e., freeboard [1] deck.



* * * * * * *

[1] The issuing authority is authorized to delete or change words inapplicable to a specific vessel and to arrange wording so appropriate word insertions may be made, which accurately describe the facts.

PART 43—FOREIGN OR COASTWISE VOYAGES BY EXISTING MERCHANT VESSELS

1. The heading for Part 43 is amended to read as set forth above.

2. The authority note for Part 43 is amended to read as follows:

AUTHORITY: The provisions of this Part 43 issued under sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2).

Subpart 43.01—Administration

3. Section 43.01–1 is amended by revising paragraphs (a), (b), (d)(3), and (d)(5) to read as follows:

§ 43.01–1 Establishment of load lines.

(a) Load lines are established for existing merchant vessels of 150 gross tons or over in conformity with the Act of March 2, 1929, as amended (46 U.S.C. 85–85g), the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), or the current International Load Line Convention.

(b) Load lines for existing merchant vessels of 150 gross tons or over shall be pursuant to the regulations in this part when such vessels are not in compliance with the requirements in Part 42 of this subchapter and:

(1) Engage in foreign voyages by sea, or arrive within the jurisdiction of the United States or her possessions from foreign voyages by sea, in both cases the Great Lakes excepted; or,

(2) Engage in coastwise voyages by sea (domestic), the Great Lakes excepted.

* * * * *

(d) * * *

(3) Vessels which engage in voyages from one port or place in the United States to a port or place in a possession, or vice versa, or between ports or places in two different U.S. possessions, and pass outside the line dividing inland waters from the high seas are subject to the Coastwise Load Line Act, and the current International Load Line Convention.

* * * * *

(5) Vessels which engage in foreign voyages and pass outside the line dividing inland waters from the high seas are subject to the Act of March 2, 1929, as amended, and the current International Load Line Convention.

* * * * *

§ 43.01–5 [Canceled]

4. Section 43.01–5 *Responsibility for administration* is canceled.

§ 43.01–10 [Canceled]

5. Section 43.01–10 *Application of regulations* is canceled.

§ 43.01–13 [Canceled]

6. Section 43.01–13 *Penalties for violations of load line acts* is canceled.

§ 43.01–15 [Amended]

7. Section 43.01–15 *Timber cargoes* is amended by canceling in paragraphs (c) and (d) the reference to "§ 43.01–10."

8. Section 43.01–25 is amended to read as follows:

§ 43.01–25 New and existing vessels.

(a) The definitions of the terms "new vessel" and "existing vessel" are in §§ 42.05–50 and 42.05–30 respectively. For the purposes of regulations in this part these terms are further modified as set forth in this section.

(b) The marking, assignment, and certification of all vessels whose keels are laid, or which are at a similar stage of construction, on or after July 21, 1968, shall meet the requirements in Part 42 of this subchapter.

(c) For the purpose of marking, assignment and certification of load lines on the International Load Line Certificate in § 42.50–5, and based on the requirements in this part, a "new vessel" is one whose keel was laid on or after July 1, 1932, and prior to July 21, 1968. All other vessels whose keels were laid prior to July 1, 1932, and engaged on international voyages are regarded as "existing vessels."

(d) For the purpose of marking, assignment, and certification of load lines on the Coastwise Load Line Certificate in § 42.50–15, and based on the Coastwise Load Line requirements in this part, a "new vessel" is one whose keel was constructively laid prior to July 21, 1968, and on or after November 27, 1935, if of 4,000 gross tons and over, or on or after August 27, 1936, if less than 4,000 gross tons. All other vessels whose keels were laid prior to November 27, 1935, or August 27, 1936, respectively, and engaged on coastwise voyages are regarded as "existing vessels."

9. Section 43.01–60 is amended to read as follows:

§ 43.01–60 Application for assignment, renewal, and certification.

(a) The application for assignment, renewal, and certification of load lines under this part shall be made by the owner, master, or agent in accordance with the procedures and requirements in §§ 42.11–1 to 42.11–20, inclusive, in this subchapter.

10. Section 43.01–75 is amended by revising paragraph (a), canceling paragraph (b), and redesignating paragraph (c) as paragraph (b), and so revised reads as follows:

§ 43.01–75 Validity and renewal of certificates.

(a) The assignment of load lines is conditioned upon the structural efficiency of the vessel and upon the provision of effective protection to vessel and crew. The Act of March 2, 1929, as amended (46 U.S.C. 85–85g), and the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), provide that every vessel required to be marked shall be surveyed. The assigning authority at least once in each 5 years shall survey such a vessel to determine that the load lines are then correctly placed as required by this part. If the load line mark be found correct for the vessel in the condition she is then in, the certificate shall be renewed for such time as the condition of the vessel then warrants, but in no case for a period longer than 5 years and the facts shall be attested to by endorsement upon the back of the certificate.

(b) The Commandant shall be notified of every renewal endorsement and the date of its expiration.

§ 43.01–80 [Canceled]

11. Section 43.01–80 *Forms of certificates* is canceled, effective July 21, 1968.

§ 43.01–90 [Amended]

12. Section 43.01–90 *Zones and seasonal areas* is amended in paragraph (a) by changing the phrase from "zones and seasonal areas as described in this part" to "zones and seasonal areas as described in §§ 42.30–5 to 42.30–35, inclusive, in this subchapter."

§ 43.01–97 [Amended]

13. Section 43.01–97 *Control* is amended by changing in paragraph (f), first sentence, the phrase from "section 5 of these acts" to "section 5 of these acts until July 21, 1970".

Subpart 43.03—Special Load Line Provisions Applicable to Certain Ships [Canceled]

14. Subpart 43.03, consisting of §§ 43.03–1 to 43.03–20, inclusive, is canceled, effective July 21, 1968.

Subpart 43.15—Load Lines for Steamers

15. Section 43.15–98 is amended by adding at the end thereof the following new paragraph (c) reading as follows:

§ 43.15–98 Reduced freeboards for steamers having superior design and operational features, and engaged on U.S. coastwise and/or intercoastal voyages.

* * * * *

(c) The provisions of this section shall be applicable only to freeboard assignments made to U.S.-flag vessels engaged on coastwise and/or intercoastal voyages prior to January 6, 1967.

Subpart 43.30—Load Lines for Tankers

16. Section 43.30–75 is amended by adding at the end thereof a new paragraph (b) reading as follows:

§ 43.30–75 Freeboard table for tankers on U.S. coastwise and/or intercoastal voyages.

* * * * * *

(b) The provisions of this section shall be applicable only to freeboard assignments made to U.S.-flag vessels engaged on coastwise and/or intercoastal voyages prior to January 6, 1967.

Subpart 43.40—Zone and Seasonal Areas and Miscellaneous Requirements

17. Effective July 21, 1968, the descriptions of the zones and seasonal areas in § 43.40–1 are canceled, and the new text of § 43.40–1 shall read as follows:

§ 43.40–1 Boundaries of the zones and seasonal areas.

(a) For the purpose of the regulations in this part, the boundaries of zones and seasonal areas shall be as set forth in §§ 42.30–1 to 42.30–35, inclusive, in this subchapter.

§ 43.40–10 [Canceled]

18. Section 43.40–10 *Forms of load line certificates* is canceled, effective July 21, 1968.

PART 44—VARIANCE FOR STEAM COLLIERS, BARGES, AND SELF-PROPELLED BARGES (WHEN ENGAGED IN SPECIAL SERVICES ON COASTWISE AND INTER-ISLAND VOYAGES)

1. The authority note for Part 44 is amended to read as follows:

AUTHORITY: The provisions of this Part 44 issued under sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2).

Subpart 44.01—Administration

§ 44.01–5 [Amended]

2. Section 44.01–5 *Administration; special services* is amended by changing in paragraph (a) the reference from "§§ 43.01–1—43.01–100" to "§§ 42.01–1 to 42.11–20, inclusive."

§ 44.01–10 [Amended]

3. Section 44.01–10 *Approval by Commandant, U.S. Coast Guard, of special service* is amended by changing in paragraph (a), first sentence, the phrase "International Load Line Treaty, 1930" to "International Convention on Load Lines, 1966".

§ 44.01–15 [Amended]

4. Section 44.01–15 *Special service certificate* is amended by changing in paragraph (b), last sentence, the reference from "Part 43" to "Part 42."

Subpart 44.05—Rules of Assignment; Special Service

§ 44.05–1 [Amended]

5. Section 44.05–1 *General* is amended by changing in paragraph (a), first sentence, the reference from "Part 43" to "Part 42."

§ 44.05–20 [Amended]

6. Section 44.05–20 *Conditions of assignment* is amended by changing in paragraph (a), first sentence, the reference from "Part 43 of this subchapter and also with the supplementary requirements of §§ 43.30–1 to 43.30–70 of this subchapter in cases where a tanker freeboard is assigned" to "Part 42 of this subchapter".

§ 44.05–25 [Amended]

7. Section 44.05–25 *Freeboards* is amended by changing in paragraph (a)(2) the reference from "§ 43.01–32" to "Part 42 of this subchapter"; in paragraph (b), first sentence, the reference from "§§ 43.15–1 to 43.15–97" to "Part 42", and in last sentence the reference from "by §§ 43.30–1 to 43.30–70" to "under Part 42"; in paragraph (c), last sentence, the reference from "from §§ 43.15–1 to 43.15–97" to "under Part 42"; in paragraph (d), last sentence, the reference from "from §§ 43.15–1 to 43.15–97" to "under Part 42"; in paragraph (f), last sentence, the reference from "from §§ 43.15–1 to 43.15–97" to "under Part 42"; in paragraph (g), last sentence, the reference from "from §§ 43.15–1 to 43.15–97" to "under Part 42"; and in paragraph (h), last sentence, the reference from "from §§ 43.15–1 to 43.15–97" to "under Part 42."

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

1. The authority note for Part 45 is amended to read as follows:

AUTHORITY: The provisions of this Part 45 issued under sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2).

Subpart 45.01—Administration

§ 45.01–1 [Amended]

2. Section 45.01–1 *Establishment of Great Lakes load lines* is amended by changing in paragraph (c), first sentence, the reference from "Part 43" to "Part 42."

§ 45.01–5 [Canceled]

3. Section 45.01–5 *Responsibility for administration* is canceled.

§ 45.01–10 [Amended]

4. Section 45.01–10 *Application of regulations* is amended by changing in paragraph (a)(1) the reference from "Part 43" to "Part 42 or 43"; by inserting in paragraph (a)(2) after the title "International Load Line Convention 1930" the phrase "or International Convention on Load Lines, 1966,"; and by correcting in the sentence in parentheses at the end of paragraph (a)(3)(iv) the date from "August 27, 1935" to "August 27, 1936."

§ 45.01–13 [Canceled]

5. Section 45.01–13 *Penalties for load line violations* is canceled.

§ 45.01–30 [Amended]

6. Section 45.01–30 *Assignment and certification of load lines; assigning authority* is amended in paragraph (a) by changing the Coast Guard's ZIP number from "20226" to "20591."

§ 45.01–40 [Amended]

7. Section 45.01–40 *Annual load line inspection* is amended in paragraph (a) by changing the Coast Guard's ZIP number from "20226" to "20591."

§ 45.01–75 [Amended]

8. Section 45.01–75 *Seasonal load lines* is amended by changing in paragraph (b)(1), first sentence, the reference from "Part 43" to "Part 42," and in subparagraph (b)(2), first sentence, the reference from "Subpart 43.15 or Subpart 43.30 (exclusive of §§ 43.15–98 and 43.30–75)" to "Subpart 42.15."

§ 45.01–85 [Amended]

9. Section 45.01–85 *Control* is amended by changing in paragraph (c), end of fourth sentence, the reference from "in this part" to "in this part or Part 42, as applicable."; and in paragraph (f), first sentence, the phrase from "section 5 of this act" to "section 5 of this act until July 21, 1970, and a vessel of a foreign country which has ratified or acceded to the International Convention on Load Lines, 1966".

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

1. The authority note for Part 46 is amended to read as follows:

AUTHORITY: The provisions of this Part 46 issued under sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2). Interpret or apply R.S. 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 482, 483, 363, 369, 367, 1333, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp.

Subpart 46.01—Authority and Purpose

§ 46.01–5 [Amended]

2. Section 46.01–5 *Authority* is amended by changing in paragraph (b) the phrase from "International Load Line Convention, 1930," to "International Convention on Load Lines, 1966,".

§ 46.01–10 [Canceled]

3. Section 46.01–10 *Responsibility for administration* is canceled.

§ 46.01–20 [Amended]

4. Section 46.01–20 *Penalties for violations* is amended by changing in paragraph (a) the reference from "§ 43.01–1 or § 45.01–1" to "§ 42.03–5, § 42.03–10, or § 45.01–1"; and in paragraph (b) the reference from "§ 43.01–13" to "§ 42.07–50."

Subpart 46.05—Definitions Used in This Part

§ 46.05–25 [Amended]

5. Section 46.05–25 *New passenger vessel* is amended by changing at the end thereof the date from "November 19, 1952" to "May 26, 1965."

Subpart 46.10—Administration

§ 46.10–5 [Amended]

6. Section 46.10–5 *Load line requirements for subdivision* is amended in paragraph (a) by changing the reference from "Parts 43, 44, 45" to "Parts 42, 44, and 45".

§ 46.10–10 [Amended]

7. Section 46.10–10 *Marks to indicate subdivision load lines* is amended in paragraph (d), at the end of the last sentence, by changing the Coast Guard ZIP number from "20226." to "20591."

§ 46.10–15 [Amended]

8. Section 46.10–15 *Survey for the establishment and renewal of subdivision load line marks* is amended in paragraph (b)(4) by changing the reference from "Parts 43, 44, or 45" to "Parts 42, 44, or 45."

§ 46.10–20 [Amended]

9. Section 46.10–20 *Application for the assignment and renewal of subdivision load lines* is amended in paragraph (a) by changing the Coast Guard ZIP number from "20226" to "20591."

§ 46.10–30 [Amended]

10. Section 46.10–30 *Subdivision load line certificates* is amended in paragraph (a), first sentence, by changing the phrase from "subdivision load lines certificated" to "subdivision load lines certified" and the reference from "International Convention for Safety of Life at Sea, 1948" to "International Convention for Safety of Life at Sea, 1960", and in the second sentence by changing the Coast Guard ZIP number from "20226" to "20591", and in the third sentence by changing the reference from "Part 43" to "Part 42"; in paragraph (b), first sentence, by changing the reference from "Parts 43 or 45" to "Part 42 or 45"; in paragraph (d) by changing the reference from "§§ 43.01–55 and 46.10–15" to "§§ 42.09–40 and 46.10–15" and the reference from "§ 43.01–75" to "§ 42.07–40 (d)"; and in paragraph (e) by changing the reference from "§ 43.01–40 or § 45.01–30" to "§ 42.09–1(c)(1) or § 45.01–30".

§ 46.10–60 [Amended]

11. Section 46.10–60 *Control* is amended in paragraph (b) by changing at the end thereof the reference from "§ 43.01–97 of this chapter" to "Subpart 42.07 of this subchapter"; and in paragraph (c) by changing the reference from "§ 43.01–97 or 45.01–85" to "Subpart 42.07 or § 45.01–85".

Subpart 46.15—Subdivision Load Lines for Passenger Vessels Engaged in Foreign, Coastwise, and Great Lakes Voyages

§ 46.15–10 [Amended]

12. Section 46.15–10 *Subdivision load lines* is amended in paragraph (a) by changing the reference from "Part 43" to "Part 42"; in paragraph (b) changing the reference from "Subpart 43.05" to "Subpart 42.13"; in paragraph (c) by changing the reference from "Part 43" to "Part 42"; in paragraph (e) by changing the reference from "Part 43" to "Part 42" (two times); and in paragraph (j) by changing the reference from "Part 43" to "Part 42".

Dated: June 25, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68–7811; Filed, July 11, 1968; 8:45 a.m.]