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The President
Agricultural Research Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Commodity Exchange Authority
Comptroller of the Currency
Consumer and Marketing Service
Education Office
Federal Aviation Administration
Federal Deposit Insurance Corporation
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Foreign Direct Investments Office
Geological Survey
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Indian Affairs Bureau
Interior Department
Interstate Commerce Commission
Land Management Bureau
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Oil Import Administration
Post Office Department
Securities and Exchange Commission
Transportation Department
Wage and Hour Division

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Volume 81

UNITED STATES
STATUTES AT LARGE

[90th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1967, reorganization plans, the twenty-fifth amendment to the Constitution, and Presidential proclamations. Also included are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

Price: $9.00

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402
THE PRESIDENT

AGRICULTURAL RESEARCH SERVICE

Promulgation terminating bilateral trade agreement with Switzerland

EXECUTIVE AGENCIES

Agricultural Research Service

Rules and Regulations

Rules and regulations; analogous products; labels; miscellaneous amendments

Atomic Energy Commission

Rules and Regulations

Licenses and permits; analogies products; labels; miscellaneous amendments

Agriculture Department

Rules and Regulations

Hearings, etc.; nominations; public access; use, and recreation

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Uranium procurement contracts; invitation for proposals for reduction in deliveries

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Practice rules, fees and charges; dismissal of application following denial of motion to consolidate

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Hearings, etc.; Alaska Airlines, Inc.

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PROCLAMATION TERMINATING BILATERAL TRADE AGREEMENT
WITH SWITZERLAND

By the President of the United States of America

A Proclamation

1. WHEREAS, under the authority vested in him by Section 350 (a) of the Tariff Act of 1930, as amended (48 Stat. (pt. 1) 943), the President on January 9, 1936, entered into a trade agreement with the Swiss Federal Council, including a declaration annexed thereto (49 Stat. (pt. 2) 3918), and proclaimed such trade agreement, including such declaration, by proclamations of January 9, 1936 (id. 3917), and May 7, 1936 (id. 3959);

2. WHEREAS the trade agreement of January 9, 1936, identified in the first recital of this proclamation has been supplemented by subsequent agreements, of which the following have been proclaimed:
   (a) the exchange of notes of September 19, October 4, November 5, and November 14, 1940 (relating to handkerchiefs), (54 Stat. (pt. 2) 2464), which was proclaimed by a proclamation of November 28, 1940 (id. 2461), that terminated in part the proclamations of January 9, 1936, and May 7, 1936, identified in the first recital of this proclamation,
   (b) the exchange of notes of October 13, 1950 (adding to the trade agreement of January 9, 1936, a provision permitting relief to a domestic industry from injurious imports), (2 UST (pt. 1) 453), which was proclaimed by part III of Proclamation 2954 of November 26, 1951 (66 Stat. C6, C10), and
   (c) the supplementary agreement of June 8, 1955 (regarding concessions compensatory for the increase in United States duties on watches), (6 UST (pt. 3) 2845), which was proclaimed by Proclamation 3099 of June 25, 1955 (68 Stat. C56);

3. WHEREAS, by an exchange of notes of October 28, 1968 (TIAS 6374), the Government of the United States of America and of the Government of the Swiss Confederation have agreed to terminate, at the close of December 31, 1968, such trade agreement of January 9, 1936, together with the agreements which supplement or otherwise affect it; and

4. WHEREAS paragraph (6) of subsection (a) of Section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351 (a) (6)), authorizes the President to terminate, in whole or in part, any proclamation carrying out a trade agreement entered into under Section 350.
NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including Section 350(a)(9) of the Tariff Act of 1930, as amended, do hereby proclaim that the proclamations of January 9, 1936, and May 7, 1936, identified in the first recital of this proclamation (as modified by the Proclamation of November 28, 1940, identified in clause (a) of the second recital of this proclamation), part III of the proclamation of November 26, 1951, identified in clause (b) of the second recital, and the proclamation of June 25, 1955, identified in clause (c) of the second recital, shall terminate at the close of December 31, 1968.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of January in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.
Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 831—RETIREMENT

Automatic Separation; Exemption

Section 831.503(b) is revised to add a new subparagraph (2) specifically regulating the exemption of hearing examiners from automatic separation upon reaching mandatory retirement age. Effective on publication in the Federal Register, § 831.503(b) is amended to read as follows:

§ 831.503 Automatic separation; exemption.

(2) When a department or agency wishes to secure an exemption from automatic separation for one of its employees, other than a Presidential appointee, the department or agency head shall submit recommendation to that effect to the Commission.

(a) For an employee (other than a hearing examiner appointed under section 3105 of title 5, United States Code) the recommendation shall contain (i) a statement that the employee is willing to remain in service, (ii) a recital of facts tending to establish that his retention would be in the public interest, (iii) the period for which the exemption is desired, which period may not exceed 1 year, and (iv) the reasons why the simpler method of retiring the employee and immediately reemploying him is not being used.

(b) For a hearing examiner appointed under section 3105 of title 5, United States Code, the recommendation shall contain (i) a statement that the hearing examiner is willing to remain in service, (ii) a recital of facts tending to establish that his retention would be in the public interest, (iii) the period for which the exemption is desired, which period may not exceed 1 year, and (iv) the reasons why the simpler method of retiring the employee and immediately reemploying him is not being used.

The recommendation shall be accompanied by a medical certificate showing the physical fitness of the employee or hearing examiner to perform his work.

(6 U.S.C. 8347, sec. 1(3) of E.O. 11228)

United States Civil Service Commission.

[Seal] JAMES C. SPRY,
Executive Assistant to
Commissioners.

[F.R. Doc. 60-552; Filed, Jan. 15, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-SW-64]

PART 71—Designation of Federal Airways, Controlled Airspace, and Reporting Points

Designation of Control Area

On October 23, 1968, a notice of proposed rule making was published in the Federal Register (33 FR. 15603) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area from the Zuni, N. Mex., VORTAC with a 12,500-foot M.S.L. floor direct to the intersection of the Zuni VORTAC 226° T (212° M) and St. Johns, Ariz., VORTAC 247° T (233° M) radial.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.M.T., March 6, 1969, as hereinafter set forth.

Section 71.163 (33 F.R. 2051), is amended by adding the following: "Zuni, N. Mex. From the Zuni, N. Mex., VORTAC 12,500 feet MSL to INT of Zuni VORTAC 226° and St. Johns, Ariz., VORTAC 247° radial."

(see 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on January 8, 1969.

LOUIS H. McCaughhey,
Acting Chief, Airspace and Air Traffic Rules Division.

[P.R. Doc. 69-546; Filed, Jan. 15, 1969; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1020—INVESTIGATIVE PROCEDURES

PART 1030—PROCEDURES AND RULES OF PRACTICE FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Notice is given that the Office of Foreign Direct Investments, acting under the authority conferred in E.O. 11387 and pursuant to Department of Commerce Order 164-A, hereby amends Chapter X of Title 15 of the Code of Federal Regulations by adding new Parts 1020 and 1030 thereto.

The purpose of these parts is to set forth and establish general statements of policy and rules of agency organization, procedure, and practice for the administration of the Office's enforcement program. Part 1020 sets forth investigative procedures; and Part 1030 sets forth rules and procedures applicable to formal administrative hearings conducted to determine whether parties have violated regulations or orders issued by the Office.

The Office will publish Parts 1025, 1040, and 1050 in the near future. Part 1025 will set forth procedures, statements of policy, and rules relating to settlement of compliance matters on a consent basis. Part 1040 will set forth procedures, statements of policy, and rules relating to compliance reports and advisory opinions on compliance matters relating to orders issued pursuant to Part 1030. Part 1050 will set forth agency procedures and rules of practice relating to appearance, standards of conduct, form of papers, service, and similar matters.

The amendments constituting Parts 1020 and 1030 published today shall become effective thirty (30) days following the date of publication in the Federal Register. Interested persons are invited to submit written comments or suggestions concerning the amendments to the Chief Counsel, Legal Division, OFDI, Department of Commerce, Washington, D.C. 20230. Such communications concerning the amendments will be considered if received within thirty (30) days after publication of the notice in the Federal Register. The amendments may be further amended or withdrawn by publication in the Federal Register if the comments warrant such action.
the absence of such further amendments or withdrawal, the amendments shall be effective as published.

The text of Part 1020 reads as follows:

sec. 1020.111 How initiated.
1020.112 Investigative policy.
1020.113 By whom conducted.
1020.114 Notification of purpose.
1020.121 Orders to furnish information.
1020.122 Authority to issue or modify agency process.
1020.123 Motions to quash agency process.
1020.131 Investigative hearings.
1020.132 Rights of witnesses in investigations.
1020.141 Noncompliance with compulsory process.
1020.142 Fidelity; review.
1020.151 Closings.


§1020.111 How initiated.

The Office may in its discretion, initiate investigations relating to the enforcement of E.O. 11387 any rule or order thereunder, term or condition of any exemption, therefrom, or other agency action relating to the Foreign Direct Investment Program (referred to hereinafter in this part as the “FDIP”), as embodied in E.O. 11387 and Part 1000 of this chapter, upon the request of a governmental agency, upon complaint by a member of the public or upon its own initiative.

§1020.112 Investigative policy.

The Office encourages voluntary cooperation with its investigations. Where the circumstances appear so to require, however, the Office may invoke any or all compulsory processes authorized by law.

§1020.113 By whom conducted.

Investigations will be conducted by Office representatives duly designated and authorized for the purpose. Such representatives are authorized, among other things, to administer oaths and authorized to take testimony and to produce other information or documentary evidence is entitled to be advised with respect to the general purpose for which information or evidence is sought.

§1020.121 Orders to furnish information.

(a) The Office may issue an order requiring the person or persons named therein:

(b) Any person required to submit any report, whether under this section or under §1020.601(b) of this chapter, and any person aiding such person in preparing such report, shall preserve for at least 2 years after the date of filing of such report all working papers, irrespective of by whom prepared, used in the preparation of such report; all exhibits, all schedules, and all attachements to such papers; and all books and all records related to such report or to such other papers, which were prepared in the ordinary course of business. Such information or documentary evidence is embodied in E.O. 11387 and Part 1000 of this chapter, upon the request of a governmental agency, upon complaint by a member of the public or upon its own initiative.

§1020.122 Authority to issue or modify agency process.

Any motion to limit, quash, or modify any order issued under §1020.121 must be filed with the Office, Attention: Director of Compliance Division, within seven (7) days after service of such order, or, if the return date is less than seven (7) days after service of the order, within such other time prior to the return date as the Office designates in such order. Any allegation of undue burden must be accompanied by an affidavit setting forth with particularity the supporting facts establishing the same.

§1020.123 Motions to quash agency process.

Any motion to limit, quash, or modify any order issued under §1020.121 must be filed with the Office, Attention: Director of Compliance Division, within seven (7) days after service of such order, or, if the return date is less than seven (7) days after service of the order, within such other time prior to the return date as the Office designates in such order. Any allegation of undue burden must be accompanied by an affidavit setting forth with particularity the supporting facts establishing the same.

§1020.131 Investigative hearings.

(a) The Office may conduct investigative hearings in the course of any investigation or inquiry relating to the administration or enforcement of the FDIP, including: (1) any proceeding to determine whether there is a sufficient basis for instituting any proceeding to determine whether any person is failing or has failed to comply with E.O. 11387, any rule, order, term or condition of an exemption, or other agency action under the FDIP; or any decree of court relating thereto. Investigative hearings shall be conducted without prejudice to the testimony of witnesses and receiving documents and other information, whether pursuant to §1020.121, on a voluntary basis, or otherwise.

(b) Investigative hearings shall be nonjudicial proceedings, presided over by any representative of the Office (hereinafter referred to as the “presiding official”) designated by the Director or the Deputy Director of the Compliance Division.

(c) Investigative hearings may be stenographically recorded, when the presiding official, in his discretion, so orders.

(d) Unless otherwise ordered by the Director of the Office, investigative hearings shall not be public.

§1020.132 Rights of witnesses in investigations.

Any person compelled or requested to submit information to the Office, or to testify, in an investigative hearing shall be entitled to be accompanied, represented, and advised by counsel or another person who has entered an appearance under §1050.101 of this chapter (referred to hereafter in this section as “counsel”) as follows:

(a) Counsel for a witness may advise his client in connection with the initiative of either himself or the witness, with respect to any question asked of his client. If it appears that counsel is preparing the witness for answering the question, counsel may briefly state that he has advised his client not to answer the question and the legal grounds for such refusal.

(b) Where it is claimed that the testimony or other evidence sought is outside the scope of the investigation, or that the witness is privileged to refuse to answer a question or to produce other evidence, counsel for the witness may object and briefly and precisely state the grounds therefor.

§1020.133 Closings.

(c) Cumulative objections are unnecessary. Repeated objections to the admissibility of any evidence may be filed with the presiding official as part of the record of the investigation and may be incorporated by reference into counsel’s statement of the objections, but motions in support thereof will be allowed at the hearing.

(d) Counsel for a witness may not, for any purpose or to any extent allowed by this section, interrupt the examination of the witness, by making any objections, statements on the record, or otherwise. Any motion challenging the Office’s authority to conduct the investigation or the sufficiency or legality of the order to testify or produce documents or other information must have been addressed to the Office prior to the hearing (see §1020.129). Additional objections may be filed with the presiding official as part of the record of the investigation and may be incorporated by reference into counsel’s statement of the objections, but motions in support thereof will be allowed at the hearing.

(e) After the presiding official and/or counsel for the Compliance Division have completed the examination of the witness, counsel for the witness may request the
presiding official to permit the witness to clarify any of his answers in order that they may not remain equivocal or incomplete. The granting of denial of such request shall be within the sole discretion of the presiding official; and such grant may be withdrawn if counsel attempts to lead the witness or suggest answers.

(7) The presiding official shall take all necessary and appropriate actions to avoid delay, to prevent or restrain disorderly, dilatory, obstructive, or contumacious conduct and/or otherwise to regulate the course of the hearing. Such official shall, after stating on the record that he will do so, immediately report to the Office any disobedience to his directions, including any direction to answer a specified question, any disorderly, dilatory, obstructive, or contumacious conduct in the course of the hearing.

§ 1020.141 Noncompliance with compulsory process.

(a) In cases of failure to comply fully with any compulsory process, including an order issued under §1020.121 or refusal to obey a direction by a presiding official to answer a specified question, the Office may initiate or recommend appropriate action, including actions for enforcement of criminal actions (see, e.g., 50 U.S.C. App. 5 (b)(3), 17).

(b) Honest mistakes or isolated oversights, made in a good faith attempt to comply with the agency's orders, will normally not lead to an enforcement action. However, willful or other similar actions, made in a bad faith attempt to avoid delay, to prevent or restrain disobedience to an order, to avoid answering a specified question, or any disorderly, dilatory, obstructive, or contumacious conduct in the course of the hearing.

§ 1020.142 Finality; review.

(a) Denial of a motion filed under §1020.123 by any person to whom an order under §1020.121 has been issued shall constitute final agency action.

(b) The Office may extend the return date specified in an order under §1020.121 by up to twenty (20) days later than the requested date of denial of relief under §1020.123, where:

(1) Such person requests such relief by motion under §1020.123, for the purpose of seeking judicial review of the order without first committing a willful violation thereof and

(2) It is clear that the public interest in the effective enforcement and administration of the FDIP will not be compromised thereby.

§ 1020.151 Closings.

When the facts disclosed by an investigation indicate that action is not necessary or warranted in the public interest, the investigative file will be closed. The matter may be further investigated at any time if circumstances so warrant.

The text of Part 1030 reads as follows:

Subpart A—General Policies and Procedures; Scope of Rules

Sec.

1030.111 Formal administrative proceedings.

1030.112 Scope of the rules in this part.

Subpart B—Notice; Answer; Other Pleadings

1030.211 Commencement of proceedings.

1030.212 Answer.

1030.213 Designation of the agency.

1030.214 Amendments, by leave.

1030.223 Supplemental pleadings.

Subpart C—Prehearing Procedures; Motions; Discovery

1030.311 Prehearing conferences.

1030.321 Motions.

1030.332 Answers to motions.

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1030.451 Presiding officers.

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Subpart E—Decision and Review

1030.511 Decision.

1030.512 Content.

1030.513 Beginning of proceeding.

1030.514 Order.

1030.515 Effective date.

1030.521 Subpart A—General Policies and Procedures; Scope of Rules

1030.111 Formal administrative proceedings.

The Office may institute a formal administrative proceeding to make any determination in respect to the administration, or enforcement of E.O. 11387, any rule or order thereunder, term or condition of any exemption therefrom, or other agency action relating to the Foreign Direct Investment Program (hereinafter referred to in this part as the “FDIP”), as embodied in E.O. 11387 and Part 1000 of this chapter; including, but not limited to, determinations of whether any action has failed to comply with or is in violation, willfully or otherwise, of any such agency action; whether any person is subject to the FDIP; and whether any transaction has been made with intent to evade any provision of the FDIP. Such proceeding shall be conducted in accordance with procedures which shall be provided in this part only to any party who may suffer legal wrong because of the determination therein.

1030.112 Scope of the rules in this part.

(a) The rules in this part govern procedure in formal administrative proceedings described in §1020.121.

(b) The rules in this part do not govern any other proceedings, such as negotiations for the entry of consent orders, investigative hearings pursuant to §1020.131 of this chapter, applications for specific authorizations or exemptions, or other order making proceedings, including the promulgation of substantive rules and regulations, general bulletins, and interpretative opinions.

Subpart E—Notice; Answer; Other Pleadings

§ 1030.211 Commencement of proceedings.

A formal administrative proceeding is commenced by the issuance and service by the Office of a notice which shall contain the following:

(a) A clear and concise statement of facts sufficient to inform the respondent with reasonable definiteness of the type of acts or practices alleged to constitute a violation or noncompliance, or of the nature of any other matter involved;

(b) Specific designation of the agency actions alleged to have been violated;

(c) A statement that the notice has been issued at the direction of the Director of the Office, upon the representations of the Director of the Compliance Division which are summarized in the notice, and that respondent will have the opportunity to controvert the same.

The substance of §§1030.212–1030.213:

(e) Specification of the time and place for hearing; the time to be at least twenty (20) days after service of the notice unless the Office finds that the public interest requires a shorter period; and

(f) Identification of the representative of the Office designated to prosecute over the hearing and/or prehearing matters (hereinafter referred to in this part as the “presiding officer”), pursuant to §§1030.431-1030.432, and the representatives of the Compliance Division of the Office designated to prosecute the matter.

§ 1030.212 Answer.

(a) A respondent shall, except as provided otherwise pursuant to §1030.211 (e), have twenty (20) days after service of such notice within which to file an answer.

(b) Each answer shall contain a specific admission, denial, or explanation of each fact alleged in the notice or, if the respondent is without knowledge thereof, a statement to that effect. Allegations of a notice not specifically answered pursuant to this paragraph shall be deemed to have been admitted.
(c) Each answer shall contain a concise statement of each defense or affirmative matter that respondent will present, including a concise statement of the facts upon which it is founded. No defense or affirmative matter of which the respondent was aware at the time of filing his answer but which was not included therein may be added by way of amendment or supplemental pleading under §1030.221–1030.223, unless the presiding officer, in his discretion, is convinced that respondent's failure to include it in his answer was justifiable and that the interests of justice require its later admission.

§1030.213 Default.

Failure of the respondent to file an answer within the time provided shall constitute a waiver of his right to appear and contest the allegations of the notice and shall authorize the Office, without further notice, to find the facts to be as alleged in the notice and to enter findings and an order thereon.

§1030.221 Amendments, by leave.

The presiding officer may, in his discretion, in the interests of justice and to facilitate the determination of a controversy, permit amendments to notice or answer at any time prior to the filling of his decision.

§1030.222 Amendments conforming proof to evidence.

When issues not raised by the notice or answer but reasonably within the scope thereof are tried by express or implied consent of the parties, they shall be treated in all respects as though they had been timely raised. Amendments necessary to make notice or answer conform to the evidence and to raise such issues shall be allowed at any time.

§1030.223 Supplemental pleadings.

The presiding officer may, in his discretion, in the interests of justice, to facilitate the determination of a controversy, and upon such terms as are just, allow service of a supplemental notice or answer setting forth transactions, occurrences, or events which occurred or were discovered since the date of the notice or answer sought to be supplemented and which are relevant to any of the issues involved in the proceeding.

Subpart C—Prehearing Procedures; Motions; Discovery

§1030.311 Prehearing conferences.

(a) The presiding officer may direct any or all parties to meet with him for a conference to consider any or all of the following:

1. Simplification and clarification of the issues;
2. Necessity or desirability of amendments to pleadings;
3. Stipulations or admissions of fact and of the contents, authenticity, and admissibility of documents; and
4. Such other matters as may aid in the orderly and expeditious disposition of the proceeding, including disclosure of documents or other physical exhibits which will be offered in evidence in the course of the proceeding and of the names of witnesses.

(b) When, as the result of a prehearing conference, it shall appear to the presiding officer that the orderly, fair, and expeditious disposition of the proceeding will be aided thereby, he shall enter upon the record an order setting any and all actions taken as a result of the conference. Insofar as such order states the issues to be resolved in the proceeding or the facts or documents which shall be admitted or stipulated by the parties, it shall take precedence over any prior pleading or portion of the proceeding.

§1030.321 Motions.

While a proceeding is before a presiding officer, all motions must be addressed to him. Copies of all written motions must be served upon each party. Oral motions must be served upon each party.

§1030.322 Form.

(a) All motions must be in writing, if practicable, and state the particular order, ruling, or action desired and the grounds therefor.

(b) The presiding officer may allow oral motions to be made before him, in a proceeding, when each party affected or to be affected by such motion is present. Oral motions must be made upon the record and must otherwise conform with paragraph (a) of this section.

§1030.323 Answers to motions.

Within ten (10) days after service of any written motion, or within such longer or shorter time as may be fixed by the presiding officer, the opposing party shall answer. Failure to answer shall constitute consent to the granting of the relief or sanction requested in the motion. The moving party will ordinarily have no right to reply.

§1030.324 Motions for extensions.

As a matter of discretion, the presiding officer may waive the requirements of §§1030.321–1030.323 as to motions for extensions of time and may rule upon such motions at any time.

§1030.325 Rulings.

The presiding officer shall rule, either in writing or upon the record, upon all motions presented to him. No formal opinion or findings shall be required on any motion.

§1030.326 Interlocutory appeals.

No interlocutory appeal to the Foreign Direct Investments Appeals Board (see §1030.515) or otherwise, will be entertained upon any decision of the presiding officer.

§1030.331 Federal rules.

The Federal Rules of Civil Procedure shall apply, so far as the presiding officer determines to be practicable, to discovery proceedings. There will be no fixed rule on priority of discovery.

§1030.332 Compulsory process.

Compulsory process for discovery (in the nature of Fed. R. Civ. P. 26, 33, 34, 45) shall issue only when allowed by the presiding officer, in his discretion, upon written motion (as provided in §§1030.322–1030.323) supported by affidavit (as provided in §§1030.312–1030.313) of general relevance and reasonable scope of the evidence sought. All powers of compulsory process of the agency are reduplicated to all duly designated presiding officers for formal administrative proceedings upon application of any party thereto, in accordance with this section. The presiding officer shall have the power to grant a protective order or relief (in the nature of a protective order under Fed. R. Civ. P. 30(b)) to any party or third party subjected to such compulsory process.

§1030.333 Admissions.

Requests for admissions (in the nature of Fed. R. Civ. P. 36) may be made without moving therefor under §1030.322.

Subpart D—Hearings

§1030.411 Public hearings.

All hearings in formal administrative proceedings shall be public unless otherwise ordered by the presiding officer.

§1030.412 Expedition of hearings.

Hearings shall proceed with all reasonable expedition, be held at one place, and continue without suspension until concluded, unless the presiding officer specifically provides otherwise. The presiding officer may, in the interests of justice, in order to assure full and fair presentation of the case and consistent with the public interest in the expeditious administration and enforcement of the FDIP, order brief intervals in any proceeding. In unusual and exceptional circumstances, for good cause stated on the record, he shall have the authority to order hearings at more than one place and to order brief intervals to permit discovery necessarily deferred during the prehearing procedures.

§1030.413 Rights of parties.

Every party shall have the right of due notice, of presence, of cross-examination, motion, argument, determination upon a record, and all other rights essential to a fair hearing.

§1030.414 Examination of witnesses.

An adverse party, or an officer, agent, or employee thereof, and any witness determined by the presiding officer to be hostile, unwilling, or evasive, may be interrogated by leading questions. Any witness may be contradicted and impeached by any party, including the party calling him.

§1030.415 Admissibility of evidence.

Technical rules of evidence shall not apply in proceedings under this part. Relevant, material, and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable, and unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of admissible documents shall be segregated and excluded so far as practicable.
§ 1030.416 Objections.
Objections to evidence shall timely and briefly state the grounds relied upon, but the transcript shall not include argument or debate thereon except as ordered by the presiding officer. The presiding officer shall, when requested by a party, rule upon the record on any properly presented objection, or specifically defer such ruling. Any objection not ruled upon shall be deemed overruled. The substance of any overruled objection shall be deemed preserved without formal exception.

§ 1030.417 Burden of proof.
Counsel representing the Compliance Division shall have the burden of persuasion and the burden of going forward with evidence to show, prima facie, that respondent failed to comply with a part of the record and impartial hearings, take all necessary and appropriate to that end, in full. Rejected exhibits, adequately marked for identification, and other rejected evidence shall be retained in the record and be available for consideration by any reviewing authority.

§ 1030.421 Transcript.
Hearings shall be stenographically recorded and transcribed by a reporter under the supervision of the presiding officer. The original transcript shall be a part of the record and the sole official transcript.

§ 1030.422 Record.
The record shall include the pleadings, all motions, all orders of the presiding officer, the original transcript, all exhibits offered in evidence by any party, all proposed findings, conclusions, and orders, and the decision of the presiding officer. Except as provided under §§ 1030.451-1030.452, the record shall be open to public inspection during business hours at the Department of Commerce, Office of Foreign Direct Investments, upon application therefor to the Chief Counsel.

§ 1030.423 Excluded evidence.
When an objection to a question proposed to a witness is sustained, the examination may be opened to public inspection during business hours at the Department of Commerce, Office of Foreign Direct Investments, upon application therefor to the Chief Counsel. The power of the presiding officer, the adjudicating authority, to good cause stated on the record, to suspend or bar participation in a particular proceeding any attorney who shall refuse to comply with his direction, or who shall be guilty of contumacious conduct in the course of such proceeding.

§ 1030.451 In camera policy.
Presiding officers shall have authority when good cause therefor is placed on the record, to order any documents, or oral testimony, or other matter offered in evidence thereon, admitted or rejected, to be placed in camera.

§ 1030.452 In camera orders.
Except as provided in § 1030.453, matter placed in camera is kept confidential and is not part of the public record. Only the respondent, his counsel, authorized agency personnel, and court personnel concerned with judicial review shall have access to such matter. Where it is appropriate, in order to protect a trade secret or other confidential business information, the presiding officer may enter other orders necessary and appropriate to protect such information from misuse.

§ 1030.433 Disclosure.
The power of the presiding officer, the Office, and reviewing courts to disclose in investigations matters to the extent necessary for the proper disposition of a proceeding is specifically reserved.

§ 1030.461 Proposed findings, conclusions, and order.
At the close of the reception of evidence, or within a reasonable time thereafter fixed by the presiding officer, each party shall file with the presiding officer for his consideration all proposed findings of fact, conclusions of law, and orders, together with Supporting briefs, and/or other papers which the presiding officer may direct. In support of the presiding officer that such procedure will be more expeditious, he may order that one party file its papers first, that the other answer, and that the first then reply.

§ 1030.462 Form.
Such proposed findings, conclusions, and orders must be in writing, must be served upon all parties, and must contain adequate references to the record and authorities relied on. "Passim" references to the record may not be used.

§ 1030.463 General policy on proposals and objections.
It is the policy of the Office to give careful consideration to all timely proposed findings, conclusions, and orders, as well as to objections thereeto.

§ 1030.464 Waiver.
If a party fails to file a proposed finding as to any fact involved in the proceeding, or a proposed conclusion of law as to any legal question raised by the hearing, he shall be deemed to have waived any objections on contentions with regard to that fact or that question of law.

§ 1030.465 Separate hearing on relief.
The presiding officer may announce a tentative decision, either orally or in writing, with respect to any legal question raised by the hearing, and may request that the prevailing party or parties propose a form of order and the other party or parties comment thereon, or that all parties present their views concurrently. When the proposed procedure is adopted, any failure to object to any part of a form of order proposed by a prevailing party will constitute a waiver of objection to it.
§ 1030.511 Decision.

After completion of the reception of evidence in a proceeding, the presiding officer who presided over the hearing, unless he has become unavailable to the Office, shall make and file a decision.

§ 1030.512 Content.

(a) The decision shall contain:

1. A statement of numbered findings and conclusions upon all the material issues of fact, law, or discretion presented on the record;
2. An opinion or other statement of the reasons or basis for such findings and conclusions; and
3. An order.

(b) The decision shall be based upon a consideration of the pleadings and the whole record and be supported by reliable, probative, and substantial evidence.

§ 1030.513 Reopening of proceeding.

At any time prior to the filing of his decision a presiding officer may reopen the proceeding for the reception of further evidence.

§ 1030.514 Order.

(a) If the presiding officer determines that the respondent has not failed to comply with the Foreign Direct Investment Program, he shall, in his discretion, dismiss the proceeding.

(b) If the presiding officer determines that the respondent has failed to comply with the Foreign Direct Investments Program, he shall enter an order which will, to the extent that he deems practicable, undo and remedy the acts or omissions of the respondent constituting such noncompliance.

(c) Such order may require, among other things, that within a specified period the respondent:

1. Repatriate all or any part of its share in the earnings of incorporated affiliated foreign nationals (see § 1000.306(e) of this chapter);
2. Cause its affiliated foreign nationals to make transfers of capital to the respondent (see § 1000.312(b) of this chapter);
3. Repatriate or otherwise reduce its foreign balances; and
4. Reduce the net assets of its unincorporated affiliated foreign nationals by the remission to the respondent of earnings of such affiliated foreign nationals or by a transfer of capital from such affiliated foreign nationals to the respondent (see § 1000.312(b) and 1000.313(b) of this chapter).

(d) Such order shall provide that any such transfer of capital made to the respondent by its affiliated foreign nationals in the respondent’s share in the reinvested earnings of incorporated affiliated foreign nationals, reduction in the net assets of the respondent’s unincorporated affiliated foreign nationals, and/or reduction in foreign balances, made pursuant to the order, shall be disregarded for the purpose of measuring compliance with the provisions of the Foreign Direct Investment Program, for the period during which such transfers of capital or reductions are made or for any subsequent period.

(e) Such order may, for 1 or more years withdraw all or part of respondent’s general authorizations or exemptions under Part 1000 of this chapter and prohibit, except upon specific findings of noncompliance, any portion of its share in the total earnings of its incorporated affiliated foreign nationals in Schedule C countries during any calendar quarter;

(f) Such order may, by a transfer of capital from such affiliated foreign nationals to the respondent (see §§ 1000.312(b) and 1000.313(b) of this chapter); or

(g) Reduce the net assets of its unincorporated affiliated foreign nationals (see § 1000.306(a) of this chapter) to any affiliated foreign nationals of the respondent or the reinvestment by the respondent of any portion of its share in the earnings of its incorporated affiliated foreign nationals for a specified period.

(h) Where the presiding officer finds the respondent’s noncompliance in any year involves—

1. Positive direct investment in affiliated foreign nationals of the respondent in Schedule A or B countries;
2. Positive net transfer of capital to affiliated foreign nationals of the respondent in Schedule C countries;
3. The reinvestment by the respondent of any portion of its share in the total earnings of its incorporated affiliated foreign nationals in Schedule C countries; or
4. Maintenance of foreign balances—

in excess by a specified amount of that authorised or exempted (hereinafter referred to in this paragraph as the “amount of noncompliance”), he shall enter an order containing provisions as specified in paragraphs (e) and/or (d) of this section, such that the sum of the amounts of—

1. Funds repatriated pursuant to paragraph (e) of this section and
2. Authorizations or exemptions withdrawn pursuant to paragraph (d) of this section—is equal to or greater than the amount of noncompliance.

(f) In assessing the reduction specified in paragraph (e) of this section, and in otherwise determining remedies under this section, the presiding officer shall, in exercising his discretion, take duly into account the importance to the FDIP of encouraging future good faith efforts to comply therewith.

§ 1030.515 Effective date.

(a) The presiding officer shall, prescribe, in this order, effective dates for the decision and order in substantially the following terms, unless, in his discretion, he determines that the expedients of enforcement of the FDIP and the public interest or justice require otherwise:

1. The decision will constitute final agency action ten (10) days after the date of service thereof upon the respondent, as specified in subparagraph 3 of this paragraph.

2. The effective date of the order shall be twenty (20) days after the date of service of the decision upon the respondent.

3. If the respondent shall, within ten (10) days after the date of service of the decision upon him, file a petition for appeal to the Foreign Direct Investments Appeals Board (hereinafter referred to in this section as the “Board”), the action of the Board upon such petition, if such action is dispositive of the appeal, will be effective upon the service of notice of such action upon the respondent. If the Board denies such petition or adopts the decision of the presiding officer, the order issued by the presiding officer shall become effective ten (10) days after the date of service upon respondent of the notice of such action of the Board.

§ 1030.521 Judicial review.

(a) The period between the date agency action becomes final and the effective date of any order (see § 1030.515) permits any party aggrieved by agency action ten (10) days after the date of service thereof to seek administrative, civil, or criminal remedies or processes successively, in any order, or simultaneously.

Charles E. Fiero, Director, Office of Foreign Direct Investments.

January 9, 1969.
Applications for Registration and Financial Reports and Minimum Financial Requirements

On November 26, 1968, notice was published in the Federal Register (33 F.R. 17682) of proposed amendments to the general regulations promulgated under the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.; Public Law 94-258; 17 CFR Part 1). These matters were the subject of a public oral hearing held in Washington, D.C., on December 19, 1968, and interested parties were given an opportunity to submit written data, views, or arguments in addition to or in lieu of testimony at such hearing.

Pursuant to the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended, and after careful consideration of all the oral and written views, comments, and arguments presented by interested persons, and of all other relevant facts and information available, the general regulations promulgated under such Act are hereby amended as follows:

1. Section 1.10 is revised to read as follows:

§ 1.10 Applications for registration and financial reports.

(a) Application for registration as futures commission merchant shall be made on Form 1-R. Application for registration as futures commission merchant shall be executed and filed in accordance with the instructions accompanying the prescribed form.

(b) Except as provided in paragraph (e) of this section, every person who files an application for registration as futures commission merchant, and who is not so registered at the time of such filing, shall, concurrently with the filing of such application, file on Form 1-R the financial report required of a date not more than 3 months prior to the date on which such report is filed.

(c) Each such financial report shall be executed in accordance with the instructions accompanying the prescribed form.

(d) Except as provided in paragraphs (d) and (e) of this section, every person registered as futures commission merchant under the Act, except those registrants referred to in paragraph (e) of this section, shall prepare a written computation of his net worth as of each June 30 and each December 31, unless the registrant's records are kept on a fiscal year basis, in which case he shall file on Form 1-R a report of such a date as the midpoint and the end of each reporting period. Each such report shall be executed and filed in accordance with the instructions accompanying the prescribed form, and shall be filed not more than 30 days after the date of such report. Should the registrant, in its bylaws, rules, regulations or resolutions and approved by the Secretary of Agriculture as adequate to effectuate the purposes of section 4f(2) of the Act, make provision for more than 30 consecutive days; or sold during the next 12 months in the aggregate indebtedness; and each person registered as futures commission merchant shall at times continue to meet such financial requirements.

(2) The term "current assets" means cash and other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or used during the normal course of operation of the principal business of the applicant or registrant, and which are available for and intended for payment of current liabilities.

(i) Customers' regulated and nonregulated commodity futures accounts that liquidate to an unsecured deficit or contain unsecured debit balances which accounts have been in such a condition for more than 30 consecutive days;

(ii) Crop loans (loans made to farmers for the purpose of financing their crops or farm operations) which are not due and collectable within 9 months after the respective dates of making of such loans, and (b) evidenced by legally enforceable written instruments in the possession of the registrant or applicant;

(iii) All other unsecured receivables that are not due and collectable within 6 months from the respective dates of their issuance;
(v) Unsecured advances and loans to any business affiliate that are not directly or indirectly guaranteed by the applicant or registrant or that are under common control with the applicant or registrant;

(vi) Unrealized commissions on open futures contracts;

(vii) Claims to cash which are restricted as to withdrawal, such as customers' segregated funds;

(viii) Land, buildings, furniture and fixtures, improvements to real property and other fixed assets;

(ix) Prepaid expenses and deferred charges;

(x) Unsecured advances and loans to partners, co-owners and employees of the applicant or registrant;

(xi) Unsecured debt balances and unsecured deficits in accounts owned by the applicant or registrant or in accounts of the applicant or registrant as part of his capital and shall be subject to the risks of the business; and

(xii) Securities without a ready market.

(3) The term "current liabilities" means obligations that are due and payable in the next 12 months, or the liquidation of which is reasonably expected to require the use of existing resources classifiable as current liabilities. For the purpose of computing "working capital" within the meaning of this section, the following amounts may be excluded from current liabilities:

(i) The amount of money, securities and property due to commodity customers of the applicant or registrant which are included in an segregated account in compliance with the requirements of section 4d(2) of the Act and the regulations thereunder; Provided, however, that such exclusion may be taken only if the applicant or registrant has also excluded such money, securities, and property held in segregated account from current assets in computing his working capital; and

(ii) The amount of indebtedness subordinated to the claims of all general creditors of the applicant or registrant pursuant to a satisfactory subordination agreement, as hereinafter defined.

Provided, however, that such safety factor shall be one-fourth of 1 percent of the market value of the greater of either the total long or total short futures contracts held in customers' accounts covered by such contracts: Provided, however, (1) That such safety factor shall not apply to any spread or straddle held for the same account in the same commodity, on the same market, in the same crop year, or to any spread or straddle held for the same account in the same commodity, on the same market, in the same crop year, or to any spread or straddle, held for the same account in the same commodity, on the same market, in the same crop year, or to any spread or straddle held for the same account in the same commodity, on the same market, in the same crop year, or to any spread or straddle having the greater market value.

(7) Liabilities shall be deemed to be "adequately collateralized" when, pursuant to a legally enforceable written instrument, such liabilities are secured by identified assets that are otherwise unencumbered and the market value of which exceeds the amount of such liabilities by 10 percent or more.

(8) In the case of open futures contracts held in customers' accounts carried by the applicant or registrant, the safety factor shall be one-half of 1 percent of the market value of the greater of either the total long or total short futures contracts held in customers' accounts in each commodity (regulated, nonregulated and foreign) in all such accounts: Provided, however, (1) That such safety factor shall not apply to any spread or straddle held for the same account in the same commodity, on the same market, in the same crop year, or to any spread or straddle, held for the same account in the same commodity, on the same market, in the same crop year, or to any spread or straddle having the greater market value.

(e) In the case of preferred stocks, 80 percent of the market value thereof;

(b) In the case of common stocks, 70 percent of the market value thereof;

(c) In the case of commercial bonds, 90 percent of the market value thereof; and

(d) In the case of obligations of, or guaranteed by, the United States, and of any political subdivision thereof, 100 percent of the market value thereof.

(8) The term "aggregate indebtedness" means the portion of the total liabilities of an applicant or registrant which is not adequately collateralized, but excluding:

(i) Advances received by the applicant or registrant against bills of lading issued in connection with the shipment of commodities sold by the applicant or registrant;

(ii) Equities in partners' and officers' commodity futures accounts;

(iii) Equities in customers' commodity futures accounts segregated in accordance with the Act and regulations;

(iv) The amount of indebtedness subordinated to the claims of all general creditors of the applicant or registrant pursuant to a satisfactory subordination agreement, as defined in this section.

Provided, however, (1) That such safety factor shall not apply to any spread or straddle held for the same account in the same commodity, on the same market, in the same crop year, or to any spread or straddle, held for the same account in the same commodity, on the same market, in the same crop year, or to any spread or straddle having the greater market value.

(9) In the case of open futures contracts held in customers' accounts carried by the applicant or registrant, the safety factor shall be one-fourth of 1 percent of the market value of that side of each such spread or straddle having the greater market value.
(3) of the Act or to any contract resulting from a "changer trade" made in accordance with the rules of a contract market which have been submitted to and not disapproved by the Secretary of Agriculture, and (2) that in the case of any intermarket or intercrop year spread or straddle, or any intermarket and intercrop year spread or straddle, the same account in the same commodity the safety factor shall be 5 percent of the market value of that side of each such spread or straddle having the greater market value. The term "primary account" within the meaning of this section shall include any account directly or indirectly owned or controlled by the applicant or registrant or any employee thereof, or by any person caring as a partner or officer of the applicant or registrant, if a partnership, or by any officer, director or owner of 10 percent or more of the capital stock of the applicant or registrant, or by any person who alone or in concert with any other person or persons controls the applicant or registrant.

The foregoing amendments reflect certain substantive and certain nonsubstantive changes were added to allow an exclusion from both current liabilities and aggregate indebtedness for indebtedness subordinated pursuant to a "satisfactory subordination agreement" as that term is defined in paragraph (d) (4). The provisions of paragraph (d) (4) make it clear that to be a "satisfactory subordination agreement" the loan must be for a period of not less than 1 year; that the subordination must continue until the loan is properly repaid; that the loan may not be released until it would result in the adjusted working capital of the applicant or registrant below the amount required by § 1.17; and that the agreement may not be terminated, rescinded, or modified in any manner whatsoever if the effect thereof would be to make it inconsistent with the conditions of § 1.17 or to reduce the adjusted working capital of the applicant or registrant below the amount required by § 1.17.

In addition, in order to facilitate enforcement of these provisions, paragraph (d) (4) also provides that two copies of the subordination agreement, and any notes or other written instruments evidencing the indebtedness, must be filed, within 10 days after the agreement is entered into, with the regional office of the Commodity Credit Corporation in which the registrant or applicant maintains his principal place of business, together with a statement of the full name and address of the lender, and the business relationship of the lender to the registrant or applicant.

The foregoing changes were made pursuant to suggestions made in connection with comments concerning the notice of proposed rulemaking and questions raised in connection with certain provisions of the notice. It does not appear that further notice and other public procedure with respect to these matters would make additional information available to the Department of Agriculture. Accordingly, it is found upon good cause that further notice and other public procedure is impracticable and unnecessary.

NOTE: The reporting and recordkeeping requirements herein have been approved by the Bureau of the Budget in accord with the Federal Reports Act of 1942 (44 U.S.C. Ch. 15).

These amendments shall become effective sixty (60) days after publication in the Federal Register.

Issued: January 10, 1969.

Ted J. Davis, Assistant Secretary.

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 727—AGRICULTURE INDUSTRY IN PUERTO RICO

Wage Rates

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205, 206) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 comp., p. 1004), and by means of Administrative Order No. 603 (33 F.R. 12103), the Secretary of Labor appointed and convened Industry Committee No. 80 for the agriculture industry in Puerto Rico, referred to the committee the question of the minimum wage rate or rates to be paid under section 6 of the Act to employees in its industry, and gave notice of a hearing to be held by the committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee has filed with the Administrator of the Wage and Hour Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommissions of Industry Committee No. 80 are hereby published in this order amending 29 CFR Part 727, effective February 1, 1969, as set forth below.

Section 727.2 of 29 CFR Part 727 is revised to read as follows:

§ 727.2 Wage rates.

Wage rates not less than those prescribed in the following table shall be paid under section 6 (e) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in an activity in any of the following classifications of the agriculture industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1956.

(a) Coffee classification. (1) The minimum wage for this classification is $0.53 an hour.

(b) Sugar cane classification. (1) The minimum wage for this classification is $0.65 an hour.

(c) Tobacco classification. (1) The minimum wage for this classification is $0.52 an hour.

(d) Dairy classification. (1) The minimum wage for this classification is $0.70 an hour.

(e) Pineapple classification. (1) The minimum wage for this classification is $0.62 an hour.

(f) Tomato, peppers, garlic, and citrus classification. (1) The minimum wage for this classification is $0.62 an hour.

(g) Cattle and other agricultural activities classification. (1) The minimum wage for this classification is $0.55 an hour.
Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1, Rev. 5, Mkt. 14]

OIL REG. 1—OIL IMPORT REGULATION

Allocation of Imports—Low Sulphur Residual Fuel Oil—District V

Section 11A of Oil Import Regulation 1 (Revision 5) provides for the making of allocations of imports of crude oil into District V based upon the production of low sulphur residual fuel oil. This amendment extends (to Mar. 31, 1970) the period during which such allocations will be made and notice and public procedure thereon are unnecessary, and, in the interest of control of air pollution, this amendment shall become effective immediately.

Section 11A of Oil Import Regulation 1 (Revision 5) (33 F.R. 8666) is amended to read as follows:

Sec. 11A Allocations of crude oil—District V—based upon production of low sulphur residual fuel oil to be used as fuel in District V.

(a) This section provides for the making of allocations of imports of crude oil into District V based upon the production of low sulphur residual fuel oil during the period ending March 31, 1970. To the extent that the provisions of this section are inconsistent with the provisions of other sections of the regulations, the provisions of this section shall be controlling.

(b) In addition to the allocations of crude oil and unfinished oils made under section 11 of the regulation, each eligible applicant with refinery capacity in District V who produces in District V low sulphur residual fuel oil to be used as fuel containing not more than five tenths of one percent (0.5%) sulphur by weight for delivery under contract to customers required to burn such fuel in order to comply with local government requirements shall receive an allocation of imports of crude oil equal to the amount in barrels of such low sulphur residual fuel oil which he certifies he has so produced and delivered during the period ending March 31, 1970.

(c) For the purpose of computing import allocations under section 11 of this regulation, crude oil imported pursuant to an allocation under this section 11A or domestic oil received in exchange pursuant to the provisions of section 11 and processed will not qualify as refinery input. However, the person receiving the foreign crude oil under an exchange agreement pursuant to section 11A or other provision of law may count such oil as a refinery input.

(d) Applications for allocations may be filed at any time during the period. To apply for an allocation of imports under this section, an application must be filed with the Administrator in such form as he may prescribe. All licenses issued under allocations pursuant to this section made after January 1, 1959, shall expire June 30, 1970.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

STEWART L. UDALL
Secretary of the Interior

January 8, 1969.

[F.R. Doc. 69-540; Filed, Jan. 15, 1969; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER N—PROCEDURES

PART 957—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO DEBARMENT AND SUSPENSION FROM CONTRACTING

Pursuant to authority delegated to him in Part 956 of Title 39, Code of Federal Regulations, the Judicial Officer has issued the Following Rules of Practice in Proceedings Relative to Debarment and Suspension from Contracting which are added to Title 39, Code of Federal Regulations, as Part 957. As these new regulations are procedural rules and relate to a proprietary function of the Government advanced notice and public rule making procedures, as well as a delayed effective date, are unnecessary and would be contrary to the public interest.

Accordingly, new Part 957 reads as follows effective upon publication in the Federal Register:

Sec. 957.1 Authority for rules.
957.2 Scope of rules.
957.3 Definitions.
957.4 Initiation of debarment proceedings.
957.5 The request for a hearing.
957.6 Order relative to hearing.
957.7 Reply.
957.8 Service and filing documents for the record.
957.9 Respondent's failure to appear at the hearing.
957.10 Respondent already debarred by another Government agency.
957.11 Amendment of pleadings.
957.12 Continuance and extensions.
957.13 Hearings.
957.14 Appearance.
957.15 Conduct of the hearing.
957.16 Evidence.
957.17 Witness fees.
957.18 Depositions.
957.19 Transcript.
957.20 Proposed findings and conclusions.
957.21 Decision.
957.22 Motion for reconsideration.
957.23 Modification or revocation of orders.
957.24 Computation of time.

Rules and Regulations

Title 39—Postal Service

Sec. 957.25 Official record.
957.26 Public Information.
957.27 Suspension.
(5) That the request for a hearing is to be submitted in the manner prescribed by the rules in this part, a copy of which shall be sent to the Respondent.

(6) If no hearing is requested within 20 days following the receipt of the notice, the action of the Bureau Head set forth in the notice shall become the final determination without further notice to the Respondent.

(7) The party against which a final departmental determination has been entered pursuant to paragraph (e) of this section shall, however, at all times have the privilege of reopening a case set forth in the notice shall become the final determination without further notice to the Respondent.

§ 957.5 The request for a hearing.

A respondent may, within 20 days following the receipt of a written notice of proposed debarment, file a request for a hearing before the Judicial Officer. The request shall be addressed to the Judicial Officer through the Bureau Head who initiated the debarment proceeding and shall be accompanied by a concise statement admitting, denying or explaining each of the allegations set forth in the notice of proposed debarment and stating the relief desired.

§ 957.6 Order relative to hearing.

(a) The Judicial Officer shall issue an order granting the Respondent's request for a hearing, establishing the time and place thereof and advising the Respondent of the consequences of a failure to appear at such time and place unless impracticable, the hearing date shall be within 30 days of the date of the Judicial Officer's order relative to hearing.

(b) The notice of proposed debarment and the request for a hearing together with the reply, if any, shall become the pleadings in any proceeding in which the Judicial Officer orders a hearing to be held.

§ 957.7 Reply.

Not more than 15 days from the service of the request for a hearing, the General Counsel may submit a reply on behalf of the Bureau Head who initiated the debarment proceeding.

§ 957.8 Service and filing documents for the record.

(a) Each party shall file with the Docket Clerk, pleadings, motions, orders and other documents for the record. The Docket Clerk shall cause copies to be served promptly on other parties to the proceeding and on the Judicial Officer.

(b) The parties shall submit four copies of all documents unless otherwise ordered by the Judicial Officer. One copy shall be signed as the original.

(c) Documents shall be dated and shall state the docket number and title of the proceeding. Any pleading or other document required by order of the Judicial Officer to be filed by a specified date shall be served upon the Docket Clerk on or before such date. The date of such service shall be the filing date and shall be entered thereon the Docket Clerk.

(d) Service of all papers shall be effected by mailing the same, postage prepaid, registered, or certified mail, return receipt requested, or by causing said notice to be personally served on the proposed Respondent by an authorized representative of the Department. In the case of personal service the person making service shall secure from the proposed Respondent or his agent, a written acknowledgment of receipt of said notice, showing the date and time of such receipt. Said acknowledgment (or the return receipt requested by mail) shall be made a part of the record by the Bureau Head initiating the debarment proceeding. The date of delivery, as shown by the acknowledgment of personal service or the return receipt, shall be the date of service.

§ 957.9 Respondent's failure to appear at the hearing.

If the Respondent shall fail to appear at the hearing, the Judicial Officer shall receive the Bureau Head's evidence and render a departmental decision without further notice to the Respondent.

§ 957.10 Respondent already debarred by another Government agency.

(a) When a Bureau Head proposes to debar a firm or individual already debarred by another Government agency for a term concurrent with such debarment, the debarment proceedings before this Department may be based entirely upon the record of facts obtained from such other agency or upon such facts and circumstances as the Judicial Officer may find to be necessary to a determination of whether the facts obtained from the other agency shall be considered as established, but the party to be debarred shall have opportunity to present information to the Judicial Officer and to explain why the debarment by this Department should not be imposed.

(b) Where the Bureau Head initiating the debarment proceeding relies:

(1) Upon the provisions of paragraph (a) of this section, or

(2) Upon all or part of the record of the proposed Respondent's previous debarment by another Government agency, in initiating such proceeding, the notice of proposed debarment shall contain a statement so stating in sufficient detail to apprise the Respondent of the extent of such reliance.

(c) The Bureau Head's reliance upon provisions of paragraph (a) of this section, stated in conformity with the directions set forth in paragraph (b) of this section does not deprive the Respondent of the right to request the Judicial Officer to grant a hearing pursuant to these rules, nor the Judicial Officer the full discretion to grant or deny such request.

§ 957.11 Amendment of pleadings.

(a) By consent of the parties a pleading may be amended at any time. Although a party may move to amend a pleading at any time prior to the close of the hearing: Provided, That the proposed amendment is reasonably within the scope of the pleadings.

(b) When issues not raised by the pleadings but reasonably within the scope of the proceedings initiated by the notice of proposed debarment are tried by way of implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendments as may be necessary to make the pleadings conform to the evidence and to raise such issues shall be allowed at any time upon the motion of any party.

(c) If a party objects to the introduction of evidence at the hearing on the ground that it is not within the issues framed by the pleadings, but fails to satisfy the Judicial Officer that an amendment of the pleadings would prejudice him on the merits, the Judicial Officer may allow the pleadings to be amended and may grant a continuance to enable the objecting party to rebut the evidence presented.

(d) The Judicial Officer may, upon reasonable notice and upon such terms as are just, permit service of a supplemental pleading setting forth transactions, occurrences, or events which he has received in evidence at the hearing to be supplemented and which are relevant to any of the issues involved.

§ 957.12 Continuances and extensions.

Continuances and extensions will not be granted by the Judicial Officer except for good cause shown.

§ 957.13 Hearings.

(a) Hearings are held in Room 7134, Post Office Building, Washington, D.C. 20204, or at locations designated by the Judicial Officer.

(b) A party may, not later than 7 days prior to the scheduled date of a hearing, file a request that such hearing be held at a place other than that designated in the Judicial Officer's order relative to hearing. He shall support his request with a statement setting out:

(1) The evidence to be offered in such place;

(2) The names and addresses of the witnesses who will testify;

(3) The reasons why such evidence cannot be produced at Washington, D.C.

The Judicial Officer shall give consideration to the convenience of the parties and the relevancy of the evidence to be offered.

§ 957.14 Appearances.

(a) A Respondent may appear and be heard in person or by attorney.

(b) An attorney may practice before the Department in accordance with applicable rules issued by the Judicial Officer (see Part 991 of this chapter).
or knowledge concerning the matters in
the statement correctly states his opinion
shall testify under oath at the hearing
and, in the case of expert witnesses, that
that the statement is in all respects true,
relevant to the issues, that the witness
judicial notice or knowledge may be
received in evidence.

§ 957.16 Evidence.
(a) Except as otherwise provided in
the rules in this part, the rules of evi-
dence governing civil proceedings in
matters not involving trial by jury in
the courts of the United States shall gov-
ern. However, such rules may be relaxed
in the purpose of the settlement or simpli-
fication of issues by the parties.
(b) Testimony shall be under oath;
affirmation and witnesses shall be sub-
ject to cross-examination.
(c) Official statements of fact may be
received in evidence;
(d) Official notice or knowledge may
be taken of the types of matters of which
judicial notice or knowledge may be taken;
(e) The written statement of a com-
petent witness may be received in evi-
dence: Provided, That such statement is
relevant to the issues, that the witness
shall swear under oath at the hearing
that the statement is in all respects true,
and, in the case of expert witnesses, that
the statement correctly states his opinion
or knowledge concerning the matters in
question.

§ 957.17 Witnesses fees.
The Post Office Department does not
pay fees and expenses for Respondent's
witnesses or for depositions requested by
Respondent.

§ 957.18 Depositions.
(a) Not later than 7 days prior to the
scheduled date of the hearing any party
may file application with the Docket
Clerk for the taking of testimony by de-
position. In support of such application
the applicant shall submit under oath or
affirmation a statement setting out
the reasons why such testimony should
be taken by deposition, the time and the
place, and the name and address of the
witness whose deposition is desired, the
subject matter of the testimony of each
witness, its relevancy, and the name and
address of the person before whom the
deposition is to be taken.

(b) If the application be granted, the
order for the taking of the deposition
shall specify the time and place, the
name of the witness, the person before
whom the deposition is to be taken
and any other necessary information.

(c) Each witness testifying upon de-
position shall be duly sworn, and the ad-
verse party shall have the right to cross
examine. The questions and answers to-
gether with all objections, shall be re-
duced to writing and, unless waived by
stipulation of the parties, shall be read to
and subscribed by the witness in the
presence of the deposition officer who
shall certify it in the usual form. The
deposition officer shall mark the
matter of the testimony of each
and subscribed by the witness in the
The deposition officer shall put the
witness on oath. All objections made
at the time of examination shall be noted
by the deposition officer and the evidence
objected to shall be taken subject to the
objections. In lieu of participating in the
oral examination, a party may transmit
written interrogatories to the witness and
shall propound them to the witness and
record the answers verbatim. Objections
to relevancy or materiality of testimony,
or to errors and irregularities occurring
at the oral examination, or in the man-
ner of taking the deposition, in the form of
the questions or answers, in the oath or
affirmation, or in the conduct of the par-
ties and errors of any kind which might
be objected to if promptly presented, are waived unless timely ob-
ject is made at the taking of the
deposition.

(d) At the hearing any part or all of
the deposition may be offered in evidence
by any party who was present or repre-
sented at the taking of the deposition or
who had notice thereof. If the deposi-
tion is not offered and received in evi-
dence, it shall not be considered as a part
of the record in the proceeding. The ad-
missibility of depositions or parts thereof
shall be governed by the rules of evidence.

(e) The deposition shall pay all fees required to be
paid to witnesses and the deposition officer,
and shall provide an original and one
copy of the deposition for the official rec-
ord, and shall serve one copy upon the
opposing party.

§ 957.19 Transcript.
(a) Hearings shall be stenographically
reported by a contract reporter of the
Post Office Department under the super-
vision of the Judicial Officer. Argument
upon any matter may be excluded from
the transcript by order of the Judicial
Officer. A copy of the official transcript
shall be certified by the official, who shall
propound the interrogatories and cross
interrogatories to the witness in their
order and reduce the testimony to writ-
ing in the witness' own words.

(b) Changes in the official transcript
may be made only when they involve
errors affecting substance and then only
in the manner herein provided. No physi-
cal changes shall be made in or upon the
official transcript, or copies thereof.
Documents have been filed with the record.
Within 10 days after the receipt by any
party of a copy of the official transcript,
or any part thereof, he may file a motion
requesting correction of the transcript.
Opposing counsel shall, within 10 days
thereafter, file opposing affidavits as
may be specified by the Judicial Offi-
cer, notify the Judicial Officer in writing
of his concurrence or disagreement with
the requested corrections. Failure to
interpose timely objection to a proposed
correction shall be considered to be con-
currence. Thereafter, the Judicial Officer
shall order specify the corrections to
be made in the transcript. The Judicial
Officer in his discretion may order cor-
rections to be made in the transcript
with prompt notice to the parties of the
proceeding. Any changes ordered by the
Judicial Officer other than the agreement
of the parties shall be subject to objection
and exception.

§ 957.20 Proposed findings and conclu-
sions.
(a) Each party to a proceeding, except
one who fails to appear at the hearing

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may, unless at the discretion of the Judicial Officer such is not appropriate, submit proposed findings of fact, conclusions of law and supporting reasons either in oral or written form in the discretion of the Judicial Officer. The Judicial Officer may also require parties to any proceeding to submit proposed findings of fact and conclusions of law with supporting reasons. Unless given orally the date set for filing of proposed findings of fact and conclusions of law shall be within 15 days after delivery of the official transcript to the Docket Clerk who shall notify both parties of the date of its receipt. The filing date for proposed findings shall be the same for both parties. If not submitted by such date, or unless extension of time for the filing thereof is granted, they will not be included in the record or given consideration.

(b) Except when presented orally before the close of the hearing, proposed findings of fact shall be set forth in separately numbered paragraphs and shall state with particularity all evidentiary facts and conclusions of law supporting the proposed findings. Each proposed conclusion shall be separately stated.

§ 957.21 Decision. The Judicial Officer shall issue a final departmental decision. Such decision shall include findings, and conclusions, with the reasons therefor, upon all the material issues of fact or law presented on the record, and the appropriate order.

§ 957.22 Motion for reconsideration. Within 10 days from the date thereof, or such longer period as may be fixed by the Judicial Officer, either party may file a motion for reconsideration of the final departmental decision. Each motion for reconsideration shall be accompanied by a brief clearly setting forth the points of fact and of law relied upon in support of said motion.

§ 957.23 Modification or revocation of orders. A party against whom an order of debarment has been issued may file an application for modification or revocation thereof. The Docket Clerk shall transmit a copy of the application to the General Counsel, who shall file a written reply. A copy of the reply shall be sent to the applicant by the Docket Clerk. Thereafter an order granting or denying such application will be issued by the Judicial Officer.

§ 957.24 Computation of time. A designated period of time under the rules in this part exclude the day the period begins, and includes the last day of the period unless the last day is Saturday, Sunday, or legal holiday, in which event the period runs until the close of business on the next business day.

§ 957.25 Official record. The transcript of testimony together with all pleadings, orders, exhibits, briefs, and other documents filed in the proceeding shall constitute the official record of the proceeding.

§ 957.26 Public information. The Library of Congress of the Post Office Department shall maintain for public inspection in the law library copies of all departmental decisions. The Docket Clerk maintains the complete official record of every proceeding.

§ 957.27 Suspension.

(a) Any firm or individual suspended under Part 956 of this chapter who believes that his suspension has not been in accordance with the provisions thereof, or with applicable laws or regulations, may appeal to the Judicial Officer for a review of the suspension.

(b) Any such appeal shall be addressed to the Judicial Officer through the Bureau Head who ordered the suspension within 20 days of the date upon which the appellant has been notified of his suspension. The appeal shall concisely and in the manner of a pleading set forth the grounds upon which the suspension is contested and may be supported by a brief and such evidence as the applicant desires to submit.

(c) Should the appellant desire oral argument or a hearing before the Judicial Officer in connection with his appeal, the application therefore shall be included in the appeal. In the event that the Judicial Officer grants the appellant's application for a hearing the notice of suspension and the appeal shall constitute the pleadings defining the issues therein and the hearing shall be regulated in accordance with the rules in this part concerning debarment proceedings.

(d) The decision of the Judicial Officer in any appeal shall constitute the final departmental determination of the issues presented thereby. Either party thereto may, however, file a motion for reconsideration thereof, in accordance with the provisions of § 957.22.

Timothy J. May, General Counsel.

[F.R. Doc. 69-580; Filed, Jan. 15, 1969; 9:47 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 6, Amdt. 7]

PART 71—STANDARD TIME ZONE BOUNDARIES

Relocation of Standard Time Zone Boundary in State of Indiana

The purpose of this amendment to Part 71 of Title IV of the Code of Federal Regulations is to change the existing boundary line between the eastern time zone and the central time zone as it applies to the State of Indiana.

The time zone boundary issue in the State of Indiana has been a complex one for many years. It is a State with strong economic ties to both the East and the Midwest, especially in relation to the cities of Detroit and New York on the one hand and Chicago on the other. Individual citizens, business associations, communications media, transportation facilities, municipal and county governments, schools, religious groups, and inspection bodies have a great many citizens of the State who continued to follow the historical pattern. This nonobservance presented no legal problem because there was no mandatory requirement for the observance of advanced daylight time. However, with the passage of the Uniform Time Act of 1966 which requires mandatory observance of advanced time in the summer, the time zone boundary issue in the State of Indiana, since the observance of advanced time during the April-October period in each time zone as determined by the time zone boundary line, the problem became acute.

The Uniform Time Act provides in pertinent part that:

"During the period commencing at 2 o'clock antemeridian on the last Sunday of April of each year and ending at 2 o'clock antemeridian on the last Sunday of October of each year, the standard time of each zone * * * shall be advanced 1 hour and such time as so advanced shall * * * be the standard time of such zone during such period."

The Act permits only one exception to the rule, to the effect that * * * any State, may by law, exempt itself from the provisions of this subsection providing for the advancement of time, but only if such law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable * * * (15 U.S.C. 260a.) The Act also provided authority to enforce its provisions by application to Federal District Courts for writs of injunction.

The Act thus created a problem for the State of Indiana, since the observance of advanced time in the time zones established by the ICS in 1961 was now legally binding on the State and, as of April 1,
1967, became enforceable by the newly created Department of Transportation. Officials of the State indicated that the Department that a modification of the existing time zone boundary line would be necessary. The Department decided to defer seeking injunctive action to enforce the advanced time provisions in the new zones, while preparing for and conducting proceedings to determine how the line should be relocated. This decision was pursuant to the statutory mandate (15 U.S.C. section 366) to modify the boundary line and promote widespread and uniform adoption and observance of the same standard of time within and throughout each standard time zone. However, the Department announced both in 1967 and 1968 that the legal time in Indiana during the April to October period was to be in accordance with the existing zones.

On August 9, 1967, the Department initiated a proceeding (32 F.R. 11478) on the basis of a petition from Governor Roger Branigin. The petition proposed that the entire State be placed in the central standard time zone, which was logical from a geographic standpoint. The proposal issued by the Department for the April-October period all indicated present persons a reasonable period in which to comment on the proposal.

Comments received from the counties in the northwestern and southwestern corners of the State indicated a strong preference for central time, the time those counties had historically observed. However, excluding those comments, most of the remaining chambers of commerce in the State and 78 percent of the business firms responding favored eastern time. In addition, comments received from labor unions, news media, civic groups, transportation and communication organizations, religious groups, and individuals (27,680 to 10,730) expressed a strong preference for eastern time.

When all of the evidence available had been tabulated and analyzed, the conclusion was that the central time proposal was unacceptable to a large segment of the population. The comments indicated that the selection of a standard time within and throughout each standard time zone except for six counties in eastern time. Mar­

In general, the responses received from the areas outside of the Gary and Evans­

ville areas indicated that there was a good deal of confusion as to the application of advanced (daylight) time. For example, many of the comments indicated a desire to be in the St. Joseph County area, without advanced (daylight) time in the summer. However, as outlined above, without State exemption from the advanced time provisions of the Uniform Time Act, this result could not be accomplished. The placement of any State in a time zone brings with it, as a matter of law, advanced time during the April-October period. Indiana was, in fact, specif­

ically exempted itself. There are no legal means by which the Department of Transportation can place a State in a time zone without the automatic application of advanced time during the de­

scribed period.

Based on the analysis of the comments received on the first proposal, a modified proposal was issued by the Department on January 16, 1968 (33 F.R. 769), to in­

clude the entire State within the eastern standard time zone for the April-October period. This proposal was issued with the realization that many persons favoring eastern time did not favor eastern daylight time in the summer months. However, the Department decided that, if it does not have any authority to change the advanced (daylight) time requirements of the Uniform Time Act, and worked on the assumption that this was necessary. It would be a matter left to the State Legislature, as specifically provided in the Uniform Time Act.

Well over 90 percent of the comments received on the second proposal were in the form of newspaper editorials opposed by Indiana organizations favoring central time which urged the Depart­
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ment to avoid “double-daylight time” in Indiana. This proposal was referred to as generally termed “slow time.” In addition, somewhat over 1,900 individual let­

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ters contained the same recommendation. The term “double-daylight time”, is at best both inaccurate and misleading. There is no such thing as “double” day­

light time in any time zone. These com­

ments indicated to the Department only that the commentator opposed being on advanced eastern time during the April-October period. They left to speculation the questions of whether the commen­
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tor wished to have eastern standard time or eastern daylight time for the entire year, or whether he would reject eastern time completely in favor of central time (with advanced time) rather than accept eastern time with advanced time.

Of the 15 carriers which commented, 12 favored the proposal. These included: Eastern Airlines, Trans World Airlines, Delta Airlines, the Indiana Bus Associa­
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ion, the C & E Trucking Corp., the Cle­

man Truck Line (South Bend), Transamer­

ican Freight Lines (South Bend), and all carriers favored central time and 1,477 favored eastern time.

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t­

tion, the C & E Trucking Corp., the Cle­

man Truck Line (South Bend), Transamer­

ican Freight Lines (South Bend), and all carriers favored central time and 1,477 favored eastern time.

As stated before, Indiana has been a split State in many matters of time ob­

servation. It is an example of a State that is out of phase with the State’s geographic position.

As a result of its evaluation of all of the comments, with proper weight being assigned to those that did not squarely comment on the actual issue involved,
the Department of Transportation is now of the opinion that, except for the 12 counties in the northwestern and southwestern corners of the State, the majority preference is clearly in favor of a form of eastern time for the remainder of the State. This conforms to the historical pattern of time observance, leaving a legislative opportunity to be extended as advanced time. This also conforms to the strong preference shown by the business community and the common carriers whose needs are specially to be considered in setting time zone boundaries pursuant to 15 U.S.C. 261. Communications from Dubois County which, under the January 1968 proposal would have remained in the central time zone, have indicated strongly that it desires to be in the eastern zone. Accordingly, the boundary is being moved so as to include that county in the eastern zone.

In consideration of the foregoing, it has been decided to amend § 71.4(b) of Title 49 of the Code of Federal Regulations to place the entire State of Indiana in the eastern time zone, except for Lake, Porter, La Porte, Starke, Jasper, Newton, Gibson, Pike, Spencer, Warrick, Vanderburgh, and Posey Counties which remain in the central time zone. This action of altering the time zone boundary is necessitated by the Department's opinion that fostering widespread observance of standard time to the fullest extent of the Department's authority. However, the Department is also of the opinion that a two-year legislative opportunity to exempt that portion of the State being placed in the eastern time zone from advanced time shall be available to the legislature of Indiana if a majority of the people of Indiana so desire, thereby promoting widespread observance of standard time and fostering and promoting widespread observance of standard time to the fullest extent of the Department's authority.

Therefore, the Department of Transportation is recommending legislation to the Congress that would authorize the entire State, having more than one time zone to exempt that portion of the State in any one time zone (or the entire State, as now provided) from the mandatory requirements of the Uniform Time Act of 1968 for advanced time during the April-October period. Thus, if the Indiana Legislature determines that the portion of the State being placed in the eastern time zone does not desire to observe advanced time during the April-October period, it would be free, if the legislation proposed by the Department is enacted, to respond to that determination.

In consideration of the foregoing, § 71.4(b) of Title 49 of the Code of Federal Regulations is amended, effective 2 a.m. on April 27, 1969, to read as follows:

§ 71.4 Boundary line between eastern and central zone.

(b) Indiana. From the juncture of the western boundary of the State of Michigan with the northern boundary of the State of Indiana eastwardly along said northern boundary to the east line of La Porte County; thence southerly along the east line of La Porte County to the north line of Starke County; thence east along the north line of Starke County to the east line of Jasper County; thence south along the east line of Jasper County to the south line of Jasper County; thence west along the south lines of Jasper and Newton Counties to the western boundary of the State of Indiana; thence south along the east line of Spencer County; thence south along the east line of Spencer County to the southern boundary of the State of Indiana.
RULES AND REGULATIONS

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Loxahatchee National Wildlife Refuge, Delray Beach, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 74,492 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:


(2) Fishing is restricted to 1 hour before sunrise to 1 hour after sunset.

(3) Boats may enter or leave the refuge only at the six public ramps as follows: (a) North end of the refuge at S-5A landing; (b) headquarters boat ramp; (c) S-39 boat ramp on south end of refuge.

(4) Method of fishing is with attended rod and reel and/or pole and line. Trotlines, limb lines, nets, or other set tackle prohibited.

(5) Air-thrust boats may be authorized only by special permit issued by the refuge. The sport fishing season and racing craft are prohibited except for official purposes.

(6) Persons must follow such routes of travel within the area as may be designated by posting by the refuge officer-in-charge. To protect Government property or wildlife the refuge officer-in-charge may close any or all of the area. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through November 15, 1969.

LACASSINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacassine National Wildlife Refuge, Lake Arthur, La., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 28,069 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1969, through October 15, 1969.

(2) Fishing permitted during daylight hours only.

(3) Boats with motors prohibited. Boats must be removed from the refuge overnight.

(4) Boats may not be left inside the refuge overnight.

(5) Boats with outboard motors no larger than 30 hp. permitted in Lacassine Pool. No size restrictions on boats and motors in canals and streams.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1969.
(3) Boats with electric motors permitted; gasoline powered engines prohibited.
(4) Alcoholic beverages prohibited.
(5) All boats must remain in least 30 feet or three boat lengths away from wood duck nesting boxes or geese nesting platforms.

The provisions of this special regulation will supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

ARKANSAS
WHITE RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the White River National Wildlife Refuge, De Witt, Ark., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 2,592 acres are delineated by signs available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 825 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1969, through October 31, 1969.
(2) Boats without owner’s name plate affixed in a conspicuous place may not be left overnight.
(3) Taking of frogs, water skiing, and firearms prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 31, 1969.

TENNESSEE
REEF FOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reef Foot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 9,092 acres, are delineated by signs available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 825 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from the date of this publication through October 28, 1969, except that portion of the refuge located south of Upper Blue Basin remains open until 7 days before opening of the 1969 duck season.
(2) Boats with outboard motors and inboard motors of not more than 10 hp. may be used.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective until 7 days before opening of the 1969 duck season.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 8, 1969.

[F.R. Doc. 69-556; Filed, Jan. 15, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

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

[Navel Orange Reg. 165]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling §907.465 Naval Orange Regulation 165.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 997, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Naval oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and the petition submitted by the Naval Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information. It is hereby found that the limitation of handling of such Naval oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.
(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof, because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such a purpose exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Naval oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified hereof in the Federal Register.

Title 7—AGRICULTURE

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

[Navel Orange Reg. 165]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling §907.465 Naval Orange Regulation 165.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 997, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Naval oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and the petition submitted by the Naval Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information. It is hereby found that the limitation of handling of such Naval oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.
(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof, because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such a purpose exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Naval oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified hereof in the Federal Register.

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RULES AND REGULATIONS

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 112—LABELS

Miscellaneous Amendments

On August 21, 1968, there was published in the Federal Register (33 F.R. 11837) a notice of proposed rule making with respect to proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Part 112 of Title 9, Code of the Federal Regulations, issued pursuant to the provisions of the Virus—Serum—Toxin Act of March 4, 1913 (21 U.S.C. 151-158). A notice extending the period to submit written data, views, or arguments to August 8, 1969, was published in the Federal Register (33 F.R. 15804).

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rule making, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus—Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), the proposed amendments of Part 112 of Subchapter E, Chapter I, Title 9, of the Code of Federal Regulations, as published in the aforesaid notice are hereby adopted and are set forth in full herein, subject to the following noted modifications:

In §112.1(d), for the purpose of clarification, the definition of a label was rewritten.

In §112.2(a)(4) the word “antigenic” and the word “water” were inserted for clarification. In §112.2(a)(8) the word “store” was substituted for the word “keep” as being more appropriate. In §112.2(a)(11), virus vaccine was substituted for vaccine virus for accuracy. For uniformly, semicolons were used in place of punctuation where subparagraphs of §112.2(a) where indicated. In §112.2(a)(19), requirements were changed to final container carton and enclosures and requirements for combination products containing certain fractions. Printing errors made in §112.2(a)(17) and (e) were corrected. Section 112.2(e) was reworded to clarify the intent as a label requirement and not a sales policy restriction.

Section 112.3(h) as proposed was deleted.

Section 112.6(d) was changed to permit all poultry vaccine to be packaged in the manner prescribed in this subparagraph.

In §112.7 paragraph (a) was deleted as no longer applicable. Paragraphs (b), (c), and (e) were renumbered (a), (b), (c), and (e) respectively. The intent of §112.7(d) is clarified by stipulating that live ralires virus vaccine made with low-egg passage virus would be restricted to use in dogs and other live ralires virus vaccine could be recommended for other animals if they qualify under prescribed conditions.

1. The heading of Part 112 is amended to read: "As the table of contents is amended to read as follows:

2. Section 112.1 is amended by adding a new paragraph (d) to read as follows:

3. Section 112.2 is amended by revising paragraph (a) and adding a new paragraph (e) to read:

4. The term "labeling" means all written, graphic, or printed matter upon or associated with the product, which bears information required to be on the label. The term "label" means all printed matter upon or associated with the product which name shall be identical with that name which is to appear on the label. Commonly accepted designations of the product shall be used at the time the container, a warning that all of the product contains...
statement appears on a carton label containing such final container;
(13) In the case of a designated biological product which is to be added to a diluent and never returned to the final container, all labels for such designated biological product are exempt from the provisions of subparagraph (g) of this paragraph;
(14) In the case of diagnostic or desensitizing antigens which are packaged as multiple-dose containers, all labels for the products of subparagraph (e) of this paragraph; Provided, That longer periods shall be stated when deemed necessary by the Director:
(i) The withholding statement shall be not less than 21 days for the product containing adjuncts or precipitating agents;
(ii) The withholding statement shall be not less than 35 days for the product containing live microorganisms; Provided, That when a longer withholding period for a biological product such as Anthrax Spore Vaccine is specified in regulations governing the timing to livestock slaughter, the longer period shall be used.
(15) The statement "No U.S. Standard of Potency" if no standard requirement for evaluating potency of the biological product has been established by the Division and no test method acceptable to the Division for evaluating potency of the product is included in the licensee’s outline; Provided, That in the case of any biological product for which a standard requirement has been established by the Division for evaluating the potency of one or more fractions of the product or test method acceptable to the Division for evaluating potency of one or more fractions of such product have been included in the licensee’s outline, the statement "U.S. Standard for (name fractions) Fraction(s) Only" shall be used: Provided further, That if the applicable statement appears on the carton label and enclosure, if any is used, the label affixed to the final container shall be exempt from this requirement.
(17) In the case of Autogenous Bacteria, all labels shall designate the animal of origin from which the organism has been isolated and include the statement: "No U.S. Standard of Potency. The product is to be used only in the herd or flock from which the organism was isolated;" and
(18) All other similar information required by the Director.

(c) Restricted sales to veterinarians may be so stated on the labels: Provided, That the entire production of the product by the licensee involved shall be so restricted. The phrase "For Veterinary Use Only" or an equivalent statement may be used to indicate a product is recommended specifically for animals and not for humans.

4. Section 112.3 is amended by revising paragraph (c) to read:

§ 112.3 Diluent labels.

(c) The recoverable quantity of contents in cubic centimeters.

5. Section 112.4 is amended by revising paragraph (b) to read:

§ 112.4 Reference to distributors and permittees.

(b) Permittees. The name and address of a permittee shall not be placed on the labels or containers of an imported biological product in such manner as to indicate that he is the manufacturer of such product. Reference to such permittee shall be made by name, address, and U.S. Veterinary Biological Product Permit number only.

6. Section 112.5 is revised to read:

§ 112.5 Review and approval of labels and other material.

(a) Except as otherwise provided in this section, duplicate copies of all labels, circulars, and enclosures distributed with biological products prepared by licensed establishment or imported shall be submitted to the Director for review and approval before they are placed in use. For the convenience and guidance of licensees and permittees, sketches or proofs of new labels and the like may be submitted in triplicate to the Director for review and approval, and in this case the preparation of finished labels and the like shall be deferred until copies of such sketches or proofs are returned to the manufacturer. Blank formal forms will be furnished upon request to the Veterinary Biotics Division.

(b) Tags, stickers, and the like used to identify products or materials during the process of production or testing, if not false or deceptive, may be used by licensees.

(c) Labels stamped or printed directly to the final container or glued thereon shall be permanently legible throughout the dating period. Biological products shall be withheld from the market if such labels have been altered, mutilated, destroyed, obliterated, or removed.

(d) When requested by the Director, licensees and permittees shall submit lists of labels, cartons, and required enclosures which they will continue in use. Each shall be properly identified by name of product, date of approval, and the number assigned by the Division when approved.

7. Section 112.6 is amended by revising paragraph (b) and adding a new paragraph (d) to read:

§ 112.6 Packaging designated products.

(a) Except as provided in paragraph (b) of this section, only one multiple dose final container of a designated biological product and its accompanying container shall be packaged in an appropriately labeled box or carton.

(b) When a biological product is designed to be administered to poultry, multiple dose containers, not to exceed 1,000 doses per vial, and not to exceed 10 vials per package, may be marketed in a single appropriately labeled carton with accompanying containers of diluent; Provided, That (1) The package shall contain a complete wrapping, wrapping agent, or labeling around label or seal which must be broken in order to open the package, and (2) Have a required statement prominently placed on the carton label to the effect that, "Federal regulations prohibit the repackaging or sale of the contents of this package in fractional units. Do not accept if seal is broken;" and (3) Only one enclosure (direction sheet) shall be supplied in each carton.

8. Part 112 is amended by adding a new § 112.7 to read:

§ 112.7 Special additional requirements.

(a) In the case of liquid Brucella abortus vaccine and rabies vaccine, all carton labels and enclosures shall include a statement against freezing.

(b) In the case of vaccines containing live Newcastle Disease virus, a caution statement indicating that Newcastle Disease can cause inflammation of the eyeballs of humans, and a warning to the user to avoid infecting his eyes shall be included on the enclosure.

(c) In the case of vaccine containing infectious bronchitis virus, labels and enclosures shall show the infectious bronchitis virus type or types used in the product. Abbreviation is permitted.

(d) In the case of vaccines containing live rabies virus, low egg-passage (49th-50th egg-passage level), a warning statement on cartons, labels, and enclosures in large bold-faced print, preferably in red, shall be shown as follows: "For Use in Dogs Only! Not for Use in Any Other Animal! or an equivalent statement; and in the case of other vaccines containing live rabies virus, the statement For Use in ———— Only! Not for Use in Any Other Animal may be used and other animals listed: Provided Adequate potency has been demonstrated for domestic animals so listed and safety has been demonstrated for all animals listed.

Note: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Effective date: Thirty days after publication in the Federal Register except with respect to § 112.2(a) (15) (ii) provisions of which shall become effective July 1, 1969.

Done at Washington, D.C., this 13th day of January 1969.


[FR Doc. 69-582; Filed, Jan. 15, 1969; 8:45 a.m.]
RULES AND REGULATIONS

(c) "Banking office" means the main office of a bank or a branch authorized under §21.2 of this part.

(d) "Teller's station or window" means a location in a banking office at which bank customers routinely conduct transactions with the bank which involve the exchange of funds, including a walk-up or drive-in teller's station or window.

§21.2 Designation of security officer.

On or before February 15, 1969, or within 30 days after the opening of a new bank, the bank shall designate an officer or other employee of the bank who shall have responsibility for the installation, maintenance, and operation of security devices and the development and administration of security policies and procedures.

§21.3 Security devices.

(a) Installation, maintenance, and operation of appropriate security devices. Before January 1, 1970, and within 30 days after the opening of a new bank, the bank shall install, under such directions as shall be given him by the bank's board of directors, such devices which (on the basis of the factors listed in paragraph (b) of this section or similar ones, the use of other measures, or the decision that technological change allows the use of other measures judged to provide equivalent protection) it is decided not to install, maintain, and operate at least equivalent to these standards.

(b) Contents of security programs. Such security programs shall—

(1) Provide for establishing a schedule for the inspection, testing, and servicing of all security devices installed in each banking office; provide for designating the officer or other employee who shall be responsible for seeing that such devices are inspected, tested, serviced, and kept in good working order; and require such officer or other employee to keep a record of such inspections, tests, and services.

(2) Require that each banking office's currency be kept at a reasonable minimum and provide procedures for safely removing excess currency.

(3) Require that the currency at each teller's station or window be kept at a reasonable minimum and provide procedures for safely removing excess currency.

(4) Require that the currency at each teller's station or window include "hail" money, i.e., used Federal Reserve notes, and provide for the designation of such currency and safe, vault, or other protected place.

(5) Require that all current negotiable securities, and similar valuables be kept in a locked vault or safe during nonbanking hours, that the vault or safe be opened at the latest time practicable before banking hours, and that the vault
or safe be locked at the earliest time practicable after banking hours;

(6) Provide, where practicable, for designation of a person or persons at each banking office to open each banking office and require him or them to inspect the premises, to ascertain that no unauthorized persons are present, and to signal other employees that the vault or safe is not locked before permitting them to enter;

(7) Provide for designation of a person or persons who will assure that all security devices or procedures are operating during the periods in which such devices are intended to be used;

(8) Provide for designation of a person or persons to inspect, after the closing hour, all areas of each banking office in which currency, negotiable securities, or similar valuables are normally handled or stored in order to assure that such currency, securities, and valuables have been put away, that no unauthorized persons are present in such areas, and that the vault or safe and all doors and windows are securely locked; and

(9) Provide for training, and periodic retraining, of employees in their responsibilities under the security program, including the proper use of security devices and procedures, and employee conduct during and after a robbery, in accordance with the procedures listed in Appendix E of this part.

§ 21.5 Filing by banks of reports with the Comptroller of the Currency.

(a) Compliance reports. As of the last business day in June of 1970, and as of the last business day in June of each calendar year thereafter, each bank shall file with the Regional Administrator of National Banks for the region in which it is located a statement certifying to its compliance with the requirements of this part. The statement shall be dated and signed by the president, or cashier, or other managing officer of the bank and may be in a form substantially as follows:

I hereby certify to the best of my knowledge and belief that this bank has developed and administered a procedure to ensure that the security devices or procedures used by this bank are adequate in meeting the requirements of this part, or that the requirements of this part have been varied in the circumstances of a particular banking office, and that the bank maintains in such a manner as to reproduce identifiable images of persons in a position to transact business at each such station or window; and

(b) Capable of activation by initiating devices located at each teller's station.

(iii) Installation, maintenance, and operation of surveillance systems providing surveillance of walk-up or drive-in tellers' stations or windows. Surveillance devices for other than walkup or drive-in tellers' stations or windows should be located in such a manner as to reproduce identifiable images of persons in a position to transact business at each such station or window that are vulnerable to robbery or larceny. Such devices should be located in such a manner as to reproduce identifiable images of persons in a position to transact business at each such station or window in which the teller is effectively protected by a bullet-resistant barrier from persons outside the station or window, but if the teller is vulnerable to larceny or robbery by members of the public who enter the banking office, the teller should be so protected by a surveillance system that covers the area of vulnerability or the exits to the banking office.

(2) Robbery alarm systems. A robbery alarm should be provided for each banking office in which the police ordinarily can arrive within 5 minutes after an alarm is activated. Robbery alarm systems should be:

(i) Designed to transmit to the police, other employees, or the bank's files such other reports as the Comptroller of the Currency or his designee may require.

(ii) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(iii) Safeguarded against accidental transmission of an alarm.

(iv) Equipped with personal or public alarm systems designed to indicate the nature and location of the bank to be protected.

(v) Equipped with an independent source of power (such as a battery) sufficient to power the system for at least 24 hours in the event of failure of the usual source of power.

(3) Burglar alarm systems. Burglar alarm systems are designed to:

(i) Capable of detecting promptly an attack on the outer door, walls, floor, or ceiling of the bank's files and to signal the police, other employees, or the bank's files such other reports as the Comptroller of the Currency or his designee may require.

(ii) Robbery alarm systems.

(iii) Safeguarded against accidental transmission of an alarm.

(iv) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(v) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system.
system for at least 80 hours in the event of failure of the usual source of power.

(4) Walkup and drive-in teller's stations or windows. Walkup and drive-in teller's stations or windows contracted for after February 15, 1969, should be constructed in such a manner that tellers are effectively protected by bullet-resistant barriers from rob­bery attempts or from persons outside the window, glass or windows. Such barriers should be made of glass at least 1/2 inch thick, or of marine cloth or Some other suitable bullet-resistant material. Pass-through devices should be designed and constructed so as to afford a person outside the station a direct line of fire at a person inside the station.

(5) Vaults, safes, and night depositories. Vaults and safe deposits (if not to be stored in a vault) in which currency, negotiable securities, or similar valuables are to be stored when the office is closed, and night depositories when the office is closed, should be inaccessible to persons who should meet or exceed the following standards:

(5A) Vaults. Vault walls, roof and door contracted for after February 15, 1969, should be made of steel-reinforced concrete, at least 16 inches thick; vault doors should be made of at least one inch of barrier metal and shock-resistant material, at least 3/4 inch thick, and be equipped with a dial combination lock and a deadbolt, or if a single horizontal, occa­sionally, a vertical bolt; or vaults and vault doors should be constructed of materials that afford at least equivalent burglary-resistance.

(5B) Safes. Safes contracted for after February 15, 1969, should weigh at least 750 pounds empty, or be securely anchored to the building. The door should be equipped with a combination lock, and with a relocking device that will effectively lock the safe combination while the safe is opened. The body should consist of steel, at least 1 inch in thickness, with an ultimate tensile strength of 50,000 pounds per square inch, either cast or fabricated, and be fastened in a manner equal to a continuous 1/4-inch penetration weld having an ultimate tensile strength of 30,000 pounds per square inch. One hole not exceeding 1/8-inch diameter may be provided in the body to permit insertion of electrical con­ductors, but should be located so as not to permit a direct view of the door or locking mechanism. The door should be made of steel that is at least 1/2 inch thick and at least equivalent strength to that specified for the body; or safes should be constructed of materials that afford at least equivalent burglary-resistance.

(5C) Night depositories. Night depositories (excluding envelope drops not used to receive negotiable securities or currency) contracted for after February 15, 1969, should consist of a receptacle chest having cast, or welded, steel walls, top and bottom, at least 1 inch thick; a combination locked steel door at least 1 1/2 inches thick; and a chute, made of steel that is at least 1 inch thick, securely bolted or welded to the receptacle and to a depository entrance of strength similar to the chute; or night depositories should be constructed of materials that afford at least equivalent burglary-resistance. The depository entrance should be equipped with a lighting system to illuminate the area where a bystander with a burglary alarm and be designed to protect against the "fishing" of a deposit from the deposit receptacle, and to protect against the "rumping" of a deposit for extraction.

Each device mentioned in this Appendix should be installed and regularly inspected.
PART 216—MINIMUM SECURITY DEVICES AND PROCEDURES FOR FEDERAL RESERVE BANKS AND STATE MEMBER BANKS

1. Effective January 13, 1969, Part 216 is added, as set forth below.

2a. This part implements the provisions of the Bank Protection Act of 1968 (Public Law 90-289; 82 Stat. 295). Notice of proposed rule making with respect to this part was published in the Federal Register of November 9, 1968 (33 F.R. 16411).

2b. The regulation was adopted by the Board after consideration of all relevant material that was presented by interested persons and after consultation and cooperation with the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the Department of Justice. In general, the regulatory requirements as adopted follow the proposals in the notice of proposed rule making. Certain proposed requirements were modified to relax their effect; to the very minor extent that the requirements respecting security procedures as adopted are more stringent than those proposed, the Board found that the changes would not impose a significantly greater burden and that, in the circumstances of publication and consultation with all interested parties, the deferment of the effective date of the regulation is also unnecessary since no action pursuant thereto is required until February 15, 1969.

Dated at Washington, D.C., this 13th day of January 1969.

By order of the Board of Governors.

[Seal] Robert P. Forrestal, Assistant Secretary.

[FR Doc. 69-551; Filed, Jan. 15, 1969; 8:47 a.m.]

[Reg. P]

PART 216—MINIMUM SECURITY DEVICES AND PROCEDURES FOR FEDERAL RESERVE BANKS AND STATE MEMBER BANKS

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Dated at Washington, D.C., this 13th day of January 1969.

By order of the Board of Governors.

[Seal] Robert P. Forrestal, Assistant Secretary.

[F.R. Doc. 69-551; Filed, Jan. 15, 1969; 8:47 a.m.]

[Reg. P]
which (on the basis of the factors listed in paragraph (b) of this section or similar ones, the use of other measures, or the like) it is determined that the bank shall preserve in its records a statement of the reasons for such decision and forward a copy of that statement to the Federal Reserve Bank for the District in which its main office is located.

§ 216.4 Security procedures.

(a) Development and administration. Each State member bank shall develop and provide for the administration of a security program to protect each of its banking offices from robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts. This program shall be in writing, approved by the bank's board of directors, and retained by the bank in such form as will readily permit determination of its adequacy and effectiveness. A copy shall be filed with the Federal Reserve Bank for the District in which the main office of the bank is located.

(b) Contents of security programs. Such security programs shall—

(1) Provide for establishing a schedule for the inspection, testing, and servicing of all security devices installed in each banking office.

(2) Require that each banking office's currency be kept at a reasonable minimum and provide procedures for safely removing excess currency; and

(3) Require that the currency at each teller's station or window be kept at a reasonable minimum and provide procedures for safely removing excess currency and other valuables to a locked safe, vault, or other protected place;

(4) Require that the currency at each teller's station or window include "hard" money, i.e., used Federal Reserve notes, the denominations, banks of issue, serial numbers, and series years of which are recorded, verified by a second officer or employee, and kept in a safe and secure manner; and

(5) Require that all currency, negotiable securities, and similar valuables be kept in a locked vault or safe during nonbusiness hours, that the vault or safe be opened and closed at regular times specified in this Regulation P, and that the vault or safe be locked at the earliest time practicable after banking hours;

(6) Provide for the designation of a person or persons who will assure that all security devices are intended to be used;

(7) Require that the currency at each banking office shall be dated and signed by the president, or cashier, or other manager of the office of the bank and may be in a form substantially as follows:

I hereby certify, to the best of my knowledge and belief, that this bank has developed and administers a security program that equals or exceeds the standards prescribed by § 216.4 of Regulation P; that such security program has been reduced to writing, approved by the bank's board of directors, and retained by the bank in such form as will readily permit determination of its adequacy and effectiveness; and that the bank security checker and/or security officer has had the advice of law enforcement officers, has provided for the installation, maintenance, and operation of appropriate security devices, as prescribed by § 216.2 of Regulation P, in each of the bank's banking offices.

(b) Reports on security devices. On or before March 15, 1969, and upon such other occasions as the Board may specify, each State member bank shall file with the Federal Reserve Bank for the District in which it is located a report on Form P-1 (in duplicate) for each of its offices that is subject to this part.

(c) External crime reports. Each time a report of an external crime is made by a nonmember employee, the report shall be filed with the Federal Reserve Bank for the District in which the head office of the reporting bank is located.

(d) Special reports. Each State member bank shall file such other reports as the Board may require.

§ 216.5 Filing of reports.

(a) Compliance reports. As of the last business day in June of 1970, and as of the last business day in June of each calendar year thereafter, each State member bank shall file with the Federal Reserve Bank for the District in which its main office is located a report on the security program, including the proper use of security devices and procedures during and after a robbery, in accordance with the procedures listed in Appendix B of this part.

§ 216.6 Corrective action.

Whenever the Board determines that the security devices or procedures used by a member bank in meeting the requirements of this part are not adequate or that the requirements of this part should be varied in the circumstances of a particular banking office, it may take such action as it may deem necessary to effectuate the correct action. If the Board determines that such corrective action is appropriate or necessary, the bank shall be so notified and will be furnished a statement of what the bank must do to comply with the requirements of this part.

§ 216.7 Applicability to Federal Reserve Banks.

The provisions of this part apply to each Federal Reserve Bank and its branches, except that reports and other writings required or permitted to be filed by a State member bank with the Federal Reserve Bank for the District in which it is located must, in the case of a Federal Reserve Bank, be filed with the Board: Provided, however, That the applicability of this part to the Federal Reserve Act of 1968 and of this part to Federal Reserve Banks and their branches does not preclude the Board from requiring, by virtue of its authority under other provisions of law, that Federal Reserve Banks and their branches comply with higher standards respecting the installation, maintenance, and operation of security devices and procedures than those that are prescribed by this part.

§ 216.8 Penalty provision.

Pursuant to section 5 of the Bank Protection Act of 1968, a State member bank or Federal Reserve Bank that violates any provision of this part shall be subject to a civil penalty not to exceed $100 for each day of the violation.

Appendix A

MINIMUM STANDARDS FOR SECURITY DEVICES

I. GENERAL

Surveillance systems should be:

(A) Equipped with one or more photographic recording or similar devices capable of reproducing images of persons in the banking office with sufficient clarity to facilitate (through photography capable of being enlarged to produce a 1 inch vertical head-size of persons whose images have been reproduced) the identification and apprehension of robbers or other suspicious persons;

(B) Reasonably silent in operation;

(C) So designed as to provide necessary services, repairs, or inspections can readily be made.

Any camera used in such a system should be capable of taking at least one picture every 2 seconds and, if it uses film, should contain enough unexposed film at all times to be capable of operating for not less than 8 minutes. The film should be at least 16 mm.

(ii) Installation, maintenance, and operation of surveillance systems providing surveillance of other than vault or drive-in...
(iii) Safeguarded against accidental transmission of or tampering with the system; and

(v) Equipped with an independent source of power, capable of activation when the power failure of the usual source of power. Each device mentioned in this appendix should be installed and regularly inspected, tested, and an official record of the test should be kept so as to assure realization of its maximum performance capabilities. Activating devices for surveillance systems and robbery alarm systems should be operable with the least risk of detection by unauthorized persons that can be practically achieved.

Appendix B

PROPER EMPLOYEE CONDUCT DURING AND AFTER A ROBBERY

With respect to proper employee conduct during and after a robbery, employees should be instructed:

(1) To avoid actions that might increase danger to themselves or others;

(2) To activate the robbery alarm system and the surveillance system during the robbery, if it appears that such activation can be accomplished safely;

(3) To observe the robber's physical features, voice, accent, mannerisms, dress, the type of weapon he has, and any other characteristics that would be useful for identification purposes;

(4) That if the robber leaves evidence (a note) try to get a good description and out of sight, if it appears that this can be done safely; retain the evidence, do not handle it unnecessarily, and give it to the police when they arrive; and refrain from touching, articles or places the robber may have touched or evidence he may have left in order that fingerprints of the robber may be obtained;

(5) To give the robber no more money than the amount he demands, and include "bait" money in the amount given;

(6) That if it can be done safely, observe the direction of the robber's escape and the description and license plate number of the vehicle used, if any;

(7) To telephone the local police, if they have not arrived, and the nearest office of the Federal Bureau of Investigation, or inform a designated officer or other employee who has this responsibility, that a robbery has been committed;

(8) That if the robber leaves before the police arrive, assure that a designated officer or other employee who has this responsibility, if it is safe to do so, to inform the police when they arrive that the robber has left;

(9) To attempt to determine the names and addresses of other persons who witnessed the robbery or the escape, and request them to record their observations or to assist a designated officer or other employee in so doing;

(10) To refrain from discussing the details of the robbery with others before recording the observations regarding the robber's physical features and other characteristics as hereinabove described and the direction of escape and description of vehicle used, if any.

[F.R. Doc. 69-387; Filed, Jan. 15, 1969; 8:30 a.m.]
RULES AND REGULATIONS

§ 265.1a Specific functions delegated to Board members.

Any Board member designated by the Chairman is authorized under sections 25 and 25(a) of the Federal Reserve Act and Parts 211 and 213 of this chapter (Regulations K and M):

(a) To approve the establishment of a foreign branch or agency by a member bank or corporation organized under section 25(a) (an "Edge" corporation) or operating under an agreement with the Board pursuant to section 25 (an "Agreement" corporation) which has already established branches in more than one foreign country.

(b) To grant specific consent to stock acquisitions by a member bank or an Edge or Agreement corporation (and to approve such acquisitions which may exceed the limitations in section 25(a) based on such a corporation’s capital and surplus) not resulting in the acquisition by such bank or corporation of effective control of any foreign company (other than a company performing nominee, fiduciary or other banking services incidental to the activities of a foreign branch or affiliate of such bank or corporation).

(c) To permit an Edge or Agreement corporation to exceed the limitations in § 211.9 (b) and (c) of this chapter (Regulation K).

2. Also effective January 7, 1969, the titles of § 265.2 and paragraph (c) thereof are amended to read as shown below, and the following subparagraph (11) is added to paragraph (d) of § 265.2.

§ 265.2 Specific functions delegated to Board employees and Federal Reserve banks.

(c) The Director of the Division of Supervision and Regulation (or, in his absence, the Acting Director) is authorized:

11. Under sections 25 and 25(a) of the Federal Reserve Act and Parts 211 and 213 of this chapter (Regulations K and M), to approve increases and reductions of stock and amendments to the articles of association of a corporation organized under section 25(a) and additional investments by a member bank in the stock of a corporation operating under an agreement with the Board pursuant to section 25.

3a. The purpose of those amendments is to delegate certain functions of the Board relating to the international operations of member banks and Edge and Agreement corporations, in order to expedite handling of various applications for Board action in this area.

b. The provisions of section 533 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with the adoption of this amendment, because the rules contained therein are procedural in nature and accordingly do not constitute substantive effect to the requirements of such section.

Dated at Washington, D.C., this 7th day of January 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, Assistant Secretary.

[F.R. Doc. 69-583: Filed, Jan. 15, 1969; 0:45 a.m.]

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 326—MINIMUM SECURITY DEVICES AND PROCEDURES FOR INURED NONMEMBER BANKS

On November 9, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 16454) stating that the Board of Directors of the Federal Deposit Insurance Corporation was considering the addition of a new Part 326, entitled "Minimum Security Devices and Procedures for Insured Nonmember Banks", to Title 12 of the Code of Federal Regulations. Interested persons were afforded an opportunity to participate in the rule making process through the submission of relevant data, views, or arguments. After consideration of all such relevant matter as was submitted by interested persons, the new part as so proposed is hereby adopted, with certain changes, as set forth below:

Sec.
326.0 Scope of part.
326.1 Definitions.
326.2 Designation of security officer.
326.3 Security devices.
326.4 Security procedures.
326.5 Filing by insured state nonmember banks of reports with the Corporation.
326.6 Corrective action.
326.7 Penalty provision.
Appendix B—Proper Employee Conduct During and After a Robbery.


§ 326.0 Scope of part.

Pursuant to the authority conferred upon the Federal Deposit Insurance Corporation by section 3 of the Bank Protection Act of 1968 (82 Stat. 296), the regulations contained in this part—

(a) Establish minimum standards with which each insured State nonmember bank must comply with respect to the installation, maintenance, and operation of security devices and procedures to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts; and

(b) Establish time limits within which each such bank shall comply with such standards; and

(c) Require the submission of reports with respect to the installation, maintenance, and operation of security devices and procedures.

§ 326.1 Definitions.

For the purposes of this part—

(a) The term "insured State nonmember bank" means any bank (including any mutual savings bank), incorporated under the laws of any State of the United States, any territory of the United States, Puerto Rico, Guam, or the Virgin Islands, that is not a member of the Federal Reserve System but the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1811-1832), but the term does not include any bank located in the District of Columbia.

(b) The term "banking hours" means the time during which a banking office is open for the normal transaction of business with the banking public.

(c) The term "banking office" includes the main office or any insured State nonmember bank's any branch thereof.

(d) The term "branch" includes any branch bank, branch office, branch agency, additional office, or any branch of the bank which is not a member of the Federal Reserve System or in any territory of the United States or in any territory of the United States, Puerto Rico, Guam, or the Virgin Islands at which deposits are received or checks paid or money lent.

(e) The term "Board of Directors" means the Board of Directors of the Federal Deposit Insurance Corporation.

(f) The term "teller's station or window" means a location in a banking office at which bank customers routinely conduct transactions with the bank which involve the exchange of funds, including a walk-up or drive-in teller's station or window.

§ 326.2 Designation of security officer.

On or before February 15, 1969, or within 30 days after the bank becomes a member of the Federal Deposit Insurance Corporation, the board of directors of each insured State nonmember bank shall designate an officer or other employee of the bank who shall be charged, subject to supervision by the board's board of directors, with responsibility for the installation, maintenance, and operation of security devices and for the development and administration of a security program which equal or exceed the standards prescribed by this part.

§ 326.3 Security devices.

(a) Installation, maintenance, and operation of appropriate security devices.

Before January 1, 1970, or within 30 days after the bank becomes a member of the Federal Deposit Insurance Corporation, the security officer of each insured State nonmember bank, under such directions as shall be given him by the bank's board of directors, shall survey the need for security devices in each of the bank's banking offices and shall provide for the installation, maintenance, and operation, in each such office, of—
§ 326.5 Filing by insured State nonmember banks of reports with the Corporation.

(a) Compliance reports. As of the last business day in June of 1969, and as of the last business day in June of each calendar year thereafter, each insured State nonmember bank shall file with the supervising Examiner of the Federal Deposit Insurance Corporation in the Federal Deposit Insurance Corporation District in which its main office is located a statement certifying to its compliance with the requirements of this part. The statement shall be signed by the president, or cashier, or other managing officer of the bank and may be in a form substantially as follows:

I hereby certify, to the best of my knowledge and belief, that this bank has developed and administers a security program that equals or exceeds the standards prescribed by § 326.4 of the rules and regulations of the Federal Deposit Insurance Corporation; that such security program has been reduced to writing, approved by the bank's board of directors, and retained in such form as will readily permit determination of its adequacy and effectiveness; and that the bank's security officers, has provided for the installation, maintenance, and operation of appropriate security devices, as prescribed by § 326.3 of the rules and regulations of the Federal Deposit Insurance Corporation, in each of the bank's banking offices.

(b) Records of consultation. The bank's files shall contain a readily available record showing the name(s) and title(s) of the law enforcement officer(s) whose advice the security officer sought prior to the installation, maintenance, and operation of appropriate security devices.

(c) Reports on security devices. On or before March 15, 1969, and upon such other occasions as the Board of Directors may specify, each insured State nonmember bank shall file with the supervising Examiner of the Federal Deposit Insurance Corporation District in which it is located a report on Form P-1 (in duplicate) in which its main office is located.

§ 326.6 Corrective action.

(7) Provide for designation of a person or persons who will assure that all security devices are turned on and are operating during the periods in which such devices are intended to be used;

(8) Provide for designation of a person or persons to inspect, after the closing hour, all areas of each banking office where currency, negotiable securities, or similar valuables are normally handled or stored in order to assure that such currency, securities, and valuables have been put away, that no unauthorized persons have gained access to them, and that the vault or safe and all doors and windows are securely locked; and

(9) Provide for training, and periodic retraining, of employees in their responsibilities under this part, including the proper use of security devices and proper employee conduct during and after a robbery, in accordance with the procedures listed in Appendix B of this part.
be varied in the circumstances of a particular banking office, it may take or require the bank to take necessary corrective action. If the Board of Directors or its designee determines that such corrective action is appropriate or necessary, the bank will be so notified and will be furnished a statement of what the bank must do to comply with the requirements of this part.

§ 326.7 Penalty provision.

Pursuant to section 5 of the Bank Protection Act of 1968 (82 Stat. 295), an insured State nonmember bank that violates any provision of this part shall be subject to a civil penalty not to exceed $100 for each day of the violation.

Dated this 13th day of January 1969.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL]  E. F. DOWNEY,
Secretary.

APPENDIX A

MINIMUM STANDARDS FOR SECURITY DEVICES

(1) Surveillance systems—(1) General. Surveillance systems should be:
(A) Equipped with one or more photographic, graphic, recording, monitoring, or like devices capable of reproducing images of persons in the banking office with sufficient clarity to facilitate (through photographs capable of being enlarged to produce a 1 inch vertical head-size of persons whose images have been reproduced) the identification and apprehension of robbers or other suspicious persons;
(B) Reasonably silent in operation; and
(C) So designed and constructed that necessary services, repairs, or inspections can readily be accomplished.

Any camera used in such a system should be capable of taking at least one picture every 2 seconds and, if it uses film, should contain 2 seconds and, if it uses film, should contain

(ii) Designed to transmit to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that any such attempt is in progress; and in the case of a banking office at which the police ordinarily cannot arrive within minutes after an alarm is activated, designed to activate a loud sound-emitting bell or other device that is audible inside the banking office and for a distance of approximately 500 feet outside the banking office;

(iii) Safeguarded against accidental transmission of an alarm;
(iv) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system;
(v) Equipped with an independent source of power (such as a battery) sufficient to assure continuous operation of the system for at least 24 hours in the event of failure of the usual source of power. Surveillance systems. Burglar alarm systems should be:
(A) Equipped with a dial combination lock and other devices located within or in close proximity to such station or window. Each device mentioned in this appendix should be installed and regularly inspected, tested, and serviced by competent persons so as to assure reliable and maximum performance capabilities. Activating devices for surveillance systems and robbery alarms should be operable with the least risk of detection by unauthorized persons that can be practically achieved.

APPENDIX B

PROPER EMPLOYEE CONDUCT DURING AND AFTER A ROBBERY

With respect to proper employee conduct during and after a robbery, employees should be instructed—

(1) To avoid actions that might increase danger to themselves or others.

(2) To activate the robbery alarm system and the surveillance system during the robbery, if it appears that such activation can be accomplished safely.

(3) To observe the robber's physical features, voice, accent, mannerisms, dress, the kind and amount of money or other valuables, and any other characteristics that would be useful for identification purposes.

(4) That if the robber leaves evidence (such as a note) try to put it aside and out of sight, if it appears that this can be done safely: retain the evidence, do not handle it unnecessarily, and advise the police when they arrive; and refrain from

...
touching, and assist in preventing others from touching, articles or places the robber may have touched or evidence he may have left, in order that fingerprints of the robber may be obtained;

(5) To give the robber no more money than the amount he demands and include "hail, fellow robber," in the account given;

(6) That if it can be done safely, to observe the direction of the robber's escape and the description and license plate number of the vehicle used if any;

(7) To telephone the local police, if they have not arrived, and the nearest office of the nearest responsible law enforcement officers, and inform a designated officer or other employee who has this responsibility that a robbery has been committed;

(8) That if the robber leaves before the police arrive, to assure that a designated officer or other employee waits outside the office, if it is safe to do so, to inform the police when they arrive that the robber has left;

(9) To attempt to determine the names and addresses of other persons who witnessed the robbery or the escape and request them to record their observations or to assist in the identification and apprehension of persons who commit such acts; set time limits within which insured institutions shall comply with the standards; and provides for the submission of reports with respect to compliance. For the purposes of this part:

(a) The term "Chief Examiner" means the Chief Examiner of the Office of Examinations and Supervision of the Federal Home Loan Bank Board who is responsible for the conduct of such Office's examinations of insured institutions in the District of the Federal Home Loan Bank Region in which an insured institution is located.

(b) The term "business hours" means the time during which an office is open for the normal transaction of business with the public.

(c) The term "office" includes the principal office of an insured institution and any branch thereof.

(d) The term "branch" includes any branch business office, agency, additional teller's station or window, or any branch place of business located in any State or territory of the United States or in the District of Columbia at which insured accounts are received or payments on loans are received.

(e) The term "teller's station or window" means a location in an office at which the institution's customers are permitted to conduct transactions with the institution in person and in which funds, including a walkup or drive-in teller's station or window.

§ 563a.2 Designation of security officer.

On or before March 17, 1969 (or within 30 days after the effective date of insurance of accounts, whichever is later), the board of directors of each insured institution shall designate an officer or other employee of the institution who shall be charged, subject to supervision by the institution's board of directors, with responsibility for the installation, maintenance, and operation of security devices and for the development and administration of a security program which equal or exceed the standards prescribed by this part.

§ 563a.3 Security devices.

(a) Installation, maintenance, and operation of appropriate security devices.

Before January 1, 1970, or within 30 days after the effective date of insurance of accounts, whichever is later, the security officer of each insured institution, under such directions as shall be given him by the institution's board of directors, shall install and operate security devices in each of the institution's offices and shall provide for the installation, maintenance, and operation, in each such office, of:

(1) A lighting system for illumination during the hours of darkness, the area around the vault, if the vault is visible from outside the office;

(2) Tamper-resistant locks on exterior doors and exterior windows designed to be bondable;

(3) An alarm system or other appropriate device for promptly notifying the nearest responsible law enforcement officers of an attempted or perpetrated robbery or burglary;

(4) Such other devices as the security officer, after seeking the advice of law enforcement officers, shall determine to be appropriate for discouraging robberies, burglaries, and larcenies and for assisting in the identification and apprehension of persons who commit such acts;

(b) Considerations relevant to determining appropriateness. For the purpose of subparagraph (4) of paragraph (a) of this section, considerations relevant to determining appropriateness include, but are not limited to:

(1) The incidence of crime against the particular office and/or against financial institutions in the area in which the office is or will be located;

(2) The amount of currency or other valuable exposed to robbery, burglary, or larceny;

(3) The distance of the office from the nearest responsible law enforcement officials, and the time required for such law enforcement officers ordinarily to arrive at the office;

(4) The cost of the security devices;

(5) Other security measures in effect at the office; and

(6) The physical characteristics of the office structure and its surroundings.

(c) Implementation. It is appropriate for the Federal Home Loan Bank Board to designate areas with a high incidence of crime to install many devices which would not be practicable because of costs for small offices in areas substantially free of crimes against financial institutions. Each insured institution shall consider the appropriateness of installing, maintaining, and operating security devices which are expected to give a general level of protection at least equivalent to the standards described in Appendix A of this part. In any case in which (on the basis of the factors listed in paragraph (b) of this section or similar ones), the use of other devices for the protection of property located in the institution's offices or against crime or financial institutions.

§ 563a.4 Security procedures.

(a) Development and administration. On or before July 15, 1969 (or within 30 days after the effective date of insurance of accounts, whichever is later), the security officer of each insured institution, under such directions as shall be given him by the institution's board of directors, shall install and operate security devices in each of the institution's offices and shall provide for the installation, maintenance, and operation, in each such office, of:

(1) A lighting system for illumination during the hours of darkness, the area around the vault, if the vault is visible from outside the office;
RULES AND REGULATIONS

days after the effective date of insurance of accounts, whichever is later), each insured institution shall develop and provide for the administration of a security program to protect each of its offices from robberies, burglaries, and other external crimes, to secure persons, and to provide for the identification and apprehension of persons who commit such acts. The security program shall be reduced to writing, approved by the institution's board of directors, and kept in such form as will readily permit determination of its adequacy and effectiveness, and a copy shall be filed with the Chief Examiner.

(b) Contents of security programs. Such security programs shall
(1) Provide for establishing a schedule for the inspection, testing, and servicing of all security devices installed in each office, provide for designating the officer or other employee who shall be responsible for seeing that such devices are inspected, tested, serviced, and kept in good repair; and require such officer or other employee to keep a record of such inspections, tests, and services;
(2) Require that each office's currency be kept at a reasonable minimum and provide procedures for safely removing excess currency;
(3) Require that the currency at each teller's station or window be kept at a reasonable minimum and provide procedures for safely removing excess currency and negotiable securities to a locked safe, vault, or other protected area;
(4) Require that the currency at each teller's station or window include "bait" money, i.e., used Federal Reserve notes, contain enough unexposed film at all times to be capable of operating for not less than 1 minute, and be located in a safe place; and
(5) Require that all currency and negotiable securities be placed in a vault or safe at the earliest time practicable and that the vault or safe be locked at the earliest time practicable after business hours, and that the vault or safe be opened at the latest time practicable before business hours;
(6) Provide, where practicable, for designation of a person or persons to open each office and require him or them to inspect the premises, to ascertain that no unauthorized persons are present, and to inform other employees that the premises are safe before permitting them to enter;
(7) Provide for designation of a person or persons who will assure that all security devices are turned on and are operating during the periods in which such devices are intended to be used;
(8) Provide, where practicable, designation of a person or persons to inspect, after the closing hour, all areas of each office where currency and negotiable securities are normally handled or stored in order to assure that such currency and negotiable securities have been put away, that no unauthorized persons are present in such areas, and that the vault or safe and all doors and windows are securely locked; and
(9) Provide for training, and periodic retraining, of employees in their responsibilities under the security program including the use of security devices and proper employee conduct during and after a robbery, in accordance with the procedures listed in Appendix B of this part.

§ 563a.5 Filing of reports.
(a) Compliance reports. As of the last business day in June of 1970, and in connection with each periodic supervisory examination thereafter, each insured institution shall file with the Chief Examiner a statement certifying to its compliance with the requirements of this part. The statement shall be dated and signed by the president or other managing officer of the institution and may be in a form substantially as follows:
I hereby certify, to the best of my knowledge and belief, that this institution has developed and administers a security program that equals or exceeds the standards prescribed by § 563a.4 of the Rules and Regulations for Insurance of Accounts, that such security program has been reduced to writing, approved by this institution's board of directors, and kept in such form as will readily permit determination of its adequacy and effectiveness; and that this institution's security officer, after seeking the advice of law enforcement officers, has provided for the installation, maintenance, and operation of appropriate security devices by § 563a.5 of the Rules and Regulations for Insurance of Accounts, in each of this institution's offices.

(b) Reports on security devices. On or before April 17, 1969 (or within 30 days after the effective date of insurance of accounts, whichever is later), and upon such other occasions as the Corporation may specify, each insured institution shall file with the Chief Examiner a report on Form P-1 (in duplicate) for each of its offices that is subject to this part.

§ 563a.6 Corrective action.
Whenever the Corporation determines that the security devices or procedures installed in or about an insured institution are not effective, or are defective in meeting the requirements of this part, or that the requirements of this part should be varied in the circumstances in which they may take place, the Corporation may take or require the institution to take necessary corrective action.

APPENDIX A
MINIMUM STANDARDS FOR SECURITY DEVICES

1. Surveillance systems—(a) General. Surveillance systems should be:
(1) Designed for specific tasks, such as the supervision of personnel or equipment, and be designed and equipped for the type of security services to be provided.
(2) Capable of activation by initiating devices located at each teller's station or window. Surveillance devices for other than walkup or drive-in windows should be:
(1) Located so as to reproduce identifiable images of persons in a position to transact business at each such station or window, and
(2) Capable of activation by initiating devices located at each teller's station or window.
(c) Installation, maintenance, and operation of surveillance systems providing surveillance of other than walkup or drive-in teller's stations or windows. Surveillance devices for walkup and drive-in teller's stations or windows should be located in such a manner as to reproduce identifiable images of persons in a position to transact business at each such station or window and in such a position as to be capable of operating for not less than 3 minutes, and the film should be at least 16 mm.
(2) Installation, maintenance, and operation of surveillance systems providing surveillance of walkup or drive-in teller's stations or windows. Surveillance devices for walkup and drive-in teller's stations or windows should be:
(1) Located so as to reproduce identifiable images of persons in a position to transact business at each such station or window, and
(2) Capable of activation by initiating devices located at each teller's station or window.
2. Robbery alarm systems. A robbery alarm should be provided for each once at which
the police ordinarily can arrive within 5 minutes after an alarm is activated. Robbery alarm systems should be:

(a) Designed to transmit to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that a crime against the office has occurred or is in progress;

(b) Capable of activation by initiating devices located at each teller's station or window (except walk-up or drive-in teller's stations or windows in which the teller is effectively protected by a bullet-resistant barrier and effectively isolated from persons, other than fellow employees, inside an office of which such station or window may be a part);

(c) Safeguarded against accidental transmission of an alarm;

(d) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(e) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 24 hours in the event of failure of the usual source of power.

3. Burglar alarm systems. Burglar alarm systems should be:

(a) Capable of detecting promptly an attack on the outer door, walls, floor or ceiling of each vault, and each safe not stored in a vault, in which currency or negotiable securities are stored when the office is closed, and any attempt to move any such safe;

(b) Designed to transmit, to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that any such attack is in progress; and in the case of an office at which the police ordinarily cannot arrive within 5 minutes after an alarm is activated, designed to activate a loud sounding bell or other device that is audible inside the office and for a distance of approximately 500 feet outside the office;

(c) Safeguarded against accidental transmission of an alarm;

(d) Equipped with a visual and audible signal, capable of indicating improper functioning of or tampering with the system; and

(e) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 80 hours in the event of failure of the usual source of power.

4. Walkup and drive-in teller's stations or windows. Walkup and drive-in teller's stations or windows contracted for after February 15, 1969, should be constructed in such a manner that tellers are effectively protected by bullet-resistant barriers from robbery or larceny by persons outside such stations or windows. Such barriers should be of glass at least 1/8 inches thick, or of materials of at least equivalent bullet-resistance. It should be emphasized that this thickness is merely bullet-resistant and not bullet-proof.
DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

YELLOWSTONE NATIONAL PARK

Oversnow Vehicle Use

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 538, as amended, 16 U.S.C. 3), and the Act of May 7, 1938 (28 Stat. 73, as amended, 16 U.S.C. 26), 245 DM-I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4165) as amended, Regional Director, Midwest Region Order No. 4 (31 F.R. 8709), as amended, it is proposed to amend § 7.13 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to include the oversnow vehicle in the classification of a motor vehicle as defined in Part 4 of the regulations. Because of past confusion as to the classification of oversnow motor vehicles it is essential they be specified for necessary control of operation within the boundaries of Yellowstone National Park. The purpose of requiring a person to register or obtain a permit before attempting any oversnow travel within the boundaries of Yellowstone National Park is for the protection and safety of the winter traveler and to advise them of existing rules and regulations pertaining to this particular activity.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Yellowstone National Park, Wyo. 82190, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.


Section 7.13(m) of Title 36 of the Code of Federal Regulations is amended to read as follows:

§ 7.13 Yellowstone National Park.

(m) Skiing, sledding, tobogganing, snowshoeing, and oversnow vehicle use.

(1) Definitions: A motorized oversnow vehicle is defined as a motor vehicle that operates on skis, pontoons, tracks, rollers, wheels, air cushion or any other device which is designed for travel in, on, or over snow.

(2) The following activities are prohibited in the Park:

(a) Skiing, sledding, tobogganing, snowshoeing and the operation of motorized oversnow vehicles upon Park roads and parking areas, when such roads and parking areas are open to automobiles, trucks, tractors, bicycles, or motorcycles.

(b) Skiing, sledding, tobogganing, snowshoeing and the operation of motorized oversnow vehicles within areas closed by the posting of signs or designated as closed on a map located in the Superintendent’s Office.

(c) The towing of persons on skis, sleds, or other sliding devices behind automobiles, trucks, tractors, bicycles, and motorcycles.

(d) All appropriate restrictions set forth in Part 4 of this chapter will apply to the operation of motorized oversnow vehicles.

(e) The Superintendent may, by the posting of appropriate signs, require persons to register or to obtain a permit before attempting any oversnow travel within a Yellowstone National Park. The Superintendent shall issue a permit upon ascertaining that suitable winter survival supplies and equipment are available for human use in the event of mechanical failure. Where a permit is required it must be carried on the person or within the oversnow vehicle, and shall be exhibited upon request of any authorized person.

JACK K. ANDERSON,
Superintendent,
Yellowstone National Park, Wyo.

F.R. Doc. 69-538; Filed, Jan. 15, 1969; 8:46 a.m.

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CFR Part 150]

EGGS

Limits on Position and Daily Trading for Future Delivery

The Commodity Exchange Commission has issued an order under § 150.5 of the orders of the Commodity Exchange Commission (issued Aug. 13, 1951, 16 F.R. 3106; amended Dec. 20, 1962, 27 F.R. 12360) establishing maximum limits on position and daily trading in eggs for future delivery at 150 carlots in one future or in all futures combined, except that a sliding scale was applied to certain futures, namely, 100 carlots in the October future, 75 carlots in the November future, 50 carlots in the December future, and 25 carlots in the January future.

Notice is hereby given that it is proposed by the Commodity Exchange Authority that the Commodity Exchange Commission amend the limits on position and daily trading in eggs for future delivery by removing the sliding scale applicable at the time October, November, December, and January egg futures, and that the position and daily trading limits be established at 150 carlots in any one future or in all futures combined.

The limits established by the Commodity Exchange Commission in 1951 were based on futures trading contracts specifying delivery of refrigerator (storage) eggs. Storage eggs are accumulated in characteristics of storage eggs and futures contracts were based primarily on storage eggs, and in light of the present marketing pattern of fresh eggs, the sliding scale of speculative limits is obsolete.

If any interested person desires an oral hearing with reference to the proposed amendment of the order on limits on position and daily trading in eggs, and notifies the Administrator of the Commodity Exchange Authority to that effect, as directed below, on or before February 12, 1969, a hearing will be held in Washington, D.C., at a time and place to be announced, and all interested persons will be given an opportunity to express their views at such hearing. Requests for an oral hearing should be directed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250. No oral hearing will be held in the absence of such a request received on or before February 12, 1969.

Written statements with reference to the subject matter of this proposal may be submitted by any interested person irrespective of whether an oral hearing is held, and may be in addition to or in lieu of testimony at an oral hearing. Such statements should be mailed to the Administrator of the Commodity Exchange Authority prior to February 12, 1969.
The transcript of the proceedings at any hearing will be held and all written communications made to the Division Chief, Airspace and Traffic Division, Federal Aviation Administration, Washington, D.C. 20590. An informal docket will be available for examination by interested persons at the Civil Aeronautics Board before taking final action on the proposed amendments.

Interested persons may participate in the proposed rule making by submitting written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Division Chief, Airspace and Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045. All communications received within 30 days after publication of this notice will be available for examination in the Federal Register will be considered before action is taken on the proposed amendments.
Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[Seal] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Rule 12(d) of Part 302 of the Board's procedural regulations now provides for dismissal of remaining portions of section 401 applications partially designated for hearing or consolidated hearing. There is no provision in the rule, however, for dismissal of an application where consolidation is denied in all respects. Frequently, carriers file applications for the specific purpose of seeking to have them consolidated into existing proceedings. Where consolidation is denied, there may be little likelihood of a separate proceeding on the application within the near future. The proposed rule would provide for dismissal where the application is filed after a Board order of investigation or notice of hearing on a separate application, and the motion to consolidate is denied. Dismissal would, of course, be without prejudice. The effect of the proposed amendment will be to assist in clearing the Board's docket of stale cases, without adversely affecting any applicant's rights.

Part 389 of the Organization Regulations provides for a filing fee of $200 for an application under section 401 of the Act, and for refund if the application is dismissed as stale. The proposed amendment will similarly provide for refund of the filing fee on dismissal under the proposed rule.

Proposed rules. It is proposed to amend §302.12 (14 CFR Part 302) by adding a new paragraph (e) and amend §389.25 (a) (14 CFR Part 389) to read as follows:

Amend §302.12 by adding a new paragraph (e):

§302.12 Consolidation of proceedings.

(e) Dismissal of applications denied consolidation. When the Board denies, in its entirety, consolidation of an application filed under section 401 of the Act, the Board will dismiss without prejudice such application if the application was filed after commencement of the proceeding into which the application was sought to be consolidated. For purposes of this paragraph, a proceeding shall be deemed to commence upon the issuance of a Board order of investigation, or an order or notice setting an application for hearing.

Amend §389.25(a)(1) to read as follows:

§389.25 Schedule of filing and license fees.

(a) Certificates of public convenience and necessity. (1) The filing fee for an application, under section 401 of the Act, (i) for a certificate of public convenience and necessity to engage in air transportation, or (ii) to amend, modify, renew, or transfer a certificate or to abandon a route or a part thereof, is $200. The fee will be refunded if the application is withdrawn prior to hearing, or is dismissed under the stale application rule of §302.911 of this chapter, or is dismissed pursuant to the denial of consolidation rule of §302.12(e) of this chapter.
Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission’s general policy statement concerning motor carrier licensing procedures, published in the Federal Register Issue of May 3, 1968. This assignment will be by Commission, order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptive, or other limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the philosophy set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

Further states that one purpose of his instant application, is to remove the restriction at the top of page 23 of its lead certificate. Should this application be wholly approved, applicant agrees to cancellation of its present alternate route authority between Evansville, Ind., and Nashville, Tenn. Applicant further states that (2) of this application, combined with (1), will enable it to serve its Peoria and Decatur, Ill, terminals from Atlanta, Ga., over combined routes of 687 miles. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

Further, applicant wishes to operate as a motor carrier, by motor vehicle, over irregular routes, transporting: Laminated panels, Laminated wood, Laminated panels, and Laminated wood, over irregular routes, transporting: parade flags, parade banners, parade signs, parade streamers, and parade flags, parades.

Further states that it presently holds authority similar to that sought in (1) above. It

Notes

INTERSTATE COMMERCE

NOTICE 1258

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

January 10, 1969.

The following applications are governed by Special Rule 1.347 of the Commission’s general rules of practice (49 CFR, as amended), published in the Federal Register Issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after notice of filing of the application is published in the Federal Register. Failure reasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d) (3) of the rules of practice which requires that it set forth specifically the grounds on which it is made, contain a detailed statement of protestant’s interest in the proceeding (including a copy of the specific portions of its authority which protestor believes to be in conflict with that sought in the application, and describing in detail the manner in which protestor believes application to be inconsistent with protestor’s authority), and shall specify with particularity the facts, matters, and things relied upon. The protest, or issues or allegations phrased generally. Protestors not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant’s representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d) (4) of the special rules, and shall include the certification required therein.

Section 1.347(1) of the Commission’s rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 30 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which event the application will be dismissed by the Commission.

Copies of Special Rule 1.347 (as amended) may be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.
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No. MC 52480 (Sub-No. 97), filed December 11, 1968. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, Okla. 74110. Applicant's representative: James W. Warpe, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: (1) Motor vehicular parts and accessories, materials, and supplies used in the repair, servicing, and maintenance of motor vehicles; (2) laundering and dry cleaning materials and supplies used in the operation of motor vehicle service stations, fertilizer in containers, and advertising matter, from Ponce City, Okla., from that part of Enid, Okla., within 100 miles of Tulsa, Okla., and from Beaumont, Tex., to points in Arkansas on U.S. Highway 64 between Fort Smith and Conway, Ark., U.S. Highway 65 between Fort Smith and Conway, and Little Rock, Ark., and those on U.S. Highway 70 between Little Rock, Ark., and the Arkansas-Tennessee State line. Restriction: The service authorized hereunder is restricted to a limited number of commodities in containers authorized hereinabove on the same vehicle and on the same bill of lading. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, in bulk, in tank vehicles, from St. Joseph, Mo., to points in Illinois, Michigan, and Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in containers, and empty petroleum products containers, from Beaumont, Tex., to points in Arkansas on U.S. Highway 64 between Fort Smith and Conway, Ark., those on U.S. Highway 65 between Conway and Little Rock, Ark., and U.S. Highway 70 between Little Rock and the Arkansas-Tennessee State line, and on U.S. Highway 70 between Little Rock and the Arkansas-Tennessee State line, and (4) empty petroleum products containers, between Tulsa, Okla., and points in Kansas and Oklahoma within 100 miles of Tulsa, Okla., including Tulsa, on the one hand, and, on the other, points in Arkansas on U.S. Highway 64 between Conway and Little Rock, Ark., and those on U.S. Highway 70 between Little Rock and the Arkansas-Tennessee State line. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel iron and steel scrap, from Dade County, Fla., to Memphis, Tenn., and the Arkansas-Tennessee State line, and (4) empty petroleum products containers, between Tulsa, Okla., and points in Kansas and Oklahoma within 100 miles of Tulsa, Okla., including Tulsa, on the one hand, and, on the other, points in Arkansas on U.S. Highway 64 between Conway and Little Rock, Ark., and those on U.S. Highway 70 between Little Rock and the Arkansas-Tennessee State line. Authority seeks to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious to or contaminating to

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Section 1

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other lading), serving terminal facilities of carriers located in that portion of the U.S. Highway 80, to Rapid City, and, as presently authorized, and return over the same routes; (d) also, from Omaha to the junction U.S. Highways 30 and 281, over presently authorized routes, thence over U.S. Highway 20 to Rapid City, and return over the same routes; (e) also, between Omaha and junction U.S. Highway 20 and Nebraska Highway 77, as previously described, thence over U.S. Highway 20 to junction Nebraska Highway 87 at Rushville, Nebr., thence over Nebraska Highway 87 to Pine Bluffs, Wyo., thence over interstate route to Rapid City, as previously described, and return over the same routes; (2) between Omaha, Nebr., and Rapid City, S. Dak., from Omaha over Interstate Highway 29 to junction U.S. Highway 16, thence over segments of Interstate Highway 90, as completed, and U.S. Highway 16 to Rapid City, and return over the same route, thence to point of origin; (3) also, from Omaha, Nebr., to Rapid City, S. Dak., between Minneapolis and St. Paul, Minn., and Rapid City, S. Dak., from Minneapolis-St. Paul over Interstate Highway 35W to junction Minnesota Highway 101, thence over Minnesota Highway 101 to junction U.S. Highway 16, thence over Minnesota Highway 60 to junction Minnesota Highway 60, thence over Minnesota Highway 60 to junction U.S. Highway 16, thence over U.S. Highway 20 and Nebraska Highway 77, as completed, to Rapid City, and return over the same route, serving no intermediate points as an alternate route for operating convenience only in connection with (A) above. (B) General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Memphis-St. Paul, Minn., and Rapid City, S. Dak., from Minneapolis-St. Paul over Interstate Highway 35W to junction Minnesota Highway 101, thence over Minnesota Highway 101 to junction U.S. Highway 16, thence over Minnesota Highway 60 to junction Minnesota Highway 60, thence over Minnesota Highway 60 to junction U.S. Highway 16, thence over U.S. Highway 20 and Nebraska Highway 77, as completed, to Rapid City, and return over the same route, serving no intermediate points as an alternate route for operating convenience only. Note: Applicant requests that the above requested alternate routes are slightly longer than applicant's presently authorized routes, and are for the purpose of using when Frost Law Restriction in the States of South Dakota and Minnesota limit the weight which can ordinarily be transported. These restrictions are frequently in effect over 30 days, making emergency service difficult. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 98749 (Sub-No. 25) (Amendment), filed October 17, 1968, published November 7, 1968, and December 12, 1968, and republished, as amended, this issue. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, Post Office Box 2362, Longview, Tex. 75601. Applicant's representative: Joe T. Lantham, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer and fertilizer blends thereof, in bulk, from El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas, restricted to the plan for storing and transporting fertilizer and fertilizer blends thereof in lieu of dry chemicals. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 98149 (Sub-No. 6), filed November 27, 1968. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 822 East Sixth Street, Little Rock, Ark. 72201. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, serving intermediate points as an alternate route, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between New London, Wis., and Topeka, Kan., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark.

Note: The purpose of this republication is to reflect a change in the commodity description as fertilizer and fertilizer blends thereof in lieu of dry chemicals. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 98149 (Sub-No. 6), filed November 27, 1968. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 822 East Sixth Street, Little Rock, Ark. 72201. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, serving intermediate points as an alternate route, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Little Rock, Ark., and Texarkana, Tex., Texarkana, Tex. Service is authorized at Arkadelphia, Ark., for purpose of jointer only. (2) Between Little Rock, Ark., and Kirby, Ark., from Little Rock over U.S. Highway 76 to Kirby and return over same route, serving intermediate points between Hot Springs and Kirby (including Hot Springs), thence over U.S. Highway 27, as previously described, and return over the same route with intermediate points between Curt and Kirby, Ark. From Little Rock over U.S. Highway 67 to Texarkana, Tex., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark., and return over the same route with intermediate points between Curtis and Kirby, Ark.

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(9) Between Pencil Bluff and Meno, Ark. From Pencil Bluff over Arkansas State Highway 84 to Meno and return over same route, serving all intermediate points.
(10) Between Nashville and De Queen, Ark. From Nashville over State Highway 64 to De Queen and return over same route, serving all intermediate points.
(11) Between Hope and Dierks, Ark. From Hope over Arkansas State Highway 369 to Dierks and return over same route, serving all intermediate points.
(12) Between Mineral Springs and Fulton, Ark. From Mineral Springs over Arkansas State Highway 355 to Fulton and return over same route, serving all intermediate points.
(13) Between Murfreesboro, and Narrows Dam Site, Ark. From Murfreesboro over State Highway 19 to Narrows Dam Site and return over same route.
(14) Between Center Point and Briar, Ark. From Center Point, Howard County, over Arkansas State Highway 28 to junction with U.S. Highway 71; thence over Arkansas State Highway 369 to junction with unnumbered road; thence over unnumbered road to Briar and return over same route, serving all intermediate points.

No. MC 103651 (Sub-No. 223), filed December 23, 1968. Applicant: FLEET TRANSPORT, INC., 1030 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37229. Applicant's representative: R. J. Reynolds, Jr., 694-09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products as described in appendix to the petition.

No. MC 105007 (Sub-No. 21) (Correction), filed December 16, 1968. Published in the Federal Register, January 3, 1969, and republished as corrected, this issue. Applicant: MATISON TRUCK LINES, INC., 1407 St John Avenue, Albert Lea, Minn. 56007. Applicant's representative: John S. Barrett, 2206 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Laminated wood products, sheet metal, and accessories therefor, from Weyerusahaan Co., plants and facilities in Minnesota, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn.

No. MC 107757 (Sub-No. 30), filed December 16, 1968. Applicant: M. C. SLATER, INC., Post Office Box 369, Granite City, Ill. 62041. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aircraft ground support equipment, between points in the United States on and east of U.S. Highway 65; and (2) materials, equipment, and supplies, used in the manufacture and processing of iron and steel articles, on return, restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and restricted against the transportation of commodities in bulk. If a hearing is deemed necessary, applicant requests it be held at Chico, Ill.

No. MC 109688 (Sub-No. 129), filed December 26, 1968. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: E. W. Melton, 490 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic pipe, plastic tubing, plastic conduit, valve, fittings, compounds, joint sealer, bonding cement, primer, coating thinner, and accessories, used in the installation of such products, from Mantua, Ohio, and Clinton, Iowa, to points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 102395 (Sub-No. 10), filed December 18, 1968. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, Pa. 19438. Applicant's representative: J. H. McInerney, 1017 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Feed ingredients, from points in Franconia Township, Montgomery County, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Virginia, Vermont, and West Virginia; and (2) feed ingredients, from points in North Carolina, Ohio, and Maryland, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Virginia, Vermont, and West Virginia.

If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

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NOTICE

1969-01-16 52366


Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: 

if a hearing is deemed necessary, applicant requests it be held at Pensacola or Jacksonville, Fla. No. MC 114301 (Sub-No. 87), filed December 16, 1968. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 59272, Chicago, Ill. 60686. Applicant's representative: Robert H. Levy, 720 North LaSalle St., Chicago, Ill. 60654. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Alcohol, grain, general freight and livestock.

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a hearing is deemed necessary, applicant requests it be held at Pensacola or Jacksonville, Fla. No. MC 114301 (Sub-No. 87), filed December 16, 1968. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 59272, Chicago, Ill. 60686. Applicant's representative: Robert H. Levy, 720 North LaSalle St., Chicago, Ill. 60654. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Alcohol, grain, general freight and livestock.
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TRUCKING CO., a corporation, 910 South Jackson, Eagle Grove, Iowa 50633. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50305. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fuel ingredients (except liquids, in bulk in tank vehicles), from Iowa, Missouri, Nebraska, Texas, Utah, and Wisconsin. Note: Applicant holds contract authority under MC-118498 and Subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126428 (Sub-No. 3) (Amendment), filed October 24, 1968, published Federal Register issue of November 7, 1968, amended December 26, 1968, and republished as amended this issue. Applicant: ZIBERT TRANSPORT CO., a corporation, 2836 Market Street, Peru, Ill. 61354. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic materials, plastic pellets, general cargo, in bulk, and/or hopper-type vehicles, from Henry, Ill., to points in Arkansas, Indiana, Kansas, Kentucky, Ohio, Missouri, Nebraska, North Dakota, South Dakota, Virginia, Wisconsin, and Wyoming. Note: The purpose of this republication is to more clearly set forth the commodity description in (1) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126709 (Sub-No. 3) (Correction), filed December 6, 1968, published in the Federal Register issue of January 3, 1969, and republished as corrected this issue. Applicant: SABER, INC., 514 South Floyd Boulevard, Sioux City, Iowa, 51107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Nondielectric tallow, in bulk, in tank vehicles, from Sioux City, Iowa, to points in Nebraska, South Dakota, and those in that part of Minnesota on and south of a line beginning at the South Dakota and Minnesota States' line at or near Marquette, Minn., extending east along U.S. Highway 212 to junction Minnesota Highway 15, thence south along Minnesota Highway 15 to junction U.S. Highway 14 at or near New Ulm, Minn., thence south along U.S. Highway 14 to junction U.S. Highway 218 at or near Owatonna, Minn., thence south along U.S. Highway 218 to the Minnesota-Iowa State line at or near Lyle, Minn., and thence south along U.S. Highway 15 to Minnesota Highway 15. Note: The purpose of this republication is to more clearly set forth the commodity description in (1) above. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 126894 (Sub-No. 9), filed December 12, 1968. Applicant: H. C. PARRISH TRUCK SERVICE, INC., B.P.D. No. 2, Freeburg, Ill. Applicant's representative: B. W. LaTourette, Jr., 611 Illinois Street, Freeburg, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Iron and steel articles from the plantsites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85; and (2) materials, equipment, and supplies, and processing of iron and steel articles, from the above-named destinations to the plantsites, shipping points, and warehouses of Continental Steel Corp., located in Howard County, Ind., restricted to the transportation of traffic originating at or destined to the named origins and destinations and further restricted against the transportation of any commodity, including iron and steel articles, by motor vehicle, over irregular routes, transporting: Packaging and paperboard cartons, knocked-down, from Bow, N.H., to points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, and New Hampshire, restricted against the transportation of any commodity, including iron and steel articles, by motor vehicle, over irregular routes, transporting: (1) Nondielectric tallow, in bulk, in tank vehicles, from Sioux City, Iowa, to points in Nebraska, South Dakota, and those in that part of Minnesota on and south of a line beginning at the South Dakota and Minnesota States' line at or near Marquette, Minn., extending east along U.S. Highway 212 to junction Minnesota Highway 15, thence south along Minnesota Highway 15 to junction U.S. Highway 14 at or near New Ulm, Minn., thence south along U.S. Highway 14 to junction U.S. Highway 218 at or near Owatonna, Minn., thence south along U.S. Highway 218 to the Minnesota-Iowa State line at or near Lyle, Minn., and thence south along U.S. Highway 15 to Minnesota Highway 15. Note: The purpose of this republication is to more clearly set forth the commodity description in (1) above. If a hearing is deemed necessary, applicant requests it be held at Atlantic, Ga.

No. MC 127329 (Sub-No. 4), filed December 27, 1968. Applicant: UNIVERSAL BOW TRANSPORT INCORPORATED, Concord Industrial Park, Concord, New Hampshire, 03301. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Brainard, Mass. 02134. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Equipment and accessories for public transportation, including undercarriages with hitchball connections, pickup and tent campers, and appliances, furniture, and accessories when moving in the commodities described in (1) above; (a) between Carbon Hill, Ala., on the one hand, and, on the other, points in the United States except Alaska and Hawaii, and points in the District of Columbia; (b) between Columbus, Ohio, North Carolina, Kansas, Indiana, Illinois, Wisconsin, New York, New Jersey, New Orleans, N. C., N. J., and N. O., on the one hand, and, on the other, points in the United States except Alaska and Hawaii, and points in the District of Columbia; (c) between Columbus, Ohio, and points in the United States except Alaska and Hawaii, and points in the District of Columbia; (d) between Corvallis, Oreg., and the one hand, and, on the other, points in the United States except Alaska and Hawaii, and points in the District of Columbia; (e) between Fort Worth, Tex., on the one hand, and, on the other, points in the United States except Alaska and Hawaii, and points in the District of Columbia; (f) between Fort Worth and Corsicana, Tex.; Bellfonte, Pa.; Thomasville, Ga.; Carbon Hill, Ala.; and Lebanon, Oreg.; (g) between, the points described in (f) above, on the one hand, and, on the other, Falls City and North Bend, Nebr.; Arlington, Tenn.; Hamilton, Malakye, and Red Bay, Ala.; Danville, Va.; and Roseburg, Ore.; and (h) between Lebanon, Oreg., on the one hand, and, on the other, points in Washington, Oregon, and Idaho, on the one hand, and, on the other, points in Arizona, Utah, and New Mexico. Restriction: (1) All service hereunder shall be limited to traffic originating or terminating at the plantsites of the Commodore Corp., its subsidiaries or divisions. Note: The purpose of this republication is to more clearly set forth the commodity description in (1) above. If a hearing is deemed necessary, applicant requests it be held at Warren, Pa.

No. MC 127332 (Sub-No. 6), filed December 30, 1968. Applicant: C & S TRANSFER, INC., Post Office Box 5249, Macon, Ga. 31209. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW, Atlanta, Ga. 30309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Slate, cut to size, in boxes or crates, from Savannah, Ga., and Jacksonville, Fla., to Macon, Ga., under contract with Macon Supply Corp., Macon, Ga. Note: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 128999 (Sub-No. 8) (Amendment), filed October 24, 1968, published in the Federal Register issue of November 23, 1968, amended December 27, 1968, and republished as amended this issue. Applicant: COMMODORE CONTRACT CARRIERS, INC., 8712 West Dodge Road, Suite 4000, Omaha, Neb. 68114. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Neb. 68102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Houses trailers designed to be used as temporary quarters, in sections mounted on wheeled undercarriages with hitchball connectors, pickup and tent campers, and (2) unrelated parts, appliances, furniture, and accessories when moving in the commodities described in (1) above; (a) between Carbon Hill, Ala., on the one hand, and, on the other, points in the United States except Alaska and Hawaii, and points in the District of Columbia; (b) between Columbus, Ohio, North Carolina, Kansas, Indiana, Illinois, Wisconsin, New York, New Jersey, New Orleans, N.C., N.J., and N.O., on the one hand, and, on the other, points in the United States except Alaska and Hawaii, and points in the District of Columbia; (c) between Columbus, Ohio, and points in the United States except Alaska and Hawaii, and points in the District of Columbia; (d) between Corvallis, Oreg., and the one hand, and, on the other, points in the United States except Alaska and Hawaii, and points in the District of Columbia; (e) between Fort Worth, Tex., on the one hand, and, on the other, points in the United States except Alaska and Hawaii, and points in the District of Columbia; (f) between Fort Worth and Corsicana, Tex.; Bellfonte, Pa.; Thomasville, Ga.; Carbon Hill, Ala.; and Lebanon, Oreg.; (g) between, the points described in (f) above, on the one hand, and, on the other, Falls City and North Bend, Nebr.; Arlington, Tenn.; Hamilton, Malakye, and Red Bay, Ala.; Danville, Va.; and Roseburg, Ore.; and (h) between Lebanon, Oreg., on the one hand, and, on the other, points in Washington, Oregon, and Idaho, on the one hand, and, on the other, points in Arizona, Utah, and New Mexico. Restriction: (1) All service hereunder shall be limited to traffic originating or terminating at the plantsites of the Commodore Corp., its subsidiaries or divisions. Note: The purpose of this republication is to more clearly set forth the commodity description in (1) above. If a hearing is deemed necessary, applicant requests it be held at Omaha, Neb.

No. MC 133036 (Sub-No. 9), filed December 16, 1968. Applicant: DILLES

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TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant’s representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Anhydrous ammonia, in bulk, in tank vessels (1) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Whiting, Early, and Gamer, Iowa, and destined to points in the named destination States; and (2) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming, restricted to the transportation of shipments which originate at or near the facilities of the Mid-America Pipeline Co. located at or near Greenwood, Nebr., and destined to points in the named destination States; and, (3) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Nebraska, located at or near Whiting, Early, and Garner, Iowa, and destined to points in the named destination States. Notice: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133156, filed August 14, 1968. Applicant: JOSEPH B. BOUCHARD, doing business as J & B REFRIGERATION COMPANY, 1104 Pleasant Street, Warren, Little Compton, Tiverton, Portsmouth, Fall River, Mass. Applicant’s representative: John T. Farrell, 57 North Main Street, Fall River, Mass. 02720. Authority sought to operate as a contract carrier, by motor vehicle, over regular routes, transporting: Refrigerators, washers and dryers, ranges, dishwashers, air conditioners, television sets, radio sets, stereo sets, Hi-Fi sets, and other types of recorders, between Fall River, New Bedford, Rehoboth, Swansea, Somerset, Assonet, Taunton, Acushnet, Westport, Adamsville, Hyannis, Framingham, and Seekonk, Providence, Cranston, Newport, Bristol, Warren, Little Compton, Tiverton, Portsmouth, and Central Falls, R.I.; under contract with Zayre’s Department Stores. Notice: If a hearing is deemed necessary, applicant requests it be held at Fall River, Taunton, or New Bedford, Mass.

No. MC 133238 (Sub-No. 1), filed December 27, 1968. Applicant: WOODY JAMES, 2385 Evergreen Avenue, Salt Lake City, Utah 84109. Applicant’s representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a contract carrier, by motor vehicle, over regular routes, transporting: Furniture, fixtures, appliances, equipment, and other articles used in the supplying, establishing, and maintenance of a restaurant facility, from Salt Lake City, Utah, to points in the continental United States; (2) from Parsons, Tenn., to points in the continental United States; (3) from Denver, Colo., to points in the continental United States; (4) from Chicago, Ill., to points in the continental United States; and (5) from Los Angeles, Calif., to points in the continental United States; under a continuing contract with S & F Supply Co. Notice: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133308, filed November 25, 1968. Applicant: AIRPORT DRAYAGE CO., a corporation, 7300 Northeast Alderwood Drive, Portland, Oreg. 97218. Applicant’s representative: Earle V. White, 2409 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except commodities in bulk), limited to the transportation of freight, express, and luggage having an immediately prior or subsequent movement by air, between those points in Multnomah, Clackamas, Columbia, Washington, Yamhill, and Marion Counties, Oreg.; Covell, Clark, and Skamania Counties, Wash. Notice: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 133232, filed November 29, 1968. Applicant: A FRISELLA MOVING AND STORAGE COMPANY, 2900 North Kingshighway Boulevard, St. Louis, Mo. 63115. Applicant’s representative: William A. Boles, 406 Olive Street, St. Louis, Mo. 63105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Used household goods moving on a through bill of lading issued by a freight forwarder of The General Adjustment Corporation, over point to point. Notice: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 133358, filed December 13, 1968. Applicant: HENLINE, INC., 1381 Etna Avenue, Huntington, Ind. 47950. Applicant’s representative: Donald W. Schmitt, 3619 East Main Street, Huntington, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wrecked and disabled motor vehicles and replacement vehicles therefor, between points in Texas and New Mexico, in the same vehicle. Notice: If a hearing is deemed necessary, applicant requests it be held at Indianapo lis, Ind.

No. MC 133361, filed December 19, 1968. Applicant: FLAINS BROKERAGE COMPANY, 1104 Pleasant Street, Portland, Oreg. Post Office Box 2187, Lubbock, Tex. 79408. Applicant’s representative: W. D. Benson, Jr., 7012 Indiana Avenue, Post Office Box 2522, Lubbock, Tex. 79413. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cottonseed meal, soy bean meal, and peanuts, meal, between points in Texas and New Mexico, on the one hand, and, on the other, points in Arizona, California, Oregon, Washington, Idaho, and Utah. Notice: If a hearing is deemed necessary, applicant requests it be held at Lubbock, Amarillo, or Dallas, Tex.
Building, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: passengers and their baggage in the same vehicle with passengers, in special and charter operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in the United States, Canada border line and extending to points in the United States, including Alaska but excluding Hawaii. Now: Authorities sought to operate as a common carrier, by motor vehicle, in the transportation of: (a) general commodities, (b) used automobiles; and (c) unaccompanied baggage, between points in the United States, including Alaska and Hawaii. Now: The purpose of this republication is to more clearly set forth the commodity description.

APPLICATIONS FOR BROKERAGE LICENSE

No. MC 12365 (Sub-No. 1), filed December 18, 1968. Applicant: CLIFFORD H. TILTON, 35 West Hyatt Avenue, Mount Kisco, N.Y. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C. 20006. Authority sought to operate as a broker at Mount Kisco, N.Y., in arranging for the transportation in interstate or foreign commerce, of passengers and their baggage, in connection with applicants' authorized services of transporting: used automobiles, between points in the United States.

APPLICATIONS FOR WATER CARRIER


APPLICATIONS OF FREIGHT FORWARDERS

No. FP-352 (Amendment) NORTH AMERICAN INTERNATIONAL, INC., Freight Forwarder Application, filed August 21, 1968, published in the Federal Register, September 12, 1968, amended and republished as amended this issue. Applicant: NORTH AMERICAN INTERNATIONAL, INC., Post Office Box 291, New Haven, Ind. 46774. Applicant's representative: Martin A. Weiselt, Post Office Box 988, Fort Wayne, Ind. Authority sought under section 7(a) of the Interstate Commerce Act to continue operations as a freight forwarder in interstate or foreign commerce, through the use of facilities of common carriers by railroad, water, motor vehicle, air, express, and by non-self-propelled barges, in the transportation of: (a) household goods, as defined by the Commission in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467; (b) used automobiles; and (c) unaccompanied baggage, between points in the United States, including Alaska and Hawaii.

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TRUCK LINE, INC., Post Office Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apf, 104 South Washington, Iola, Kans. 66749. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer and fertilizer ingredients, feed and feed ingredients and industrial aqua ammonia; (1) from the facilities of Agriculture Chemicals, Inc., at or near Minneapolis, Minn., to points in Iowa, Nebraska, Minnesota, and Wisconsin.

No. MC 125046 (Sub-No. 2), filed December 23, 1968. Applicant: G. LEE Masssey, doing business as MOUNTAIN TERRACE, Victor, W. Va. 25902. Applicant's representative: Larry Masssey, c/o Mountain Terrace, Victor, W. Va. 25902. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Power sweepers, cleaners, flushers, brush tampers, equipment used in connection with foregoing, parts and attachments used for the foregoing items, from points in Los Angeles County, Calif., to points in the United States (excluding Alaska and Hawaii). No: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 114211 (Sub-No. 118), filed December 6, 1968. Applicant: Warren Transport, Inc., c/o B. E. Steele, 2000 Western Avenue, Waterloo, Iowa 50701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: General commodities, in bulk, in tank equipment, and parts, and replacements used in connection with foregoing, and attachments used for the foregoing, from and to points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, to points in Polk, St. Croix, Pierce, Barron, Dunn, Pepin, Chippewa, Eau Claire, Clark, and Marathon Counties, Wis. Note: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 113656 (Sub-No. 162), filed December 30, 1968. Applicant: International Transport, Inc., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Power sweepers, cleaners, flushers, brush tampers, equipment used in connection with foregoing, parts and attachments used for the foregoing items, from points in Los Angeles County, Calif., to points in the United States (excluding Alaska and Hawaii). If and when granted, wherein applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 118), filed December 6, 1968. Applicant: Warren Transport, Inc., c/o B. E. Steele, 2000 Western Avenue, Waterloo, Iowa 50701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: General commodities, in bulk, in tank equipment, and parts, and replacements used in connection with foregoing, and attachments used for the foregoing, from and to points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, to points in Polk, St. Croix, Pierce, Barron, Dunn, Pepin, Chippewa, Eau Claire, Clark, and Marathon Counties, Wis. Note: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 114211 (Sub-No. 118), filed December 6, 1968. Applicant: Warren Transport, Inc., c/o B. E. Steele, 2000 Western Avenue, Waterloo, Iowa 50701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: General commodities, in bulk, in tank equipment, and parts, and replacements used in connection with foregoing, and attachments used for the foregoing, from and to points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, to points in Polk, St. Croix, Pierce, Barron, Dunn, Pepin, Chippewa, Eau Claire, Clark, and Marathon Counties, Wis. Note: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.
No. MC 119885 (Sub-No. 16) (Amendment to FR No. MC 119531 (Sub-No. 103)), filed December 12, 1968, and republished as amended this issue. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1555, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, and meat by-products, and articles distributed by meat packinghouses as described in sections A and C of appendix I to the Act, in traffic originating at plantsites and/or warehouses; (1) from Austin, Minn., to destinations in Missouri and Iowa; (2) from points in Ohio to points in Illinois, Indiana, and Michigan, and destined to the points in Michigan, Indiana, and Ohio; (3) from points in Iowa to points in Illinois, Michigan, and Ohio; and (4) above is restricted to traffic originating at plantsites and/or warehouses of Geo. A. Hormel & Co. and I. D. Packing Co. and destined to the points and States specified. Notice: The purpose of this republication is to serve points in Iowa, as an additional destination State in (3) above. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119531 (Sub-No. 103), filed January 2, 1969. Applicant: DICK-BRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 35 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquor, in bulk, in tank vehicles; (1) from Toledo, Ohio; Chicago, Ill.; New York, N.Y.; and Cleveland, Ohio, to points in Illinois, Indiana, and Ohio; (2) from Pekin, Ill., to Washington, D.C.; (3) from Fort Dodge, Iowa, and Des Moines, Iowa, to Fort Worth, Tex., and Dallas, Tex.; and (4) from points in Illinois, Ohio, and Michigan to points in Illinois, Ohio, and Michigan. Notice: If a hearing is deemed necessary, applicant requests it be held at Chicago, III.
Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Building materials, and composition boards, and articles used or useful in the installation thereof (except commodities in bulk), from Edgewater and Carteret, N.J., Philadelphia, Pittston, and Sunbury, Pa., and New York, N.Y., to points in Tennessee, West Virginia, Kentucky, Mississippi, Alabama, Arkansas, Ohio, Indiana, Michigan, Illinois, and Louisiana; (2) composition boards, and articles used or useful in the installation thereof (except commodities in bulk), from Deposit, N.Y., to points in Indiana and Michigan; and (3) returned shipments of the commodities in (1) and (2) above, in the opposite direction.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124679 (Sub-No. 20), filed December 31, 1968. Applicant: C. B. Raines, 226 West Fifth South, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Jones, 716 Perpetual Building, 1111 E Street, W. Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Cream and cream substitutes; (2) advertising, promotional, and display materials, and new pallets used in transporting the commodities described in (1) above; (3) and (2) above, in the opposite direction.

(Note 279) MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 13, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1123), 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 portions of the said orders within 30 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 petitioner must be specified in their petitions with particularity.

No. MC-FC-70933. By order of January 4, 1969, the Transfer Board approved the transfer to W. T. Marshall Trucking, Inc., Springfield, Ill., of the operating rights in corrected permit No. MC-125138 and permits Nos. MC-125136 (Sub-No. 1), MC-125136 (Sub-No. 2), MC-125138 (Sub-No. 5), and MC-125138 (Sub-No. 8) issued November 6, 1968, June 16, 1964, November 4, 1960, September 19, 1967, and July 29, 1960, respectively, to W. T. Marshall, Springfield, Ill., authorizing the transportation, over irregular routes of malt beverages from St. Louis, Mo., to specified points in Illinois, and new containers for malt beverages and new pallets used in transporting the commodities specified above, from Springfield, Rockford, and Freeport, Ill., to St. Louis, Mo., for named shippers. George B. Gillespie, 217 South Seventh Street, Springfield, Ill. 62701, attorney for applicants.


[SEAL] H. Neil Carston, Secretary.

[F.R. Doc. 69-574; Filed, Jan. 15, 1969; 8:48 a.m.]
PART 10 BIAM 3-6—AUTHORITIES FROM THE COMMISSIONER

3. AUTHORITY OF AREA DIRECTORS

3.1 Authorities from the Commissioner. The authorities of the Secretary of the Interior delegated to the Commissioner in Secretary’s Order 2508 (10 BIAM 2) are hereby redelegated to the Area Directors.

This redelegation also includes future authorities of the Secretary of the Interior which:

A. Do not by their own terms disallow exercise by officials below the Commissioner;
B. Are not within the generally applicable exceptions in section 3.3 below; or
C. Are not expressly excluded, by additional provisions to this Chapter, from being exercised by officials below the Commissioner.

3.2 Secretarial limitations. The limitations carried in the Secretary’s order above apply hereto.

3.3 Exceptions. The authorities redelegated in 3.1 above do not include the following:

A. Funds and fiscal matters. (1) The approval and transmission to the General Accounting Office of accounts between the United States and Indian tribes under reimbursable appropriations, as required by the acts of April 14, 1910, and June 10, 1921, 25 U.S.C., section 145.
(2) The approval of expenditures or advances of Tribal funds for the respective tribes for the purpose set forth and as prescribed in acts of June 7, 1944, 58 Stat. 321; June 20, 1936, 49 Stat. 1543; June 24, 1946, 60 Stat. 3620; section 3, May 19, 1947, 61 Stat. 192; section 7, April 19, 1959, Public Law 74, 81st Congress, 2d session; including supplements or amendments thereto, and under all other acts which may authorize the expenditure or advance of tribal funds to tribes for like purposes.
(5) The approval of restricted trust funds of individual Indians, and of group investment of funds held in the accounts of Indian Service Disbursing Agents, for individual Indians, Indian associations, and Indian tribes in any public-debt obligations of the United States and in bonds, notes, or other obligations which are unconditionally guaranteed as to both principal and interest by the United States, and in obligations of Indian tribes under the Act of June 24, 1938 (52 Stat. 1037, 25 U.S.C. 162a), which relates to the investment of tribal and individual trust funds in banks, in public-debt obligations of the United States, and in obligations of Indian tribes.
(7) The use or distribution of funds derived from judgments awarded as a result of tribal claims against the United States.

B. Personnel management. The approval of trade by Government employees with Indians pursuant to the provisions of 25 CFR 251.6.

C. Tribal government. (1) Calling and conducting of elections or referendums for the adoption or amendment of constitutions or charters or constitutions or charters, or amendments thereto, and under all acts which may authorize the adoption or amendment of constitutions or charters.
(2) The approval or disapproval of resolutions and ordinances pertaining to the regulation of law and order on a reservation, the regulation of domestic relations, and the regulation of trade with nonmembers of a tribe.

D. Forestry. (1) Designate any basis of volume determination pursuant to 25 CFR 141.14 other than Scribner Decimal C Log Rule, cubic volume, piece count, linear foot, or weight.
(2) Issue special instructions as to deductions from timber sale receipts pursuant to 25 CFR 141.16.

E. Real property management. (1) The approval of leases which provide for a duration in excess of 65 years, inclusive of any provisions for extensions or renewals thereof at the option of the lessee.
(2) The approval of leases of ceded or surplus lands unless title thereto has been restored to the tribe, or the leasing of such lands is authorized by a specific statute.

F. General. Approval or revision of forms prescribed by 25 CFR.

4. AUTHORITY OF SUPERINTENDENTS, CENTRAL OFFICE JURISDICTION

4.1 Authorities. The authorities of the Secretary of the Interior delegated to the Commissioner in Secretary’s Order 2308 (10 BIAM 2) are hereby redelegated to the Superintendents at Cherokee, Miccosukee, and Seminole Aresides.

4.2 General limitations. The limitations carried in 10 BIAM 3 apply here also.

5. AUTHORITY OF CENTRAL OFFICE PERSONNEL

5.1 Authority of Commissioner’s Staff. The Deputy Commissioner and those persons designated to act in his place during his absence may exercise any and all authority conferred upon the Commissioner of Indian Affairs by the Secretary of the Interior.

5.2 Day-to-Day Authority. The Chief, Division of Property and Supply Management, the Headquarters Administrative Office and the Chief, Division of Housing, are authorized to exercise all authority under section 3.2 of the Act of June 29, 1940 (40 Stat. 753), under section 6 of the Act of June 26, 1941 (44 Stat. 669), and under section 3 of the Act of June 24, 1938, as amended, of the Commissioner of Indian Affairs.

6. CONTRACT AUTHORITY

6.1 Delegation and Redetermination of Contract Authority. The Secretary has delegated to the Commissioner of Indian Affairs in 265 DM 11.1 (26 F.R. 1748, 26 F.R. 12300) the authority to enter into contract or lease of real property exceeding in excess of $5,000. "Payment of damages in full" means payment of the maximum amount due under applicable law.

FEDERAL REGISTER, VOL. 34, NO. 11—THURSDAY, JANUARY 16, 1969
Redelegation. The authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior covered in 6.1A above, and more specifically set out in 6.3 below, is redelegated to the contracting officers and contracting officers' authorized representatives designated in 6.2 below, subject to the limitations stated in 6.4, below.

6.2 Designation of Contracting Officers and Contracting Officers' authorized representatives.

The positions listed in (1) and (2) below, or their duly appointed successors, or any one or more authorized to act for them during their absence from office, are designated as contracting officers and as such are authorized to enter into contracts of the type listed in 6.3, below, and perform all necessary functions and take all required actions in the administration of those contracts, subject to the conditions set forth in 6.1, above, and 6.4, below.

(1) Headquarters Office Officials. (a) Deputy Commissioner. (b) Assistant Commissioner for Administration.

(2) Area Office Officials. (a) Area Director. (b) Assistant Area Director or Administrative Officer (for those areas where position of Assistant Area Director, Administration, does not exist).

(b) Chief, Contracting Office Adviser. (c) Chief, Contracting Office Adviser (Portland Area).

(c) Assistant Commissioner for Engineering, Littleton, Colo.

(d) Director, Office of the Assistant Commissioner for Administration.

(3) Services. (a) Services of educational institutions. (b) Services of labor surplus areas. (c) Services of small business. (d) Services of labor surplus areas purchased for authorized purposes or similar practices.

6.3 Contracts and methods of contracting—A. Contracts.

Contracts may be entered into for the following:

(1) Construction.

(2) Supplies and equipment.

(3) Services.

B. Methods.

Contracts may be entered into, using any method including negotiation, or cause to be performed a substantial part of the work of a contract.

(1) National emergency.

(2) Public exigency.

(3) Purchases not in excess of $2,500.

(4) Personal or professional services.

(5) Services of educational institutions.

(6) Purchases outside the United States.

(7) Medicines or medical supplies.

(8) Property purchased for authorized resale.

1All positions listed are in the Division of Plant Design and Construction located in Albuquerque, N. Mex.

2Located in the Plant Management Engineering Center, Division of Plant Management, Littleton, Colo.

6.4 Negotiated contracts under 302 (c) (1), “National Emergency” of the Federal Property and Administrative Services Act of 1949, as amended, and Labor surplus areas. Contracts negotiated under the National Emergency category shall be set aside for negotiation exclusively with firms which will perform or cause to be performed a substantial portion of the production under contract within labor surplus areas, in accordance with the policies for assistance to labor surplus areas stated in OPM Defense Management Policy 4, Revised June 1, 1960 (25 F.R. 5283).

B. Approval of the Secretary of the Interior. Any contract negotiated under the National Emergency category in excess of $25,000 must be executed by the Commissioner.

C. Contracts in excess of $25,000.

Any contract negotiated under the National Emergency category in excess of $25,000 must be submitted to the Secretary for approval before execution by a contracting officer.

C. Contracts in excess of $25,000. Any contract negotiated under the National Emergency category in excess of $25,000 must be executed by the Commissioner.

D. Supplies and materials for use on construction projects. Contracts negotiated under the National Emergency category shall not be exercised. The authority delegated to the Secretary of the Interior for supplies and materials for use on construction projects shall be divided under partial set-aside procedures and at least 50 percent of the severed portion shall be obtained from contractors who will perform or cause to be performed substantial portion of the production within labor surplus areas.

E. Single successful bidder. Where a single successful bidder can be determined in accordance with preferences prescribed in Federal Procurement Regulations with respect to labor surplus areas and small business without the drawing by lot the authority to negotiate contracts under the National Emergency category shall not be exercised. However, no contract shall be made based upon such preferences in those instances where similar or identical bids indicate collusive bidding, follow-the-leader pricing, rotated low bids, uniform estimating systems, refusal by bidder to classify the Government as other than a retail buyer regardless of the quantity purchased, or similar practices.

6.5 Determinations, findings, and statements—A. Secretary of the Interior. The Secretary of the Interior has made the determination required under section 302(c)(1)—National Emergency—of the Federal Property and Administrative Services Act of 1949, as amended (26 F.R. 5585).

B. General. The determinations, findings, and statements required under the various circumstances permitting negotiations of contracts in the Federal Procurement Regulations shall be made by...
NOTICES

BOISE, IDAHO

January 10, 1969.

Notice of Classification of Public Lands for Multiple Use Management; Correction

January 10, 1969.

1. The notice appearing in the Federal Register, Doc. 68–15279 on page 19202 of the issue of December 24, 1968, under paragraph 5, should read:

T. 33 N., R. 9 W., MD, Meridian
Sec. 32, NE1/4 Sec. 33, NE1/4 Sec. 34, NE1/4
Sec. 22, NE1/4 Sec. 23, NE1/4 Sec. 24, NE1/4
Sec. 13, NE1/4 Sec. 14, NE1/4 Sec. 15, NE1/4

LESLEI C. DUNK
Acting State Director.

[F.R. Doc. 68–1534; Filed, Jan. 15, 1969; 8:40 a.m.]

[1–2524]

IDAHO

Notice of Offer of Lands

January 9, 1969.

1. Pursuant to the provisions of the Act of May 31, 1963 (76 Stat. 89), the following lands, found upon survey to be omitted public lands of the United States, will be offered for sale:

The areas described aggregate 229.556 acres.

3. The lands are located in Mohave County approximately 35 miles south of

Kingsman, Ariz. Topography is generally rolling, dissected by intermittent stream beds. Soils are sandy with rock outcrops; vegetation consists of creosote bush, palo verde, various southern desert cacti, and some perennial grasses. The lands are used for grazing livestock and are not suited to cultivation due to topography, soils, and meager rainfall.

4. Inquiries concerning these lands should be addressed to U.S. Bureau of Land Management, Arizona Land Office, Room 3003, Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER
State Director.

BUREAU OF LAND MANAGEMENT

ARIZONA

Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 311g), the following lands have been resurveyed to the United States under serial No. AR 035656:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 15 N., R. 18 W.,
Sec. 5, lots 1, 2, 3, 4, 6, 8, 10, 12, 14, and 15, and 16
Sec. 7, lots 1, 2, 3, 4, 6, 8, 10, 12, 14, and 15
Sec. 11;
Sec. 13;
Sec. 15;
Sec. 19, lots 1, 2, 3, 4, 6, 8, 10, 12, 14, and 15
Sec. 21;
Sec. 23;
Sec. 27;
Sec. 29;
Sec. 33;
Sec. 35.

The areas described aggregate 8,295.56 acres.

JANUARY 10, 1969.

W. D., Meridian
Sec. 33, NE1/4 NE1/4 Sec. 34, NE1/4
Sec. 22, NE1/4 Sec. 23, NE1/4 Sec. 24, NE1/4
Sec. 13, NE1/4 Sec. 14, NE1/4 Sec. 15, NE1/4

LESLEI C. DUNK
Acting State Director.

[F.R. Doc. 68–1534; Filed, Jan. 15, 1969; 8:40 a.m.]

[1–2524]
Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2363, May 2, 1960, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto is shown, are hereby classified as shown:

**New Mexico Principal Meridian, New Mexico Coal Lands**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 10</td>
<td>NE&lt;sup&gt;1/4&lt;/sup&gt;, NW&lt;sup&gt;1/4&lt;/sup&gt;</td>
<td>Inclusive</td>
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<tr>
<td>11 to 20</td>
<td>SW&lt;sup&gt;1/4&lt;/sup&gt;, NW&lt;sup&gt;1/4&lt;/sup&gt;</td>
<td>Inclusive</td>
</tr>
<tr>
<td>21 to 30</td>
<td>NE&lt;sup&gt;1/4&lt;/sup&gt;, NW&lt;sup&gt;1/4&lt;/sup&gt;</td>
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<tr>
<td>31 to 40</td>
<td>SW&lt;sup&gt;1/4&lt;/sup&gt;, NW&lt;sup&gt;1/4&lt;/sup&gt;</td>
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<tr>
<td>41 to 50</td>
<td>NE&lt;sup&gt;1/4&lt;/sup&gt;, NW&lt;sup&gt;1/4&lt;/sup&gt;</td>
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<tr>
<td>51 to 60</td>
<td>SW&lt;sup&gt;1/4&lt;/sup&gt;, NW&lt;sup&gt;1/4&lt;/sup&gt;</td>
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<td>61 to 70</td>
<td>NE&lt;sup&gt;1/4&lt;/sup&gt;, NW&lt;sup&gt;1/4&lt;/sup&gt;</td>
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<tr>
<td>71 to 80</td>
<td>SW&lt;sup&gt;1/4&lt;/sup&gt;, NW&lt;sup&gt;1/4&lt;/sup&gt;</td>
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<td>81 to 90</td>
<td>NE&lt;sup&gt;1/4&lt;/sup&gt;, NW&lt;sup&gt;1/4&lt;/sup&gt;</td>
<td>Inclusive</td>
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<tr>
<td>91 to 100</td>
<td>SW&lt;sup&gt;1/4&lt;/sup&gt;, NW&lt;sup&gt;1/4&lt;/sup&gt;</td>
<td>Inclusive</td>
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**Index to Public Lands**

In F.R. Doc. 67-12931, filed November 1, 1967, appearing on page 15187, of the issue for Thursday, November 2, 1967, the following correction should be made in the line in the first column under T. 5 N., R. 26 E., "Secs. 23 to 36 inclusive": Secs. 23 to 26 inclusive; Sec. 27 to 36 inclusive.

**Noncoal Lands**

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<tr>
<td>7 to 10</td>
<td>SE&lt;sup&gt;1/4&lt;/sup&gt;, SW&lt;sup&gt;1/4&lt;/sup&gt;</td>
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<tr>
<td>11 to 14</td>
<td>NE&lt;sup&gt;1/4&lt;/sup&gt;, SW&lt;sup&gt;1/4&lt;/sup&gt;</td>
<td>Inclusive</td>
</tr>
<tr>
<td>15 to 18</td>
<td>SE&lt;sup&gt;1/4&lt;/sup&gt;, SW&lt;sup&gt;1/4&lt;/sup&gt;</td>
<td>Inclusive</td>
</tr>
<tr>
<td>19 to 22</td>
<td>NE&lt;sup&gt;1/4&lt;/sup&gt;, SW&lt;sup&gt;1/4&lt;/sup&gt;</td>
<td>Inclusive</td>
</tr>
<tr>
<td>23 to 26</td>
<td>SE&lt;sup&gt;1/4&lt;/sup&gt;, SW&lt;sup&gt;1/4&lt;/sup&gt;</td>
<td>Inclusive</td>
</tr>
<tr>
<td>27 to 30</td>
<td>NE&lt;sup&gt;1/4&lt;/sup&gt;, SW&lt;sup&gt;1/4&lt;/sup&gt;</td>
<td>Inclusive</td>
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<tr>
<td>31 to 34</td>
<td>SE&lt;sup&gt;1/4&lt;/sup&gt;, SW&lt;sup&gt;1/4&lt;/sup&gt;</td>
<td>Inclusive</td>
</tr>
</tbody>
</table>

**Geological Survey**

New Mexico 101

In F.R. Doc. 69-535; filed, Jan. 15, 1969; 8:49 a.m.
The foregoing concessioner has performed his obligations under the expiring permit to the satisfaction of the National Park Service, and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Olympic National Park, 600 East Park Avenue, Port Angeles, Wash. 98362 for information as to the requirements of the proposed permit.

Dated: January 9, 1969.

R. E. Moore,
Assistant Director,
National Park Service.

Establishment of Paria Canyon Primitive Area, Vermillion Cliffs National Area and Aravaipa Canyon Primitive Area

1. By virtue of the authority vested in the Secretary of the Interior under the Classification and Multiple Use Act of September 19, 1964 (74 Stat. 386, 43 U.S.C. 1411), and pursuant to the provisions of 43 CFR Subpart 1727, I hereby designate the public lands in the following described area as indicated below:

Paria Canyon Primitive Area

Gila and Salt River Meridian, Arizona

Coconino County

T. 41 N., R. 5 E.,
Sec. 1, N1/4 (unsurveyed);
Sec. 2, N1/4 (unsurveyed);
Sec. 3, N1/4, N1/4NE1/4, and N1/4SE1/4 (N1/4 unsurveyed);
Sec. 4, NE1/4 and NE1/4SE1/4 (unsurveyed).

T. 42 N., R. 5 E.,
Sec. 1, N1/4NE1/4, SE1/4NW1/4, E1/2E1/2SW1/4, and SE1/4;
Secs. 34, 35, and 36.

T. 41 N., R. 6 E.,
Sec. 1, E1/2E1/2 (unsurveyed);
Secs. 5, W1/2W1/2, and SE1/2SE1/2;
Sec. 6, E1/2NE1/2, W1/2NW1/2, and SE1/2SE1/2;
Sec. 7, E1/2W1/2;
Sec. 8, NE1/4;
Sec. 9, SW1/4NE1/4, NW1/4, and S1/4;
Sec. 10, SW1/4 and SW1/4SE1/4;
Secs. 14 and 15;
Sec. 16, N1/4, N1/4SW1/4, and S1/4;
Sec. 17, NE1/4NE1/4;
Sec. 18, NE1/4SE1/4;
Sec. 22, N1/4N1/4;
Sec. 23, N1/4, N1/4SW1/4, and SE1/4;
Sec. 24, W1/2W1/2, SW1/4, and SE1/4.

T. 42 N., R. 6 E.,
Sec. 31.

T. 40 N., R. 7 E.,
Sec. 1, lots 1 and 4, S1/2NW1/4, SW1/4, SW1/4NE1/4, and E1/2W1/2SE1/4;
Secs. 2, 3, and 4, S1/2NE1/4, and SE1/4NW1/4;
Secs. 5, lots 1 to 4, inclusive, S1/2N1/4, SE1/4, and E1/2SW1/4;
Secs. 6, lots 1, 2, and 3, S1/2NE1/4, and SE1/4NW1/4;
Sec. 7, E1/4SE1/4; Sec. 8, SW1/4SE1/4; Sec. 9, SW1/4SE1/4; Sec. 10, lots 2, 3, and 4, E1/4W1/4, and E1/4;
Secs. 19 and 20;
Sec. 21, W1/4SW1/4, and SW1/4NW1/4;
Sec. 26, SW1/4SE1/4;
Sec. 27, S1/4, S1/4SW1/4, NW1/4NW1/4, and SW1/4;
Secs. 28 and 29;
Secs. 30 and 31;
Sec. 31, NE1/4NE1/4;
Secs. 32, NE1/4SW1/4, and NE1/4SW1/4;
Secs. 33 and 34;
Sec. 35, SE1/4SE1/4, W1/4SE1/4, and W1/4;
Sec. 36, Lake Meridian, Utah

Kane County

T. 44 S., R. 1 E.,
Sec. 6, lots 1, 2, E1/2NW1/4;
Secs. 7, lots 3 and 4.

T. 43 S., R. 1 W.,
Sec. 23, NW1/2NE1/4, S1/2SE1/4, E1/2NW1/4, NW1/2, SE1/4;
Sec. 25, W1/4;
Sec. 26, W1/4;
Sec. 31, lot 4, NE1/4SE1/4, SE1/4SW1/4, S1/4SE1/4;
Sec. 32, S1/4NW1/4, S1/4SW1/4;
Sec. 33, SW1/2NE1/2, S1/2NW1/4, N1/4SE1/4;
Secs. 35 and 36.

T. 42 S., R. 2 W.,
Sec. 27;
Sec. 33, SE1/4SE1/4;
Sec. 34;
Sec. 36, SE1/4SE1/4.

T. 44 S., R. 1 W.,
Sec. 1, N1/4, N1/4SW1/4, S1/2SW1/4, SW1/4NE1/4, and SW1/4;
Sec. 2;
Sec. 3, S1/2NW1/4, N1/4SE1/4;
Sec. 4, NE1/4;
Sec. 6, lot 1, NW1/2NE1/4, NE1/4NW1/4;
Secs. 11, lots 3 and 4, NE1/4NE1/4;
Sec. 12.

T. 44 S., R. 2 W.,
Sec. 1, N1/4SW1/4, NW1/4NW1/4;
Sec. 2, N1/4SW1/4, SW1/4SW1/4, SE1/4SW1/4;
Sec. 3;
Sec. 4, E1/4;
Sec. 9, lots 8 and 4, N1/2SE1/4;
Sec. 10, lots 1 and 2, N1/2NW1/4.

The areas described aggregate approximately 27,015.17 acres.

Vermillion Cliffs National Area

Gila and Salt River Meridian, Arizona

Coconino County

T. 30 N., R. 3 E.,
Sec. 1, N1/4 north of U.S. Highway 89A.

T. 30 N., R. 4 E.,
Sec. 15, SW1/4;
Sec. 14, SE1/4;
Sec. 33, E1/4;
Sec. 24, NE1/4, W1/4, and SE1/4;
Sec. 25;
Sec. 26, W1/4;
Sec. 36, NE1/4;
Sec. 36, NW1/4 and S1/4;

T. 33 N., R. 4 E.,
Sec. 1, 1/2 E, 4, 5, 6, 7, 8, 9, 10, 11, and 12,
Sec. 1, 2, N1/4NE1/4, S1/4, and SW1/4;
Secs. 2, 3, and 4, S1/4, SW1/4, and SE1/4;
Secs. 5 and 6, north of U.S. Highway 89A;
Sec. 8, N1/4NW1/4 north of U.S. Highway 89A;
Sec. 9, N1/4 north of U.S. Highway 89A;
Sec. 10, N1/4 and N1/4SE1/4 north of U.S. Highway 89A;
Sec. 11, north of U.S. Highway 89A;
Sec. 12,
Sec. 13, N1/4N1/4 north of U.S. Highway 89A.

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T. 39 N., R. 5 E., Sec. 19, lots 3 and 4, E1/4 SW1/4, W1/4 SE1/4, and SE1/4 W1/4.
Sec. 20, S1/2 S1/2.
Sec. 21.
Sec. 22, S1/2.
Sec. 23, S1/4 SW1/4, and S1/4 SW1/4 SE1/4.
Sec. 24, S1/4 SW1/4, W1/4 SW1/4, N1/4 SW1/4, and S1/4 NW1/4, and S1/4.
Sec. 25, SE1/4.
Sec. 26, W1/4.
Secs. 27 to 30, inclusive.

T. 39 N., R. 4 E., Sec. 19, S1/2, lots 3 and 4, E1/2 SW1/4, W1/2 SE1/4, and SE1/2 W1/2.
Sec. 20, S1/2 S1/2.
Sec. 21, S1/2.
Sec. 22.
Sec. 23, S1/4 SW1/4, and S1/4 SW1/4 SE1/4.
Sec. 24, SW1/4, W1/4 SW1/4, N1/4 SW1/4, and S1/4 NW1/4, and S1/4.
Sec. 25, SE1/4.
Sec. 26, W1/4.
Secs. 27 to 30, inclusive.

T. 39 N., R. 7 E., Sec. 10, lots 1 to 8, inclusive, S1/4 NE1/4, and NE1/4.
Sec. 11, S1/2.
Sec. 12.
Sec. 13, lots 1 to 8, inclusive, S1/4 NW1/4, SW1/4, and SE1/4 SE1/4.
Sec. 14, SW1/4, NW1/4, NW1/4, and S1/4 NW1/4.
Sec. 15, S1/4 SE1/4, and S1/4.
Sec. 16, SE1/4 SW1/4, and SE1/4.
Sec. 17, NW1/4 NE1/4, S1/4 NE1/4, E1/4 W1/4, and SE1/4.
Sec. 18, S1/4 NW1/4, SE1/4 NW1/4, and NE1/4 NW1/4.
Secs. 19, 20, 21, 22, and 23; Sec. 24, N1/2 and W1/2 SW1/4 north of U.S. Highway 89A.
Sec. 25, N1/2 and N1/2 SW1/4 north of U.S. Highway 89A.
Sec. 26, N1/2 and N1/2 SW1/4, north of U.S. Highway 89A.
Sec. 27, N1/2, and N1/2 SW1/4 north of U.S. Highway 89A.
Sec. 28, N1/2 NW1/4, SE1/4 NW1/4, NE1/4, and NW1/4 SE1/4.
Sec. 29; Sec. 30, lots 3 and 4, E1/2, SE1/4 NW1/4, and E1/2 SW1/4.
Secs. 31 to 33, inclusive.
Sec. 33, N1/2N1/2, and S1/2 north of U.S. Highway 89A.

T. 40 N., R. 6 E., Sec. 25, SW1/4 NE1/4, SE1/4 NW1/4, W1/4 SW1/4, and SE1/4.
Sec. 26, S1/2.
Secs. 27 to 30, inclusive.
NOTICES

3. Performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational institution;

4. Makes publicly available (a) current information concerning its criteria or standards for accreditation, (b) reports on its operations, (c) lists of institutions or educational programs which it has accredited;

5. Encourages and gives staff guidance for institutional or program self-study prior to accreditation;

6. Secures sufficient and pertinent data concerning the quality aspects of an institution or educational program, and accredits only those institutions or programs which the reviewer examination are found to meet the published criteria for accreditation;

7. Has adequate organization and effective procedures to maintain its operations on a professional basis. Among the factors to be considered in this connection are that the agency or association:

(a) Clearly sets forth the scope of its accrediting activities, both as to geographical areas and nature and type of institutions or program fields covered;

(b) Has financial resources as shown by its financial statements necessary to maintain accrediting operations in accordance with published policies and procedures;

(c) Has clear, written definitions of and procedures for accrediting institutions or programs, (2) placing them on a probationary status, (3) revoking accredited status, and (4) certifying the accredited status of an institution or program;

(d) Charges only reasonable fees;

(e) Has experienced and qualified examiners to visit institutions, to examine educational objectives, to inspect courses, program activities, practices, services, and facilities, and to prepare written reports and recommendations for evaluating the agency or association—and causes such examination to be conducted under conditions that assure an impartial and objective judgment;

(f) Evaluates an institution or program only with the specific authorization of the chief executive officer of the institution;

(g) Provides for adequate consultation during the visit between the team of visitors and the faculty, administrative staff, and students;

(h) As a result of the accreditation visit, furnishes a written report to the chief executive officer of the institution with comments on the institution's areas of strength, on areas needing improvement, and on suggested means of improvement;

(i) Provides the chief executive officer with an opportunity to comment upon the factual elements of the report of the visiting team before the agency or association takes action on it;

(j) Evaluates the report of the team in the presence of a member of the team, preferably the chairman;

(k) Provides a regular means whereby the institution may appeal to the final authority in the agency or association;

(l) Has evaluated reasonable intervals its accredited institutions, and educational programs;

(m) If an agency has developed a precertification status, it shall have adequate procedures and requirements for the award of such status, comparable to those employed for accredited status;

(n) Reviews at regular intervals the criteria by which it evaluates institutions or educational programs, in order that the criteria shall support constructive analysis and emphasize factors of critical importance;

(o) Has demonstrated not less than 2 years' experience as an accrediting agency;

11. Has gained acceptance of its criteria, methods of evaluation, and decisions, by educational institutions, practitioners, licensing bodies, and employers throughout the United States;

12. Has demonstrated its capability and willingness to enforce ethical practices among its accredited institutions and educational programs accredited by it.

In view of the criteria set forth above, it is unlikely that more than one association or agency will qualify for recognition (a) in a defined geographical area of jurisdiction or (b) in the case of a program specialization within postsecondary or collegiate education. These criteria supersede the criteria previously promulgated by the Commissioner of Education on October 4, 1952, 17 F.R. 8929-8930.

LIST

The following list of nationally recognized accrediting agencies and associations includes organizations which have been determined by the Commissioner of Education to be reliable authority as to the quality of training offered by educational institutions either in the geographical area or in a specialized field. This list is published as required by the pertinent legislation and is based on information currently available. Any agency or association which desires to be included in the list should request inclusion in writing. Each agency or association is evaluated by the Commissioner at his discretion but at least once every 4 years.

REGIONAL ACCREDITING ASSOCIATIONS AND AGENCIES

Middle States Association of Colleges and Secondary Schools.
North Central Association of Colleges and Secondary Schools.
Northwest Association of Secondary and Higher Education.
Southern Association of Colleges and Schools.
Western Association of Schools and Colleges.
NATIONAL SPECIALIZED ACCREDITING AGENCIES

Accrediting Association of Bible Colleges.
Accrediting Commission for Business Schools.
The American Association of Collegiate Schools of Business.
American Association of Nurse Anesthetists.
The American Association of Theological Schools.
American Board Association.
American Chemical Society.
American Council on Education.
American Council on Pharmaceutical Education.
American Dental Association.
American Library Association.
American Optometric Association.
American Osteopathic Association.
American Podiatry Association.
The American Public Health Association, Inc.
American Speech and Hearing Association.
The American Veterinary Medical Association.
Council on Medical Education of the American Medical Association.
Council on Social Work Education.

Engineers' Council for Professional Development.
Liaison Committee on Medical Education.
National Architectural Accrediting Board.
National Association of Schools of Art.
National Association of Schools of Music.
National Association of Trade and Technical Schools.
National Council for Accreditation of Teacher Education.
National Home Study Council.
National League for Nursing, Inc.
Society of American Foresters.

OTHERS

New York Board of Regents.

Dated: December 31, 1968.

PETER F. MURRHEAD,
Acting U.S. Commissioner of Education.

[FT. Doc. 69-583; Filed, Jan. 19, 1969; 8:47 a.m.]

RECOGNITION OF STATE AGENCIES FOR APPROVAL OF NURSE EDUCATION

Criteria

Preamble. The U.S. Commissioner of Education is required under the Nurse Training Act, as amended (42 U.S.C. 298(b)), to publish a list of recognized accrediting bodies, and of State agencies, which he determines to be reliable authority as to the quality of training offered by schools of nursing. They are presently effective but may be modified as necessary or appropriate.

Criteria

The State agency:

1. Is statewide in the scope of its operations and is legally authorized to grant admission to schools of nursing.

2. Makes publicly available:

a. Current information covering its criteria or standards for admission and graduation;

b. Reports of its operations;

c. Lists of schools of nursing which it has accredited.

3. Has an adequate organization and effective procedures, administered by a qualified board or staff, to maintain its operations on a professional basis. Among the factors to be considered in this connection are that the agency:

a. Uses experienced and qualified examiners to visit schools of nursing to examine educational objectives, to inspect courses, programs, administrative practices, services, and facilities and to prepare written reports and recommendations for the reviewing body—and causes such examination to be conducted under conditions that assure an impartial and objective judgment;

b. Secures sufficient and pertinent data concerning the qualitative aspects of the schools and qualifications of faculty and students;

c. Requires each school of nursing accredited to follow clearly defined refund policies governing all fees and tuition paid by students;

d. Is unlikely that more than one association or agency will qualify for recognition (a) in a defined geographical area of jurisdiction or (b) in the case of a program specialization within postsecondary or collegiate education.
d. Enforces a well defined set of standards regarding a school's ethical practices, including recruitment and advertising;

e. Requires each school of nursing accredited to submit a comprehensive annual report, including current data on:

1. Progress toward achievement of its stated objectives in nursing education;
2. Qualifications and major responsibilities of the dean or director and of each faculty member;
3. Policies used for selection, promotion, and graduation of students;
4. Practices followed for safeguarding the health and well-being of students;
5. Current enrollment by class and student-teacher ratio;
6. Number of admissions to school per year for past 5 years;
7. Number of graduations from school per year for past 5 years;
8. Performance of students on state board examinations for past 5 years;
9. Curriculum plan;
10. Brief course descriptions;
11. Descriptions of resources and facilities, academic and nonacademic arrangements which reflect upon the academic program;

The list of recognized accrediting bodies, and of State agencies, will include organizations which have been determined by the Commissioner of Education to be reliable authority as to the quality of training offered by schools of nursing. For purposes of institutional and program accreditation, as provided for in local areas, and contractual arrangements which reflect upon the academic program, or nationally, but at least every two years, obtains from each accredited school of nursing:

1. A copy of its audited fiscal report, including a statement of income and expenditures;
2. A current catalog.
3. Makes initial and periodic on-site inspections of each school of nursing accredited.
4. Has clear, written procedures for (a) the accreditation of a school of nursing or institution, (b) placing it on a probationary status, (c) revoking its accreditation, and (d) reinstating accreditation.

The purpose of this notice is to give the public an opportunity to comment upon the development of the regulations regarding the approval of nursing education programs and institutions, as provided for in subpart C of this part. Comments are being solicited on the proposed regulations. In order to receive fullest consideration, comments should be received by the Commissioner of Education, 1800 Century Center Building, Washington, D.C. 20202, on or before March 17, 1969.

Proposals must include:

a. The amount of the proposed reduction in U.S. or sales to AEC in 1969-70.
b. The effect of the proposed reduction on existing delivery schedules.
c. The proposed financial conditions upon which the reduction in deliveries is predicated, including specifically the effect of the proposal on AEC expenditures.

Proposals should provide for reductions in deliveries beginning no later than July 1, 1969, that may provide for reductions beginning at an earlier date.

4. AEC will evaluate proposals submitted in response to this invitation primarily on the basis of the most advantageous financial benefits to the Government: i.e., the largest reduction in Government expenditures per pound reduction in U.S. deliveries. However, AEC also may consider other factors including, but not limited to, the effect of the reduction on the commercial uranium industry as a whole.

5. The proposals accepted will serve as a basis for negotiation of appropriate modifications to existing contracts.

6. The AEC reserves the right, as may be in the best interests of the Government, to reject any or all proposals and may reject without evaluation any proposal received after March 17, 1969.

Each company submitting a proposal will be notified of the AEC action on its proposal as soon as feasible after submission.

7. Contractors may make proposals for reductions in deliveries of the whole contract commitment or any part thereof. Alternative proposals involving different quantities and financial considerations may be submitted, and contractor may propose reductions in incremental amounts with differing financial terms applying to each increment.

8. This offer is not intended in any way to affect the announced program for procurement of U.S. from small independent properties as set forth in paragraph 13 of the Fiscal Year 1969 notice of November 20, 1968 (27 F.R. 11435).

DATED at Germantown, Md., this 13th day of January, 1969.

For the Atomic Energy Commission.

W. E. McCooL,
Secretary to the Commission.

[FR Doc. 69-608; Filed, Jan. 15, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

Docket No. HM-12; Notice No. 69-01

ROCKETDYNE, NORTH AMERICAN ROCKWELL CORP.

Petition for Special Permit

The Department received scores of requests for special permits each month. Most of the requested permits fall into three categories:

1. Permits for one-of-a-kind, emergencies, or military shipments.

2. Experimental or developmental permits, which demand information for future regulatory action.

3. General interest permits, which are based on existing knowledge.

A special permit is a special regulation, a waiver or exemption from some provision of the general regulations. A petition for a special permit is usually evaluated on the basis of information submitted with the petition (49 CFR 170.13) without the benefit of public comment. The Department issues a special permit when it appears that the waiver or exemption will be in the public interest and will result in an appropriate level of safety.

Special permits can be issued more quickly than the regulations can be amended under normal procedures. As a result, applicants have come to petition for special permits, rather than for amendments to the regulations. A petition for a special permit is usually evaluated on the basis of information submitted with the petition (49 CFR 170.13) without the benefit of public comment.

The Department issues a special permit when it appears that the waiver or exemption will be in the public interest and will result in an appropriate level of safety.

Special permits can be issued more quickly than the regulations can be amended under normal procedures. As a result, applicants have come to petition for special permits, rather than for amendments to the regulations. Further, if an industry has come to expect the Department to give priority treatment of petitions for special permits, at the expense of the general regulatory program.

A special permit is usually issued to a single company, giving that company the right to do something which the regulations prevent other companies from doing. If the permit is of general interest, it may give the holder a competitive advantage over similarly situated companies. As competing companies find out about the special permit, they individually petition for the same waiver or exemption. Once the first petition has been evaluated and the permit issued, the Department routinely issues general interest permits to similarly situated companies.

Regulation by special permit gives the first petitioner quicker service than he could get through a change in the regulations. But competing companies do not fare as well. By the time they find out about the special permit and get special permits of their own, usually more time
has passed than would have been required to amend the regulation in the first place.

A general interest permit, when issued to all similarly situated companies, is really a disguised amendment to the regulations. This method of regulation has these disadvantages:

1. Special permits are changed without an opportunity for public comment on the change.

2. Changes in safety standards, issued to individual companies, are not codified as a part of the regulations.

3. The procedure wastes industry and government time and manpower.

The Department believes that the disadvantages of regulation by special permits outweigh the advantages. Accordingly, the Department proposes to treat as requests for rule making those petitions for special permits which are clearly within the general interest class. If a petition is without merit, the Department will deny it. If a petition appears to have merit, the Department will issue a notice of proposed rule making, usually with a 30-day comment period, and then, after evaluating the comments, either amend the regulations or deny the petition.

Special permits for experimental, developmental, one-of-a-kind, emergency, and military shipments, would continue. Commentors should address either amendment or denial.

Order Setting Applications for Immediate Hearing to Reopen Rate Case of Alaska Airlines, Inc.


[SEAL]

THOMAS L. WENN, Chief Examiner.

Notice of Reopening

Notice is hereby given that a prehearing conference in the above-entitled matter is scheduled to be held on January 28, 1969, at 10 a.m., e.s.t., in Room 630, Universal Building, 1225 Connecticut Avenue NW, Washington, D.C., before Examiner Hyman Goldberg.

[ORDER]

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

[SELL]

MAREL McCARTY, Acting Chief Secretary.

Notice of Prehearing Conference

ALASKA AIRLINES, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 13, 1969, at 10 a.m., at Room 630, Universal Building, 1225 Connecticut Avenue NW, Washington, D.C., before Examiner Hyman Goldberg.


[SEAL]

THOMAS L. WENN, Chief Examiner.

Order Setting Applications for Immediate Hearing Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of January 1969.

Alaska Airlines, Inc. (Alaska), has filed applications to delete from its certificate for the above-referenced route the condition which limits (through incorporation by reference of various rate orders) the amount of total subsidy which the carrier can pay. 1

We have decided to set Alaska's applications for an immediate hearing to determine the single issue whether the public convenience and necessity requires the alteration, amendment, modification, or suspension of the subsidy limiting condition in its certificate of public convenience and necessity for Routes 124, 124-F, and 138. This investigation will be limited to the single issue as described, and will not be a proceeding to determine the subsidy rate which should be paid to Alaska. 2 We expect that the instant proceeding will be conducted with all reasonable dispatch by the examinee.

Accordingly, it is ordered, That:

1. Alaska Airlines' applications in Dockets 20465 and 20467, be and they hereby are set for hearing before an examiner of the Board at a time and place to be hereafter designated; and

2. The single issue to be determined in this proceeding shall be whether the public convenience and necessity requires the alteration, amendment, modification, or suspension of Condition 6 of Alaska's certificates for Routes 124 and 136, and Condition 7 of Alaska's certificate for Route 124-F.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

[SELL]

MAREL McCARTY, Acting Chief Secretary.

Notice of Oral Argument

Notice is hereby given that oral argument on the above-entitled proceeding is scheduled to be held on February 28, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1225 Connecticut Avenue NW, Washington, D.C., before the Board.


[SEAL]

THOMAS L. WENN, Chief Examiner.

Order Setting Applications for Reopening Rate Case of Alaska Airlines, Inc.

Notice of Reassignment of Prehearing Conference

The prehearing conference in the above-entitled proceeding previously scheduled for October 30, 1968, was held on February 13, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1225 Connecticut Avenue NW, Washington, D.C., before the undersigned Examiner.

In order to facilitate the conduct of the conference, the Bureau of Operating

1see separate docket (20608) Alaska has submitted a petition to establish a final mail rate.
It is ordered, That:

Minutes of the carrier working group meetings on December 12 and 16, 1968, in this proceeding, will be maintained by the Board on a confidential basis and will not be circulated to the public until February 21, 1969, or until the working group makes its final report, whichever is earlier.

This order will be published in the Federal Register.

[SEAL]

ROSS I. NEWMANN,
Hearing Examiner.

JANUARY 10, 1969.

[F.R. Doc. 69-589; Filed, Jan. 16, 1969; 8:49 a.m.]

[U.S.-FLAG CARRIER AIR-FREIGHT FORWARDER DISCUSSIONS

Order Regarding Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of January 1969.

By Order 68-8-18, dated August 6, 1968, the Board authorized the exchange of views between the U.S.-flag carrier members of the International Air Transport Association (IATA) prior to cargo meetings to be held early in 1969. The meetings referred to are the Cargo Agency Committee meeting which is to convene on January 20 and the biennial World-wide Cargo Traffic Conference which will convene on April 14.

In support of such discussions, AFPA comments that, among other things, the agency meeting dealt with matters of grave importance involving the relationship of forwarders and IATA agents to the IATA carriers and observers that the biennial Traffic Conference will formulate an agreement on rates and other matters which will govern the carriage of cargo for a 2-year period. In general, the comments reflect the belief that an exchange of views as proposed by AFPA may contribute to improved rules and practices and to the establishment of an improved cargo structure which, in turn, might accelerate the development of air cargo services. Under these circumstances, and subject to appropriate safeguards for the public interest, the Board will herein authorize discussions between the U.S.-flag carrier members of IATA and all Board-authorized international air freight forwarders.

The discussions will be authorized from the date of this order through March 31, 1969, pertaining to relationships between forwarders and carriers, international cargo rates, traffic procedures and other related matters involved in the foregoing and are involved in the Cargo Agency Committee meeting and the Cargo Traffic Conference, now scheduled to convene on January 29, and April 14, 1969, respectively:

2. A notice of any meeting called pursuant to this order shall be filed with the Board in this docket prior to such meetings.

3. The Civil Aeronautics Board Reserves the right to have one or more observers in attendance at these meetings.

4. Complete and accurate minutes shall be kept of all discussions by the carriers, and a true copy thereof filed with the Board not later than 15 days after the conclusion of each meeting; and

5. This order will be served upon all U.S.-flag carrier members of the International Air Transport Association, the Air Freight Forwarders Association, and all Board-authorized international air freight forwarders.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

[SEAL]

MABEL McCART,
Acting Secretary.

[F.R. Doc. 69-589; Filed, Jan. 16, 1969; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

SILCO, INC.

Notice of Receipt of Application for Permission To Acquire Control of Sherman Savings and Loan Association

JANUARY 13, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation, under the provisions of section 484 of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1730(a)) and § 584.4 of the regulations for Savings and Loan Holding Companies (12 CFR 584.4), has received an application from the Silco, Inc., Dallas, Tex., for permission to acquire control of the Sherman Savings and Loan Association, Sherman, Tex., under the provisions of section 408(c) of the National Housing Act, as amended (12 U.S.C. 1730(a)) and § 584.4 of the regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition of control is to be effected by the exchange of 88 percent of the outstanding capital stock of Sherman Savings and Loan Association for 176,583 shares of common stock of Silco, Inc. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20252, within 30 days of the date of this notice appears in the Federal Register.

[SEAL]

JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-587; Filed, Jan. 16, 1969; 8:46 a.m.]
NOTICES

UNITED FINANCIAL CORPORATION OF CALIFORNIA

Notice of Receipt of Application for Permission To Acquire Conejo Savings and Loan Association

JANUARY 13, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received the application of the United Financial Corporation of California, Los Angeles, Calif., to acquire the Conejo Savings and Loan Association, Thousand Oaks, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition would be effected by the exchange of stock of the United Financial Corporation of California for the assets of Conejo Savings and Loan Association, which assets will be transferred to United Savings and Loan Association of California, a subsidiary of United Financial Corporation of California. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20255, within 30 days of the date this notice appears in the Federal Register.

[SEAL]

JACK CARTER, Secretary, Federal Home Loan Bank Board.

[F.R. Doc. 69-568; Filed, Jan. 15, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

ATLANTIC AND GULF/WEST COAST OF SOUTH AMERICA CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 7 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. G. D. Marshall, Chairman, Atlantic and Gulf/West Coast of South America Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 2744-30, between the member lines of the Atlantic and Gulf/West Coast of South America Conference makes the basic agreement by (1) the addition of the following paragraph to Article 1(a):

No provision of this Agreement shall be deemed to prohibit the Conference from agreeing to, and establishing, through rates by arrangement with other modes of transportation; or to prohibit the publication and filing of through rates by the Conference. In conformity with any such rate agreement, or to prohibit the issuance by the member lines of through bills of lading pursuant to a published Conference tariff embodying through rates or the adoption by the member lines of any uniform through bill of lading which may be agreed upon, and formally adopted, by the Conference. However, (1) any other individual or in concert with any other member line or lines or any nonmember line or lines, may negotiate, establish, publish, file, or operate any through transportations; or to prohibit the issuance by the member lines of any uniform through bill of lading which may be agreed upon, and formally adopted, by the Conference; and (2) the deletion of the words "between the ports" from Article 9 which refers to the conference fixing of schedules of tariff rates and changes. Other changes are made in the conference rules and regulations in order to remove any inconsistencies with the above paragraph.


THOMAS LESTER, Secretary.

[F.R. Doc. 69-569; Filed, Jan. 15, 1969; 8:48 a.m.]

AUSTRALIA/U.S. ATLANTIC AND GULF CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of petition filed for approval by:

Mr. A. C. Thynne, Secretary, Australia/U.S. Atlantic and Gulf Conference, 23 Hamilton Street, Sydney, N.S.W., Australia.

The Australia/U.S. Atlantic and Gulf Conference (Agreement 9450, as amended) has filed with the Commission an application to modify its approved Dual Rate Merchant's Agreement. The proposed contract modification (1) removes the Articles of the Merchant's Agreement; (2) deletes references to "the Australian Shipper Body designated under part 2A of the Trade Practices Act 1966"; (3) adds "currency devaluation by Governmental action" as a force majeure circumstance warranting suspension of the contract or an appropriate increase in rates; (4) excludes from the Agreement "lead and/or zinc consignments which exceed 3,000 tons in any one loading; and (5) extends from 15 days to 30 days the time in which a shipper must cancel all forward bookings with a carrier no longer a Conference member.


By order of the Federal Maritime Commission.

THOMAS LESTER, Secretary.

[F.R. Doc. 69-570; Filed, Jan. 15, 1969; 8:48 a.m.]

SHOWA SHIPPING CO., LTD., AND CHUN KYUNG SHIPPING CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Conference, 1405 I Street NW., Room 1202; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Conference, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. M. Kishi, Chief, General Affairs Section, Japan Maritime Conference, 2-3-5, Nihonbashi-Murumachi, Chuo-Ku, Tokyo, Japan.

Agreement No. 9164 between Showa Shipping Co., Ltd., and Chun Kyung
Shipping Co., Ltd., establishes a through billing arrangement from Korean ports of call of Chui Kyung Shipping Co., Ltd., to U.S. Pacific Coast ports of call of Showa Shipping Co., Ltd., with transshipment in Japan in accordance with the terms and conditions set forth in the agreement.


By order of the Federal Maritime Commission.

THOMAS L. LIST, Secretary.

[F.R. Doc. 69-571; Filed, Jan. 16, 1969; 8:46 a.m.]

SHOWA SHIPPING CO., LTD., AND KOREA MARINE TRANSPORT CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. A copy of any such statement should also be forwarded to the party filing the application in the above docket.

Notice of agreement filed for approval by:

Mr. T. Krut, Chief, General Affairs Section, Liner Department, Showa Shipping Co., Ltd., Muromachi Building, 1-4-Chome, Nihombashi-Murumachi, Chuo-Ku, Tokyo, Japan.

Agreement No. 9765 between Showa Shipping Co., Ltd., and Korea Marine Transport Co., Ltd., establishes a through billing arrangement from Korean ports of call of Korean Marine Transport Co., Ltd., to U.S. Pacific Coast ports of call of Showa Shipping Co., Ltd., with transshipment in Japan in accordance with the terms and conditions set forth in the agreement.


By order of the Federal Maritime Commission.

THOMAS L. LIST, Secretary.

[F.R. Doc. 69-572; Filed, Jan. 15, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Notice 69-571; Filed, Jan. 15, 1969; 8:46 a.m.]

ATLANTIC RICHFIELD CO. AND PAN AMERICAN PETROLEUM CORP.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates

JANUARY 3, 1969.


In the order providing for hearings on and suspension of proposed changes in rates, issued November 20, 1968, 33 F.R. 17931, in Appendix A, page 3 (Opposite Rate Schedule Nos. 285 and 372) under column headed "Effective Date Unless Suspended" change "11-21-68" to read "1-1-69." Under column headed "Date Suspended Until" (Opposite the aforementioned rate schedules) change "4-21-69" to read "6-1-69."

KENNETH F. PLUMB, Acting Secretary.

[F.R. Doc. 69-530; Filed, Jan. 15, 1969; 8:45 a.m.]

CIA. LUZ Y FUERZA MOTRIZ DE ACUNA, S.A., AND CENTRAL POWER AND LIGHT CO.

Notice of Application

JANUARY 9, 1969.

Take notice that on December 20, 1968, Cia. Luz y Fuerza Motriz de Acuna, S.A. (Mexican Company), incorporated under the laws of the Republic of Mexico, with its principal place of business at Ciudad Acuna, Coahuila, Mexico, filed an application in the above docket for a supplemental order, pursuant to section 206(e) of the Natural Gas Act, modifying Mexican Company's current authorization to transmit electric energy from the United States to Mexico. Central Power and Light Co. (Central) incorporated under the laws of the State of Texas, with its principal place of business at Corpus Christi, Tex., filed a joinder in the subject application on December 20, 1968.

By Commission order issued March 16, 1969, Applicants and Central were authorized to transmit Mexican Company covered by its Presidential Permit signed by the President of the United States on April 23, 1942, all in the above docket.

By Commission order issued March 16, 1969, (21 FPC 352), Mexican Company and Central were authorized to transmit electric energy from the United States to Mexico in an amount not in excess of 10,000,000 kilowatt-hours per year at a transmission rate not to exceed 2,500 kilowatts over certain facilities of Mexican Company covered by its Presidential Permit signed by the President of the United States on April 23, 1942, all in the above docket.

Mexican Company and Central now seek authorization to increase to 20,000,000 kilowatt-hours the maximum amount and to 4,000 kilowatts the maximum rate of transmission of electric energy which may be exported annually

over the above-mentioned facilities from a point near Del Rio, Tex., to a point adjacent to the Rio Grande near Ciudad Acuna, Coahuila, Mexico, for use in meeting the increasing electric utility load of Mexican Company in said Ciudad Acuna and vicinity. Mexican Company will continue to be the transmitter and Central will continue to be the supplier of the exported energy.

The application represents that Central has adequate capacity to furnish the additional amount of electric energy at the increased rate of transmission as well as to furnish the needs of its present and prospective customers in that area of the United States from which the exportation is to be made.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, Secretary.

[F.R. Doc. 69-530; Filed, Jan. 15, 1969; 8:45 a.m.]

SKELLY OIL 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

JANUARY 9, 1969.

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 hereto.

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 18, 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

1Does not consolidate for hearing or dispose of the matters herein.
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 schedule 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 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 of the rates so 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 supplement nor the rate schedule sought to be in effect on January 1, 1969, shall be made effective.

By the Commission.

[SEAL]  
KENNETH F. PLUMB,  
Acting Secretary.

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APPENDIX A

<table>
<thead>
<tr>
<th>Docket No.</th>
<th>Respondent</th>
<th>Rate Schedule No.</th>
<th>Purchaser and producing area</th>
<th>Amount of annual increase</th>
<th>Effective date rate increase</th>
<th>Rate in effect</th>
<th>Proposed increased rate</th>
<th>Rate to be effective</th>
<th>Rate to be refunded or subject to refund in docket No.</th>
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<td>RI69-426..</td>
<td>Skelly Oil Co., Post Office Box 2160, Houston, Tex. 77001</td>
<td>255</td>
<td>Kansas-Nebraska Natural Gas Co.</td>
<td>$2,971</td>
<td>12-16-68</td>
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<td>RI69-427..</td>
<td>Pan American Petroleum Corp., Post Office Box 2018, Fort Worth, Tex. 76101</td>
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<td>Oklahoma Natural Gas Gathering Corp.</td>
<td>600</td>
<td>12-16-68</td>
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<td>RI69-428..</td>
<td>Colorado Interstate Gas Co., Post Office Box 2180, Greeley, Colo.</td>
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<td>Humble Oil &amp; Refining Co., Post Office Box 2180, Greeley, Colo.</td>
<td>60</td>
<td>12-16-68</td>
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<td>$11.5</td>
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This notice does not provide for consolidation of hearing for any of the matters covered herein.

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3. Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1.

4. The stated effective date is the effective date requested by Respondent.

5. The suspension period is limited to 1 day.


7. Pressure base is 1440 psi.

8. Subject to a downward B.t.u. adjustment.

9. Oklahoma Natural is classified as a pipeline company in its Certificate (CI61-1408) of sale to the Oklahoma Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity and necessity authorizes the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin and Southern Louisiana areas, all as more fully set forth in the applications 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, 545 C.F.D.C., in accordance with the rules of practice and procedure (18 CFR 1.10) on or before January 30, 1969.

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 petition to intervene is timely filed, or where the Commission on its own motion believes that a grant of the certificates is required by the public convenience and necessity. Where a 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.

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

JAMES W. STAPLES ET AL.

Notice of Applications for "Small Producer" Certificates

JANUARY 9, 1969.

Take notice that each of the Applicants listed heretofore filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity. The statutory notice.

FEDERAL REGISTER, VOL. 34, NO. 11—THURSDAY, JANUARY 16, 1969
unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, Secretary.

[F.R. Doc. 69-532; Filed, Jan. 15, 1969; 8:45 a.m.]

SEcurities AND exCHange COMMISSION

[File No. 1-3421]

CONTINENTAL VENding MACHINE CORP.

Order Suspending Trading

JANUARY 10, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible debentures due September 1, 1976, being traded on the Chicago Board of Commerce otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 10(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 12, 1969, through January 21, 1969, both dates inclusive.

By the Commission.

[SEal]

OVAL L. DUBOIS, Secretary.

[F.R. Doc. 69-542; Filed, Jan. 15, 1969; 8:45 a.m.]

Notice of Application

JANUARY 9, 1969.

Take notice that on January 2, 1969, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed as Docket No. CP69-10 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the sale and delivery of natural gas to the city of Huxley, Shelby County, Tex., for resale and distribution to the public utility subsidiary companies of United Gas Pipe Line Co. (Applicant), Post Office Box 1151, Pensacola, Fla. 32502, have filed an application-declaration, pursuant to the competitive bidding requirements of Rule 50 under the Act, that additional shares of common stock of the par value of $5 per share may be necessary to result in aggregate cash proceeds to it of approximately $65 million. The additional funds to be raised and sold will be filed by amendment to the previously filed application.

The above subsidiary companies propose to use the proceeds from the sale of the common stock for the purposes shown. The subsidiary companies propose to use the proceeds from the sale of the common stock to pay short-term notes and to finance, in part, their 1969 construction expenditures estimated, respectively, as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>1969 Sales of Shares</th>
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<tbody>
<tr>
<td>Alabama</td>
<td>60,000 shares, no par value, $6,000,000</td>
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<tr>
<td>Georgia</td>
<td>60,000 shares, no par value, $6,000,000</td>
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<tr>
<td>Gulf</td>
<td>25,000 shares, no par value, $2,500,000</td>
</tr>
</tbody>
</table>

Total: $34,500,000

It is also stated that additional funds necessary to finance 1969 construction expenditures will be obtained by such subsidiary companies from (a) internal sources, (b) the sale of short-term promissory notes, and (c) the sale of first mortgage bonds and preferred stock.
hearing be held in respect of such mat-
ters, stating the nature of his interest,
the reasons for such request, and the
issues of fact or law raised by the appli-
cation-declaration which he desires to
controvert; or he may request that he be
notified should the Commission order a
hearing in respect thereof. Any such re-
quest should be addressed: Secretary,
Securities and Exchange Commission,
Washington, D.C. 20549. A copy of such
request should be served personally or by
mail (airmail if the person being served
is located more than 500 miles from the
point of mailing) upon the applicants-
declarants at the above stated addresses,
and proof of service (by affidavit or, in
case of an attorney at law, by certificate)
should be filed with the request. At any
time after said date, the application-
declaration, as filed or as it may be
amended, may be granted and permitted
to become effective, as provided in Rule
23 of the general rules and regulations
promulgated under the Act, or the Com-
mision may grant exemption from such
rules as provided in Rules 20(a) and 100
thereof, or take such other action as it
may deem appropriate. Persons who re-
quest a hearing or advice as to whether
a hearing is ordered, will receive notice
of further developments in this matter,
including the date of the hearing (if
ordered) and any postponements thereof.

For the Commission (pursuant to dele-
gated authority),

[SEAL]     ORVAL L. DUBoIS,
Secretary.

[P.R. Doc. 60-545; Filed, Jan. 15, 1969;
8:46 a.m.]

TOP NOTCH URANIUM AND
MINING CORP.

Order Suspending Trading

JANUARY 10, 1969.

It appearing to the Securities and Ex-
change Commission that the summary
suspension of trading in the common
stock of Top Notch Uranium and Mining
Corp. (a Utah corporation) and all other
securities of Top Notch Uranium and
Mining Corp. being traded otherwise than
on a national securities exchange is re-
quired in the public interest and for the
protection of investors:

It is ordered,
Pursuant to section 15(c) (5) of the Securities
Exchange Act of 1934, that trading in such
securities otherwise than on a national securi-
ties exchange be summarily suspended, this
order to be effective for the period Jan-
uary 13, 1969, through January 22, 1969,
both dates inclusive.

By the Commission.

[SEAL]     ORVAL L. DUBoIS,
Secretary.

[P.R. Doc. 60-543; Filed, Jan. 15, 1969;
8:46 a.m.]

WESTEC CORP.

Order Suspending Trading

JANUARY 10, 1969.

The common stock, 10 cents par value,
of Westec Corp., being listed and regis-
tered on the American Stock Exchange
pursuant to provisions of the Securities
Exchange Act of 1934 and all other secu-
rities of Westec Corp., being traded
otherwise than on a national securities
exchange; and

It appearing to the Securities and Ex-
change Commission that the summary
suspension of trading in such securities
on such Exchange and otherwise than on
a national securities exchange is required
in the public interest and for the protec-
tion of investors;

It is ordered, Pursuant to sections
15(c) (5) and 19(a) (4) of the Securities
Exchange Act of 1934, that trading in
such securities on the American Stock
Exchange and otherwise than on a na-
tional securities exchange be summarily
suspended, this order to be effective for the period January 12, 1969 through January 21, 1969, both dates inclusive.

By the Commission.

[SEAL]     ORVAL L. DUBoIS,
Secretary.

[P.R. Doc. 60-544; Filed, Jan. 15, 1969;
8:46 a.m.]
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Department of the Interior
Bureau of Mines

Health and Safety Standards
Metal and Nonmetallic Open Pit and Underground Mines and Sand, Gravel and Crushed Stone Operations

Notice of Proposed Rule Making
DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 55]

HEALTH AND SAFETY STANDARDS

Metal and Nonmetallic Open Pit Mines

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act (30 Stat. 772, 30 U.S.C. 721-740, Supp. III) to promulgate health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in metal and nonmetallic mines, it is proposed to add a new part 55 to the chapter of Federal Regulations, relating to open pit mines. The standards set forth in Part 55 would be applicable to those metal and nonmetallic mines at which mining operations are conducted by surface mining methods commonly designated as open pit, opencast, opencut, or strip mining. The regulations in Part 55 would not be applicable to the mining of sand and gravel and crushed stone or to the underground mining of metal and nonmetallic minerals; these mines would be covered by standards set forth in new Parts 56 and 57 of Title 30, Code of Federal Regulations.

Specific designation of mandatory standards. Each standard which would be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the section in which the standard is prescribed. If the Open Pit Advisory Committee has recommended that a standard be mandatory, the standard will be preceded by the words "Mandatory to the extent of" and the letters "OPAC." In accordance with the provisions of section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) interested persons are hereby afforded a period of 60 days after the date of publication in the Federal Register of proposed Part 55 in which to submit written data, views, or arguments respecting the proposed standards contained in Part 55. Communications should be addressed to the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240. Subject to the provisions of subsection (c) of section 6 and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725(d)(1)) on or before the last day of the 60-day period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard and which has not been recommended as a mandatory standard by the Open Pit Advisory Committee may file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the provisions of the Administrative Procedure Act) on such objections.

Pursuant to the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725(e)) proposed mandatory standards which have been recommended as mandatory by the Open Pit Advisory Committee personal to hearing. Only those proposed standards which have not been recommended by the Open Pit Advisory Committee as mandatory are subject to hearings.

The new proposed Part 55 is set forth below.

DAVID S. BLACK,
Under Secretary of the Interior.

JANUARY 9, 1969.

PROPOSED RULE MAKING

§55.1 Purpose and scope.

The regulations in this part are promulgated pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and prescribe health and safety standards for open pit metal and nonmetallic mines which are subject to that Act. Each standard which is preceded by the word "Mandatory" is a mandatory standard. The violation of a mandatory standard will subject an operator to an order or notice under section 8 of the Act (30 U.S.C. 727).

§55.2 Definitions.

As used in this part:

"Approved" means tested and accepted for a specific purpose by a nationally recognized agency.

"Barricaded" means obstructed to prevent the passage of persons, vehicles, or flying material.

"Berm" means a pile or mound of material capable of stopping a vehicle.

"Blasting agent" means any material or mixture of a fuel and oxidizer intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients is classified as an explosive. (Note: A mixture of the material mixture cannot be detonated by a No. 8 test blasting cap under the conditions specified for the cap sensitivity test.)

"Blasting area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury.

"Blasting caps" means a detonator capped with a charge of detonating compound, which is ignited by electric current or the spark of a fuse. Used for detonating explosives.

"Blasting circuit" means electric circuits used for the fire electric detonators or to ignite an igniter cord by means of an electric starter.

"Blasting switch" means a switch used to connect an electric blasting circuit.

"Capable" means capable of being ignited and consumed by fire.

"Company official" means a member of the company supervisory or technical staff.

"Competent person" means a person having abilities and experience that fully qualify him to perform the duty to which he is assigned.

"Detonating fuse" means a round flexible cord containing a center core of high explosives.

"Detonator" means a device used for detonating an explosive, including, but not limited to, blasting caps, exploders, percussion caps, primers, electric detonators, and delay electric blasting caps.

"Distribution box" means a portable apparatus with an enclosure through which an electric circuit is carried to one or more cables from a single incoming feed line, each cable circuit being connected through individual overcurrent protective devices.

"Electric blasting cap" means a blasting cap designed for and capable of being initiated by means of an electric current.

"Electrical grounding" means to connect with the ground to make the earth part of the circuit.

"Employee" means a person who works for wages or salary in the service of an employer.

"Employer" means a person or organization which hires one or more persons to work for wages or salary.

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. Primers include, but are not limited to, black powder, dynamite, nitroglycerin, nitroglycerin compounds, fulminate, and ammonium nitrate when mixed with a hydrocarbon.

"Face or bank" means that part of any mine where excavating is progressing or was last done.

"Flammable" means capable of being easily ignited and of burning rapidly.

"Flammable liquid" means liquid having a flash point below 140° F. and easily ignited and consumed by fire.

"Flammable vapor-air mixture at atmospheric pressure." flammable vapors and air mixtures cannot be detonated by a No. 8 test blasting cap under the conditions specified for the cap sensitivity test.

"For clearing" means the area where excavating is progressing or was last done.

"Highway" means any public street, public road, or public way.

"High potential" means more than 650 volts.

"Mandatory" means a standard which is preceded by the word "Mandatory to the extent of" and the letters "OPAC."
“Hoist” means a power driven windlass, drum or other mechanism used for raising ore, rock, or other material from a mine, and for lowering or raising men and material.

“Tenniter cord” means a fuse, cordlike in appearance, which burns progressively from its outer surface to its center and is used for lighting a series of safety fuses in the desired sequence.

“Inclined” means any inclined plane, whether horizontal with the surface or not.

“Habitated building” means a building regularly occupied in whole or in part as a habitation for human beings or as a church, schoolhouse, railroad station, restaurant, or other place or structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosives.

“Lay” means the distance parallel to the axis of the rope in which a strand makes one complete turn about the axis of the rope.

“Low potential” means 600 volts or less.

“Magazine” means a storage place for explosives or detonators.

“Major electrical installation” means an assembly of stationary electrical equipment for the generation, transmission, distribution or conversion of electrical power.

“Manlift” means a power driven vertical belt having regularly spaced steps which can be boarded by men and used to travel from one elevation to another.

“Manual” means a trip on which men are transported from one place to another where a man is needed.

“Mill” includes any ore mill, sampling works, concentrator, and any crushing, grinding, or screening plant used at, and in connection with, an excavation or mine.

“Misfire” means the complete or partial failure of a blasting charge to explode as planned.

“Overburden” means material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores that are to be mined.

“Permissible” means a machine, material, apparatus, or device which has been investigated, tested, and approved by the Bureau of Mines, and maintained in permissible condition.

“Potable” means fit for drinking.

“Prime” means a package or cartridge of explosives with a detonator.

“Reverse-current protection” means a method or device used on direct-current circuits or equipment to prevent the flow of current in reverse direction.

“Roll protection” means a framework having the qualities or qualifications to stop the rotation of the roll or any other application of water through the central holes of the roll.

“Safe” means a process or device used on direct-current circuits or equipment to prevent the flow of current in reverse direction.

“Safe condition” means the complete or partial failure of a blasting charge to explode as planned.

“Sensitivity” means the degree of shock, temperature, or other environmental factors which will cause an explosive to detonate.

“Shaft” means a vertical or inclined shaft; a slope, incline or winze.

“Sprung hole” means a blasting hole chambered or enlarged to take an increased charge of explosives.

“Stray current” means that portion of a total electric current that flows through paths other than the intended circuit, and the placing of such material, on top of a charge of explosives.

“Suitable” means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

“Threshold limit values” refers to airborne concentrations of substances and represent conditions under which it is believed that nearly all workers may be repeatedly exposed for a full shift, day after day, without adverse effect.

“Travelway” means a passage, walk or way regularly used and designated for persons to go from one place to another.

“Trip light” means a light displayed on the opposite end of a train from the locomotive or engine.

“Wet drilling” means the continuous application of water through the central hole of a drill stem to the bottom of the drill hole.

“Working place” means any place in or about a mine where work is being performed.

§ 55.3 Ground control.

55.3-1 Mandatory-OPAC. Standards acceptable to the Secretary for the safe control of pit walls, including the overall slope of the pit wall, shall be established and followed by the operator. Such standards shall be consistent with prudent engineering design, the nature of the ground and the kind of material and mineral mined, and the ensuring of safe working conditions according to the degree of slope. Mining methods shall be selected which will ensure wall and bank stability, including benches as necessary to obtain a safe overall slope.

55.3-2 Mandatory-OPAC. Large boulders shall be handled, or used, nor within an unsafe distance of any area or place where such practice may cause a fire or explosion. Special fittings to prevent adverse effects from tank settling.

55.4-1 Mandatory-OPAC. No person shall smoke or use an open flame where oil, grease, flammable solvents, liquids, fluids, or other flammable materials are stored, transported, handled, or used, nor within an unsafe distance of any area or place where such practice may cause a fire or explosion.

55.4-2 Mandatory-OPAC. Signs warning against smoking and open flames shall be posted so they can be readily seen in areas or places where fire or explosion hazards exist.

55.4-3 Areas surrounding flammable-liquid storage tanks and electric substations or transformers shall be kept free from grass (dry), weeds, underbrush, and other combustible materials for at least 20 feet in all directions.

55.4-4 Mandatory-OPAC. Flammable liquids shall be stored in accordance with standards of the National Fire Protection Association or other recognized agencies approved by the Bureau of Mines. Small quantities of flammable liquids drawn from storage shall be in appropriate approved containers with special fittings to prevent adverse effects from tank settling.

55.4-5 Unburied flammable-liquid storage tanks shall be mounted securely on firr: foundations. Outlet piping should be provided, with the tank mounted on stands as approved by the Bureau of Mines. Each tank shall be approved and permanent diversion be maintained to ensure that no unusual condition exists.

55.4-6 Flammable liquids shall be drained in a manner that ensures that all flammable liquid is drained from the tank to the ground.
55.4-6 Buildings or rooms in which oil, grease, flammable liquids, or similar flammable materials are stored should be of fire-resistant construction and well ventilated.

55.4-7 Means should be provided to confine, remove, control, or drain away spilled oil or grease.

55.4-8 Mandatory-OPAC. Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained in a manner which may create a hazard.

55.4-9 Mandatory-OPAC. All heat sources, including lighting equipment, capable of producing a temperature of more than 650°F shall be adequately insulated where they pass through doors or walls or where they present a fire hazard.

55.4-10 Mandatory-OPAC. Power wires and cable shall not be stored unconfined in areas where they pass through doors or walls or where they present a fire hazard.

55.4-11 Mandatory-OPAC. Abandoned electrical circuits shall be deenergized and isolated so that they cannot become energized inadvertently.

55.4-12 Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

55.4-13 Materials, such as oily waste and rags, which are subject to spontaneous combustion shall be stored in metal containers until disposed of properly.

55.4-14 Mandatory-OPAC. Solvents with flash points lower than 100°F (38°C) shall not be used near an open flame or other ignition source.

55.4-15 Mandatory-OPAC. Solvents shall not be used near an open flame or other ignition source unless heat sources are protected by automatic sprinklers or in an atmosphere that can elevate the temperature of the solvent above the flash point.

55.4-16 Drip pans should be provided to catch leakage or spillage when oil or flammable liquids are dispensed in a place or manner which may create a hazard.

55.4-17 Floors around drip pans should be covered with sand or other suitable non-combustible material, or an alternative material should be replaced as necessary.

55.4-18 Mandatory-OPAC. Oxygen cylinders shall not be stored near oil or grease.

55.4-19 Mandatory-OPAC. Gauges and regulators used with oxygen or acetylene cylinders shall be kept clean and free of oil and grease.

55.4-20 Mandatory-OPAC. Battery-charging stations shall be located in well ventilated areas.

55.4-21 Mandatory-OPAC. Internal combustion engines, except diesels, shall be shut off and stopped before being fueled.

55.4-22 Mandatory-OPAC. Each mine shall have available or be provided with suitable firefighting equipment adequate for the size of the mine.

55.4-23 Mandatory-OPAC. Firefighting equipment shall be strategically located, readily accessible, plainly marked, properly maintained, and inspected periodically. Records shall be kept of such inspections.

55.4-24 Fire extinguishers should be:
(a) Of the appropriate type for the particular fire hazard involved;
(b) Adequate in number and size for the particular fire hazard involved;
(c) Replaced immediately with fully charged extinguishers after any discharge is made from the extinguisher;
(d) Located and maintained at regular intervals according to the manufacturer's recommendations;
(e) Approved by the Underwriter's Laboratory, Inc. or other competent testing agency acceptable to the Bureau of Mines.

55.4-25 Fire hydrants should be:
(a) Of the appropriate type for the hose equipment of local fire departments.
(b) Provided with readily available wrenches or keys to open the valves.

55.4-26 Water pipes, valves, outlets, hydrants, and hose connections should be inspected and tested at least once a year.

55.4-27 Suitable fire extinguishers should be provided on self-propelled mobile equipment with diesel engines.

55.4-28 Suitable fire extinguishers should be an integral part of portable cutting and welding equipment.

55.4-29 Mandatory-OPAC. When welding or cutting near combustible materials, suitable precautions shall be taken to ensure that spattering metal or sparks do not result in a fire.

55.4-30 Employees should be trained in the use of the extinguisher. Emphasis shall be on the extinguishment of fuel at the source.

55.4-31 A firefighting organization should be established, equipped, and trained in firefighting. Drills should be held at least twice a year.

55.4-32 All employees should be instructed on current escape and evacuation procedures to be followed in case of fire.

55.4-33 Fire-alarm systems adequate to warn all employees should be provided and maintained in operating condition.

55.4-34 Two exits should be provided whenever means of egress to near any concentrated fuel or in an atmosphere that can elevate the temperature of the solvent above the flash point will exist.

55.4-35 Mandatory-OPAC. Solvents and other volatile materials shall be kept closed when the contents are not being used.

55.4-36 Mandatory-OPAC. Where fire would create a hazard to personnel, fire extinguishers should be provided with safety switches to stop the drive pulley automatically in the event of excessive slippage.

55.5 Air quality.

55.5-1 Mandatory-OPAC. Where airborne concentrations of dust, gas, mist and fumes are encountered which exceed threshold limit values adopted by the American Conference of Governmental Hygienists, and persons are exposed to such concentrations, control measures shall be adopted to maintain concentrations below such threshold limit values.

55.5-2 Mandatory-OPAC. Dust, gas, mist, and fume sources shall be controlled as frequently as necessary to determine the adequacy of control measures.

55.5-3 Mandatory-OPAC. Where water-soluble materials are drilled, fumes, or mists as determined by threshold limit values shall be collected and, when drilling water-soluble materials, when drilling with non-water-soluble materials. Emission control measures shall be used where water-soluble materials are drilled with water.

55.5-4 Mandatory-OPAC. Note: No standard American table of distances for storage of explosives shall be stored on their ends or sides.

55.5-5 Mandatory-OPAC. Atmospheres where persons work (including equipment cages) shall contain:
(a) At least 20 percent oxygen;
(b) O2 levels of less than 9.05 percent carbon monoxide, 0.5 percent carbon dioxide, and 5 parts per million nitrogen dioxide or other noxious gases in excess of threshold limit values.

55.5-6 Mandatory-OPAC. Dust control measures shall be used at transfer points, crushers, and other points where dust is produced.

55.5-7 Mandatory-OPAC. Respirators developed and approved by the Bureau of Mines approved respirators shall be worn for periods of time designated by the respirator manufacturer, in areas where concentrations of substances in excess of threshold limit values, except as provided in this section, use of respirators shall not be substituted for regular control measures.

55.6 Explosives

55.6-1 Mandatory-OPAC. Detonators, explosives, and blasting agents shall be stored in magazines.

55.6-2 Mandatory-OPAC. Separate magazines shall be provided for the storage of explosives.

55.6-3 Mandatory-OPAC. Detonators shall not be stored in the same magazine with explosives.

55.6-4 Mandatory-OPAC. Blasting agents, safety fuse, or detonating fuse may be stored with explosives.

55.6-5 Mandatory-OPAC. Magazines shall be:
(a) Located in accordance with the current American code of distances for storage of explosives;
(b) Detached structures located away from heating, lighting, or ventilating devices, and other possible sources of fire;
(c) Constructed substantially of non-combustible material or covered with fire-resistant materials;
(d) Reasonably bullet-resistant;
(e) Electrically bonded and grounded if constructed of metal.

(f) Made of nonflammable materials on the inside, including floors;

(g) Provided with adequate and effectively screened ventilation openings near the floor and ceiling;

(h) Kept locked securely when not attended;

(i) Posted with suitable danger signs so located that a bullet passing through the face of a sign will not strike the magazine;

(j) Used exclusively for storage of blasting agents, explosives, or detonators and kept free of all extraneous materials;

(k) Kept clean and dry in the interior, and in good repair;

(l) Unheated, unless heated in a manner that will not create a fire or explosion hazard. Electrical heating devices shall not be used inside a magazine.

55.6-6 Mandatory-OPAC. Only enclosed and gasketed fixtures and wiring in conduit shall be used inside magazines that are illuminated electrically.

55.6-7 Mandatory-OPAC. Electric switches shall be outside the magazines.

55.6-8 Mandatory-OPAC. Areas surrounding magazines in which explosives are being handled shall be kept free of rubbish and other combustibles.

55.6-9 Mandatory-OPAC. Smoking and open flames shall not be permitted within 25 feet of explosives and detonator-storage magazines.

55.6-10 Mandatory-OPAC. Ammonium nitrate fuel oil mixture shall be physically separated from dynamite stored in the same magazine with the same exception that oil does not containate the dynamite.

55.6-11 Cases of explosives should not be stored on their ends or sides.

55.6-12 Cases of explosives should not be stacked more than 25 feet high.

55.6-13 Explosion transportation.

55.6-20 Mandatory-OPAC. Explosives and detonators are hauled by trolley vehicles unless separated by 4 inches of hard wood or the equivalent.
locomotive, covered electrically insulated
parked, the brakes shall be set, the motive
power shut off, and the vehicles shall be
containing explosives or detonators shall not be
left unattended except in blasting areas
when leading or charging is in progress.

55.6-20 Vehicles containing explosives or
detonators shall not be taken to a repair
garage or shop for any purpose.

55.6-21 Mandatory-OPAC. Vehicles con-
taining explosives or detonators shall be
kept under watch until the time elapsing
completed. In no case shall the time elapsing
be used to transport or carry capped
Explosives or detonators shall not remain
shunted until they are
Fuse shall be
primed or the fuse has been
misfired holes for at least 15 minutes.

55.6-63 Faces and muckpiles should be
covered with fire
and water retardant materials.

55.6-64 Mandatory-OPAC. Primers should be
prepared so that
mixtures, shall have substantially constructed
bodies, no sparking metal exposed in the
cargo space, and shall be equipped with suit­
ably
be reported to the proper supervisor and shall
be tested with a blasting galvanometer before
being wired into the blasting circuit.

55.6-66 Fuse should not be kinked, bent
sharply, or handled roughly.

55.6-70 Mandatory-OPAC. Fuse shall be
cut and capped at explosive locations posted
with "No Smoking" signs.

55.6-71 Mandatory-OPAC. Blasting caps
shall be crimped to fuses only with imple­
ments designed for that specific purpose.

55.6-72 Mandatory-OPAC. The burning
rate of the fuse shall be posted in the fuse-
capping station in a conspicuous location
where the heat has been dissipated to a
safe extent.

55.6-73 Mandatory-OPAC. Fuse shall be
kicked, bent
or within 20 feet of bare powerlines. They
shall be protected from sources of static or
other electrical contact.

55.6-75 Mandatory-OPAC. Explosives shall
be disposed of safely.

55.6-76 Mandatory-OPAC. Fuse shall be
ignited with hot-wire lighters, lead spotters,
ignitors, or other such devices designed
for this purpose.

55.6-77 Mandatory-OPAC. Fuse shall not
be used before the shot is ready to be
fired. Lead wires and wired rounds shall be
kept shunted until immediately before blasting.

55.6-78 Timing should be such that the
fuse is burning within the
hole before the first hole fires.

55.6-79 Electric detonators of different
brand should not be used in the same
round.

55.6-80 Mandatory-OPAC. Electric
detonators shall remain shunted until they are
being wired into the blasting circuit. Lead
ducts and the blasting line shall be kept shunted
until immediately before blasting.

55.6-82 Mandatory-OPAC. The burning
rate of the fuse shall be posted in the fuse-
capping station. The key to a
blasting circuit shall be properly supported,
insulated, and kept in good repair.

55.6-84 Mandatory-OPAC. Charging shall
be stopped immediately when the presence
of static electricity or stray current is de-
tected; the condition shall be remedied before
charging is resumed.

55.6-85 Mandatory-OPAC. Charging shall be
suspended in surfacemining, shaft sinking,
and tunneling and men withdrawn to
a safe distance from the blasting area.

55.6-86 Mandatory-OPAC. If branch cir-
cuits are used when blasting is
power circuits, safety switches应当 be
provided in addition to the main blasting switch.

55.6-87 Mandatory-OPAC. Safety switches
and blasting switches shall be labeled, en-
abled, and alarmed so that the covers of the boxes cannot be opened
while the switches are in closed position.

55.6-88 Mandatory - OPAC. Blasting
charges shall be kept in a safe
area except when closed.

55.6-89 Mandatory-OPAC. The key to a
blasting switch shall be entrusted only to the
designated to fire blasts.

55.6-90 Mandatory-OPAC. Electric cir-
cuits from the blasting switches to the load
area shall not be grounded.

55.6-91 Mandatory-OPAC. The double
trunk-line or loop system shall be used for
detonator-carrying blasting.

55.6-92 Mandatory-OPAC. Where electric
detonators are to be preferred, the electric circuits
to equipment in the immediate area to be
blasted shall be deenergized before explo-
sion. If more than 15 holes per
circuit are blown, the power
shall not be turned on again until after the
shots are fired.

55.6-93 Power sources should be suitable
for the number of electric detonators to be
fired and for the type of circuits used.

55.6-94 Mandatory. The double
trunk-line or loop system shall be used in detonat-
carrying blasting.
55.6-95 **Mandatory-OPAC.** The trunkline, in multiple row hauls, shall make one or more complete loops, with crosties between loops at intervals of not over 200 feet.

55.6-96 **i. sandfly.** All detonating-cord knotted ends other than those connected to blasting caps shall be kept at right angles to the trunkline.

55.6-97 **Delay connectors for firing detonating-cord knotted ends shall be marked conspicuously, with the same safety precautions as blasting caps and electric detonators.

55.6-98 **Detonating cord should not be knotted, bent, nor otherwise handled in such a manner that the train of detonation may be interrupted.

### Sensitized ammonium nitrate blasting agents

55.6-110 If sensitized ammonium nitrate blasting caps are used, every employee shall be instructed in the proper use of all procedures concerning storage of components, and the final product, mixing, and treatment of sensitized ammonium nitrate blasting agents. Such persons shall be instructed in the proper use of all procedures concerning storage of components, and the final product, mixing, and treatment of sensitized ammonium nitrate blasting agents.

55.6-111 **Mandatory.** In the use of sensitized ammonium nitrate mixtures and blasting agents, extreme precautions shall be taken as for high explosives.

55.6-112 **Adequate priming should be employed to guard against mishandling increased toxic fumes, and poor performance.

55.6-113 **Mandatory-OPAC.** Where pneumatic loading is employed, before any type of blasting is done, a qualified person, familiar with the ground conditions and loading of the conveyor, shall be present to eliminate the hazard of static electricity.

55.6-114 **Mandatory-OPAC.** Pneumatic-loading equipment shall not be grounded to electrical grounding systems.

55.6-115 **Mandatory.** Hoses used in connection with pneumatic loading machines shall be of the semiconductive type, having a total resistance low enough to permit the dissipation of static electricity and high currents to a safe level. Wire-countered hose shall not be used because of the potential hazard of static electricity.

55.6-116 **Reasonable precautions should be exercised to exclude moisture from breathing air lines, and from insecure footing or staging.

§ 55.7 Drilling.

55.7-1 **Equipment should be inspected each day before the equipment is used.

55.7-2 **Mandatory-OPAC.** Equipment defects affecting safety shall be corrected before the equipment is used.

55.7-3 **Mandatory-OPAC.** The drilling area shall be inspected for hazards before starting the drilling operations.

55.7-4 **Mandatory-OPAC.** Men shall not be on the main while the drill is in operation.

55.7-5 **Mandatory-OPAC.** Drill crews and others shall stay clear of augers or drill stems that are in motion. Persons shall not pass under or step over a moving stem or auger.

55.7-6 **Receptacles or racks should be provided for drill steel stored on drills.

55.7-7 **Tools and other objects should be kept off the ground.

55.7-8 **Mandatory-OPAC.** When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast placed in a safe position.

55.7-9 **The drill helper, when used, should be in line with the drill so that the drill is being moved to a new location.

55.7-10 **Mandatory-OPAC.** In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

55.7-11 **Mandatory-OPAC.** The drill stem shall be resting on the bottom of the hole or on the platform with the stem secured to the mast before attempts are made to straighten a crossed cable or to remove a jammed drill bit.

55.7-12 **Mandatory-OPAC.** While in operation, drills shall be attended at all times. Drill holes large enough to constitute a hazard shall be covered or guarded.

55.7-13 **Men operating or working near leg drills should be provided with heaters and/or air-leg drills.

55.7-14 **Jet drills should be provided with: (a) A system to pressurize operators’ cab.

55.7-15 **Metallica® cover over the oxygen flow indications.

55.7-16 **Mandatory-OPAC.** Safety chains or safety links shall be provided across connections to and between machines.

55.7-17 **Adequate priming should be employed to guard against misfires, increased toxic fumes, and poor performance.

55.7-18 **Mounted on the drill, steel, or between drills, trams, and front-end loaders shall be equipped with heaters and/or air-leg drills.

55.7-19 **Adequate means of protection shall be provided for the employee when lighting the burner.

55.7-20 **Equipment requiring refueling at locations other than fueling stations, a system for fueling from the ground without spill should be provided.

55.7-21 **Men shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines.

55.7-22 **Open flames shall be prohibited in these areas.

### Section 55.8 Rotary jet piercing.

55.8-1 **Jet drills should be provided with: (a) A system to pressurize operators’ cab.

55.8-2 **A protective cover over the oxygen flow indications.

55.8-3 **Mandatory-OPAC.** Safety chains or other suitable locking devices shall be provided on jet drills.

55.8-4 **Mandatory-OPAC.** High pressure oxygen hose lines of 1-inch inside diameter or larger.

55.8-5 **Mandatory-OPAC.** A suitable means of protection shall be provided for the employee when lighting the burner.

55.8-6 **With equipment requiring refueling at locations other than fueling stations, a system for fueling from the ground without spill should be provided.

55.8-7 **Men shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines.

55.8-8 **Open flames shall be prohibited in these areas.

### Section 55.9 Loading, hauling, dumping.

55.9-1 **Equipment should be inspected each shift by an authorized individual.

55.9-2 **Equipment defects affecting safety shall be corrected before the equipment is used.

55.9-3 **Mandatory-OPAC.** Powered mobile equipment shall be equipped with adequate brakes.

55.9-4 **Powered mobile haulage equipment should be provided with audible warning devices. Lights should be provided on both ends when required.

55.9-5 **Mandatory-OPAC.** Operators shall be ipsed before starting or moving equipment.

55.9-6 **Mandatory-OPAC.** When the entire length of the conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are clear of the conveyor before it is started.

55.9-7 Men shall not pass or step over a moving stem or auger.

55.9-8 **Mandatory-OPAC.** When the entire length of the conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are clear of the conveyor before it is started.

55.9-9 **Mandatory-OPAC.** The drill shall be moved to the new location in the neutral position until power is restored.

55.9-10 **Mandatory-OPAC.** While in operation, drills shall be attended at all times.

55.9-11 **Mandatory-OPAC.** Drill holes large enough to constitute a hazard shall be covered or guarded.

55.9-12 **Men should not drill from positions that hinder their access to the control lever, or from insecure footing or staging.

55.9-13 **In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

55.9-14 **Men should be instructed to avoid static electricity hazards.

55.9-15 **Mandatory-OPAC.** Adequate backstops or brakes shall be installed in inclined-conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.

55.9-16 **Mandatory-OPAC.** No person shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the bolt is specifically designed for the traction of personnel.

55.9-17 **Unloading stations should be equipped with backslash guards, rollers, drum covers, and anchored securely before unloading operations are started.

55.9-18 **Roadbeds, rails, joints, switches, frogs, and other elements on railroads should be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.

55.9-19 **Equipment operating speeds should be prudent and consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.

55.9-20 **Dust control measures should be taken where dust significantly reduces visibility of equipment operators.

55.9-21 **Mandatory-OPAC.** Where the last 50 linear feet of track, 20 feet from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all tracks where it is determined that 20-inch clearance shall be marked conspicuously.

55.9-22 **Mandatory-OPAC.** Track guard rails, lead rails, and similar installation on sidings and switches, as far as to prevent a person’s foot from becoming wedged.

55.9-23 **Mandatory-OPAC.** Positive-acting stopblocks, derail, derail devices, track stops, or other adequate means shall be installed.
wherever necessary to protect persons from runaway or moving railroad equipment.

55.9-24 Traffic rules, signals, and warning signs should be standardized at each mine.

55.9-25 Vehicles should follow at a safe distance; passing should be limited to areas of adequate visibility and cleared of obstructions.

§ 55.9-33 Mandatory-OPAC. Bells or horns shall be provided on the outer banks or elevated roadways.

55.9-35 Mobile equipment. Mobile equipment operators shall have full control of the equipment while it is in motion.

55.9-39 Mandatory-OPAC. Trackless haulage equipment shall be operated under power control at all times.

55.9-41 Mandatory-OPAC. Trackless haulage equipment shall be operated under power control at all times.

55.9-43 Optional-OPAC. Traffic rules, signals, and warning signs shall be standardized at each mine.

55.9-53 Mandatory-OPAC. All mobile equipment shall be equipped with effective brake shoes.

55.9-55 LoLg material shall be transported by a method designed to prevent any overhang creating a hazard.

55.9-57 Mandatory-OPAC. Railcars shall not be left on side tracks unless ample clearance is provided for traffic on adjacent tracks.

55.9-59 Persons shall not go under or between cars unless the train is stopped and the motorman has been notified and the notice acknowledged.

55.9-61 Mandatory-OPAC. Responsibility of the motorman to clearly recognize the brakeman's signals when the train is under the direction of the brakeman as a stop signal.

55.9-63 Mobile equipment. Mobile equipment shall not be left unloaded or unattended.

55.9-65 Grizzlies, grates, and other sizing devices shall be equipped with positive locks or other devices to prevent accidental tripping or dumping.

55.10 Aerial tramways.

55.10-1 Buckets should not be overloaded, and feed should be regulated to prevent spillage.

55.10-2 Carriers, including loading and unloading mechanisms, should be inspected each shift; brakes should be inspected daily; rolls and supports should be inspected as recommended by the manufacturer, or as physical conditions warrant. Records of rope maintenance and inspections should be kept.

55.10-3 Mandatory-OPAC. Any hazardous defects shall be corrected before the equipment is used.

55.10-4 Portable action-type brakes shall be provided on aerial tramways.

55.10-5 Track cable connections should be designed to offer minimum obstruction to the passage of wheels.

55.10-6 Guards shall be installed to prevent falling buckets from hitting towers.

55.10-7 Mandatory-OPAC. Guard nets shall be provided where tramways pass over roadways, walkways, and buildings.

55.10-10 Mandatory-OPAC. Where possible, aerial tramways shall not start until the operator has ascertained that everyone is in the clear.

§ 55.11 Travelways.

55.11-1 Mandatory-OPAC. Safe means of access shall be provided and maintained to all working places.

55.11-2 Mandatory-OPAC. Crossovers, elevated walkways, elevated ramps, and stairways shall be of substantial construction, well-lighted, and maintained in good condition. Where necessary, toeboards shall be provided.

55.11-3 Ladders shall be of substantial construction and maintained in good condition.

55.11-4 Portable straight ladders should be anchored securely and installed to provide at least 3 inches of toe clearance.

55.11-5 Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

55.11-6 Fixed ladders shall be offset and have substantial nailed landings at least every 30 feet unless guardrails are provided.

55.11-7 Fixed ladders (70° to 90° from the horizontal) with noslip bases, should be provided with guardrails, cages, or equivalent protection, starting at a point more than 7 feet from the bottom of the ladder.

55.11-8 Mandatory-OPAC. Fixed ladders shall be located at least 5 feet above landings, or substantial handholds shall be provided above the landings.

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55.11-9 Wooden members of ladders shall not be painted.
55.11-10 Ladderways, stairways, walkways, and ramps shall be kept free of oil, grease, or other accumulations of materials which may be hindrances.
55.11-11 Mandatory-OPAC. Railled walkways shall be provided wherever persons are regularly required to walk alongside conveyors, and such walkways shall be nonskid or provided with cleats.
55.11-12 Vertical clearance above stair railings should be a minimum of 7 feet.
55.11-13 Men climbing or descending ladders should face the ladder and have both hands free for climbing.
55.11-14 Mandatory-OPAC. Openings above, below, or near travelways through which men or materials may fall shall be protected by railings, barriers, or covers. Where it is impractical to install such protective devices, adequate warning signals shall be installed.
55.11-15 Mandatory-OPAC. Scaffolds and working platforms shall be of substantial capacity and provided with handrails and maintained in good condition. Floorboards shall be laid properly and the scaffolding and working platform shall not be overloaded. Wood scaffolds shall be provided with toeboards when necessary.
55.11-16 Mandatory-OPAC. Crossovers shall be provided where it is necessary to cross conveyors.
55.11-17 Mandatory-OPAC. Mowing conveyors shall be provided only at designated crossover points.
55.11-18 Slippery walkways should be provided with cleats and handrails and/or ropes.
55.11-19 Mandatory-OPAC. Regularly used walkways and travelways shall be mowed, salted, or cleared of snow and ice as soon as practicable.
55.11-20 Fixed ladders should not incline backwards at any point unless provided with handrails.

§55.12 Electricity.
55.12-1 Mandatory. Circuits shall be protected against excessive overload by fuses or circuit-breakers of the correct type and capacity.
55.12-2 Mandatory-OPAC. Powerlines, including trolley wires, and telephone circuit wires shall be protected against short-circuits and lightning.
55.12-3 Mandatory. Electric equipment and apparatus shall be locked out and safeguarded with switches or other controls. Such switches or controls shall be of approved design and construction and shall be properly installed.
55.12-4 Mandatory. Individual overload protection or short-circuit protection shall be provided for the trailing cables of mobile equipment.
55.12-5 Power wires and cables should have adequate current-carrying capacity and should be protected from mechanical injury.
55.12-6 Neither crawler-mounted nor rubber-tired equipment should run over trailing cables, unless the cables are properly bridged or protected.
55.12-7 Distribution boxes should be provided with disconnect switches.
55.12-8 Mandatory-OPAC. Trailing cable and power-cable connections to junction boxes shall not be made or broken under load.
55.12-9 Power wires and cables should be insulated adequately where they pass into or out of electrical compartments.
55.12-10 Mandatory-OPAC. Power wires and cables which present a fire hazard shall be well insulated on acceptable insulators.
55.12-11 Mandatory-OPAC. Where metallic leads contact trolley wires the contact cards should be kept locked against unauthorized entry.
55.12-12 Telephone and low-voltage electrical signals shall be protected from contacting energized powerlines.
55.12-13 Mandatory-OPAC. High-voltage transmission cables shall be covered, insulated, or placed according to acceptable electrical codes to prevent contact with low-voltage circuits.
55.12-14 Mandatory-OPAC. Any potential on bare signal wires accessible to personal contact should not exceed 40 volts.
55.12-15 Surfaced ice in power cables, including ground conductor, where provided, should be:
   (a) Mechanically strong with adequate electrical conductivity;
   (b) Effectively insulated and sealed to exclude moisture;
   (c) Provided with mechanical protection and electrical conductivity as near as possible to that of the original.
55.12-16 Mandatory-OPAC. Shored trailing cables shall not be moved with the shore dipper unless cable slings or S-lugs are used. High-voltage cables shall be nonskid or provided with cleats.
55.12-17 Circuits shall be deenergized before fuses are removed or replaced.
55.12-18 Mandatory-OPAC. Fuse slots or hot line tools shall be used where fuses are removed or replaced in high-voltage circuits.
55.12-19 Mandatory-OPAC. Suitable electrical protective devices shall be provided at storage-battery charging stations.
55.12-20 Mandatory-OPAC. Electric motors, switches, and control casings, or wiring.
55.12-21 At least 3 feet of clearance should be provided around all parts of stationary electric equipment or switchgear where access or inspection is necessary.
55.12-22 Mandatory-OPAC. Dry wooden platforms, insulating mats, or other electrically nonconductive material shall be kept in place at all switchboards and power-control switches where shock hazards exist. However, the potential at which a person normally would stand, and keep at the same potential as the grounded metal noncurrent carrying parts of the power switches should be deenergized before work is done on such circuits unless hot line tools are used.
55.12-23 Mandatory-OPAC. Switches shall be locked out and suitable warning signs posted to prevent anyone from doing the work; locks shall be removed only by the persons who installed them.
55.12-24 Mandatory-OPAC. Transformer primary power switches shall be labeled to show which units they control, unless identification can be made readily by location.
55.12-25 At least 3 feet of clearance from the track or mine return circuit.
55.12-26 Reverse-current protection should be provided at all major electrical installations.
55.12-27 Mandatory-OPAC. All metal enclosing or containing electrical circuits shall be grounded and furnished with equivalent protection. This requirement does not apply to battery-operated equipment.
55.12-28 Mandatory-OPAC. Metal fences, guardrails, and metallic buildings enclosing transformers and switchgear shall be grounded.
55.12-29 Mandatory-OPAC. Framed grounding or equivalent protection shall be provided for the mobile equipment powered through trailing cables.
55.12-30 Mandatory-OPAC. Continuity and resistence of grounding systems shall be tested at regular intervals.
55.12-31 Electric equipment and wiring should be inspected by a competent person as often as necessary to assure safe operating conditions.
55.12-32 Mandatory-OPAC. When a potentially dangerous condition is found it shall be corrected before equipment or wiring is placed in service.
55.12-33 Electric motors, switches, and controls exposed to damage from dust or water shall be enclosed in dust-tight or water-tight construction.
55.12-34 Inspection and cover plates on coupling or connections should be kept in place at all times except during testing or repair.
55.12-35 Mandatory-OPAC. Hand-held electric tools shall not be operated at high voltages.
55.12-36 Portable extension lights and other lights that may present a shock or burn hazard should be guarded.
55.12-37 Lamp sockets exposed to the weather should be of a weather-proof type. Circuits shall be deenergized before fuses are removed or replaced.
55.12-38 Mandatory-OPAC. Fuse slots or hot line tools shall be used where fuses are removed or replaced in high-voltage circuits.
55.12-39 Trailing cables should be clamped to machines in a manner to protect the cables from damage and to prevent them from touching electrical connections.
55.12-40 Mandatory-OPAC. Operating conditions should be such that the physical equipment can be operated without danger of contact with energized conductors.
55.12-41 Mandatory-OPAC. Equipment with transformers that are not properly protected shall be operated where the transformers or motors can come within 10 feet of an energized overhead powerline.
55.12-42 Mandatory-OPAC. Equipment shall be installed so that the equipment can be operated without danger of contact with energized conductors.
55.12-43 Mandatory-OPAC. Equipment shall be connected to earth at least 10 feet from the track or mine return circuit.
55.12-44 Mandatory-OPAC. Overhead high-voltage power cables should be installed as specified by the National Electrical Safety Code.
55.12-45 Mandatory-OPAC. When equipment must be moved under energized powerlines and the clearance is less than 10 feet, the powerlines shall be deenergized or other precautions shall be taken.
55.12-46 Mandatory-OPAC. Guy wires of poles supporting high-voltage conductors shall be equipped with insulators installed near the pole top.
55.12-47 Mandatory-OPAC. Telegraph, telephone, or signal wires shall not be installed on the same crossarm with power conductors. Where high-voltage poles supporting powerlines, they shall be installed as specified by the National Electrical Safety Code.
55.12-48 Mandatory-OPAC. Transformers shall be totally enclosed, or shall be placed at least 8 feet above the ground, or insulated with a 6-foot substantial fence at least 6 feet high and at least 3 feet from any energized parts, enclosures, or wiring.
55.12-49 Transformer enclosures should be kept locked against unauthorized entry.

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BOILERS

55.13-23 Boilers should be equipped with guarded well-maintained water gages and pressure gages and so that they can be observed easily. Water gages and pipe passages to the gages should be kept clean and free of scale and rust.

55.13-24 Boilers should be equipped with automatic pressure-relief valves; valves should be tested each shift.

55.13-27 Boiler installations should be provided with safety devices, acceptable to the Bureau of Mines, to protect against hazards of fire, fuel interruptions, and low water level.

55.13-28 Blowoff valves should be piped outside the building and should have outlets so located or protected that persons passing by, near, or under them will not be scalded.

55.13-29 Boilers should be inspected internally at least once a year by licensed inspectors; records of such inspections should be kept.

§ 55.14 Use of equipment.

GUARDS

55.14-3 Guards at conveyor drive, head, and tail pulleys should extend a distance between the belt and the pulley.

55.14-4 Openings where conveyors pass behind the guard and becoming caught between the guard and the machine parts which may be contacted by persons, and which may cause injury to persons, shall be guarded.

55.14-5 Openings where conveyors pass between the belt and the pulley.

55.14-6 Boiler installations should be provided with automatic temperature-adjusting devices when merr travel near bare power conductors.

55.14-7 Compressors and compressed-air systems should be checked at the beginning of all branch lines.

55.14-8 Compressors and compressed-air receivers should be equipped with automatic temperature-adjusting devices, when necessary to protect the operator.

55.14-9 Compressors and compressed-air receivers should be equipped with automatic pressure-relief valves; valves should be tested each shift.

55.14-10 Boiler installations should be provided with safety devices, acceptable to the Bureau of Mines, to protect against hazards of fire, fuel interruptions, and low water level.

55.14-11 Compressors and compressed-air receivers, and between high-pressure hose lines of equipment, shall be provided with suitable locking devices at connections to machines of high pressure.

55.14-12 Machinery and equipment shall be removed from service immediately.

55.14-14 Adequate clearance shall be provided at machine installations.

55.14-15 Machinery and equipment shall be operated only by authorized and experienced persons.

55.14-15 Adequate clearance shall be provided at machine installations.

55.14-24 Mandatory-OPAC. Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make necessary repairs.

55.14-25 Mandatory-OPAC. Men shall not work on or from a piece of mobile equipment unless at a position where they may be blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

55.14-26 Mandatory-OPAC. Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

55.14-27 Mandatory-OPAC. Belts, chains, and ropes shall not be guided onto power-driven pulleys, sheaves, or sprockets with the hands except by slow moving equipment especially designed for hand feeding.

55.14-28 Mandatory-OPAC. Pulleys or conveyors should not be run manually when the conveyor is in motion.

55.14-29 Mandatory-OPAC. Belt dressing shall be applied in such a manner that the belt shall not be in motion unless an aerosol-type dressing is used.

55.14-30 Mandatory-OPAC. Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

55.14-31 Mandatory-OPAC. Welding operations shall be shielded and well ventilated.

55.14-32 Tools and equipment should be used only for the purpose and within the capacity for which they were intended and designed.

§ 55.15 Personal protection.

55.15-1 Mandatory-OPAC. Adequate first-aid materials, including stretchers and bandages, shall be provided at each mine where there are 100 or more persons employed, and at each mobile equipment work area where the hazards of the mobile equipment or the work in which it is engaged make it necessary to have such materials available.

55.15-8 Mandatory. Safety belts and lines shall be worn when men work where there is danger of falling; a second person shall tend the lifeline when this, tanks, or other dangerous areas are entered.

55.15-11 Guards or shields should be provided in areas where flying or falling materials present a hazard.

55.15-12 Industrial vehicles such as fork lift trucks, front-end loaders, and bulldozers shall be provided with roll protection when necessary to protect the operator.

55.15-14 Protective clothing, eye protection and shoes, and other clothing or equipment and face shields or goggles should be worn when working with molten metal.

55.15-15 Mandatory. Protective clothing should be worn around moving equipment and machinery.

55.15-16 Mandatory. Personal protection equipment such as goggles, hard hats, or leather gloves shall be worn when and where such equipment is required to protect persons from injury.

55.15-17 Mandatory-OPAC. Safety shoes or other foot protection should be worn when and where such shoes are necessary to protect persons from injury.

55.15-18 Mandatory-OPAC. Safety belts and lines shall be worn when men work where there is danger of falling; a second person shall tend the lifeline when this, tanks, or other dangerous areas are entered.

55.15-19 Mandatory-OPAC. Life jackets or inflatable vests shall be worn where there is danger of falling into water.

55.15-20 Mandatory-OPAC. Safety belts and lines shall be worn when men work where there is danger of falling; a second person shall tend the lifeline when this, tanks, or other dangerous areas are entered.

55.15-21 Mandatory-OPAC. Life jackets or inflatable vests shall be worn where there is danger of falling into water.

55.15-22 Mandatory-OPAC. Safety belts and lines shall be worn when men work where there is danger of falling; a second person shall tend the lifeline when this, tanks, or other dangerous areas are entered.

55.15-23 Mandatory-OPAC. Life jackets or inflatable vests shall be worn where there is danger of falling into water.

55.15-24 Mandatory-OPAC. Repair or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make necessary repairs.

55.15-25 Mandatory-OPAC. Men shall not work on or from a piece of mobile equipment unless at a position where they may be blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

55.15-26 Mandatory-OPAC. Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

55.15-27 Mandatory-OPAC. Belts, chains, and ropes shall not be guided onto power-driven pulleys, sheaves, or sprockets with the hands except by slow moving equipment especially designed for hand feeding.

55.15-28 Mandatory-OPAC. Pulleys or conveyors should not be run manually when the conveyor is in motion.

55.15-29 Mandatory-OPAC. Belt dressing shall be applied in such a manner that the belt shall not be in motion unless an aerosol-type dressing is used.

55.15-30 Mandatory-OPAC. Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

55.15-31 Mandatory-OPAC. Welding operations shall be shielded and well ventilated.

55.15-32 Tools and equipment should be used only for the purpose and within the capacity for which they were intended and designed.

§ 55.15 Personal protection.

55.15-1 Mandatory-OPAC. Adequate first-aid materials, including stretchers and bandages, shall be provided at each mine where there are 100 or more persons employed, and at each mobile equipment work area where the hazards of the mobile equipment or the work in which it is engaged make it necessary to have such materials available.

55.15-8 Mandatory-OPAC. Safety belts and lines shall be worn when men work where there is danger of falling; a second person shall tend the lifeline when this, tanks, or other dangerous areas are entered.

55.15-11 Guards or shields should be provided in areas where flying or falling materials present a hazard.

55.15-12 Industrial vehicles such as fork lift trucks, front-end loaders, and bulldozers shall be provided with roll protection when necessary to protect the operator.

55.15-14 Protective clothing, eye protection and shoes, and other clothing or equipment and face shields or goggles should be worn when working with molten metal.

55.15-15 Mandatory. Protective clothing should be worn around moving equipment and machinery.

55.15-16 Mandatory. Personal protection equipment such as goggles, hard hats, or leather gloves shall be worn when and where such equipment is required to protect persons from injury.

55.15-17 Mandatory-OPAC. Safety shoes or other foot protection should be worn when and where such shoes are necessary to protect persons from injury.

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55.15-30 Mandatory-OPAC. Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

55.15-31 Mandatory-OPAC. Welding operations shall be shielded and well ventilated.

55.15-32 Tools and equipment should be used only for the purpose and within the capacity for which they were intended and designed.
§ 55.15-10 Mandatory-OPAC. Men shall stay clear of suspended loads while they are being moved or any area where hazardous conditions exist that would endanger their safety unless they can communicate with others, can be heard or seen.

§ 55.15-11 Mandatory-OPAC. Men shall not ride on loads being moved by cranes or derricks, or in any other way ride in engagement hooks unless such method eliminates a greater hazard.

§ 55.15-12 Mandatory-OPAC. Manholes shall be kept clear of obstructions and be provided with: (a) Bumpers at each end of each rail; (b) Automatic switches to halt travel of the blocks before they strike the hoist;
(c) Effective audible warning signals within easy reach of the operator.

§ 55.15-13 Mandatory-OPAC. No person shall work from or travel on the bridge or an overhead crane unless the bridge is provided with substantial footwalks with toeboards and railings the length of the bridge. Wherever possible, the crane should be moved with the load in a low position and should descend ramps with the load behind.

§ 55.15-14 Mandatory-OPAC. Hoists shall be attached to the load by the thimble or clamp method or an other approved method. If the sheathing method is employed, zinc or its equivalent shall be used to protect the wire from corrosion. If the thimbles are used, they shall be of the proper size and the general recommendation for the use of thimbles is that they be made of galvanized steel.

§ 55.15-15 Mandatory-OPAC. The hoisting standards in this section apply to the hoists in such a manner that the lift is confused or sufficient warning is given.

§ 55.15-16 Mandatory-OPAC. The hoisting standards in this section apply to the hoists in such a manner that the lift is confused or sufficient warning is given.
PROPOSED RULE MAKING

or “live” end of the rope and fastening the

The V-bolt of each clip shall enucleate

The following number of clips or

equivalent shall be used for various diameters

of the standard 10 worshipped steel ropes:

Follow manufacturer’s recommendations

for other kinds of wire rope and clips.

<table>
<thead>
<tr>
<th>Diameter of rope, inches</th>
<th>Number of center clips</th>
<th>Number of center clips</th>
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<tbody>
<tr>
<td>1</td>
<td>2</td>
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<tr>
<td>1.25</td>
<td>3</td>
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<td>1.875</td>
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<td>7</td>
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</tbody>
</table>

The same table shall be used for 51 34

Diameter of rope, inches

6 x 30 Type G, flattened 45

30

45

30

27

18

15

12

9

6

4

3

2

1

(d) For all ropes less than three-quarter

inch in diameter, at least four clips or

equivalent shall be used.

(e) When special conditions require the

attachment of a sling to the hoisting cable

to maintain a sheave at the shaft, the sheave

shall be attached by clips or equivalent in

accordance with the table in these regulations.

55.19-25 New rope shall be broken in,

in accordance with the manufacturer's

recommendations.

55.19-26 Corrosion of hoist ropes at the

attachment of safety connections should be

minimized by the design of the attachment devices and by lubrication.

55.19-27 Where possible, conveyances at-

tached to single ropes used to hoist men should be provided with secondary safety connections.

HEADFRAMES AND SHIFTS

55.19-38 Headframes should be designed

and constructed to withstand pulls by the hoists greater than the breaking strengths of the hoist ropes.

55.19-36 Headframes should be high

enough to provide at least 15 feet of clearance

from the bottom of the sheave or drum and the uppermost part of the highest rope connection of the conveyance when the conveyance is at its uppermost man landing.

55.19-37 Piles angles should not exceed

11 degrees.

55.19-38 Mandatory-OPAC. Platform forms

with toeboards and handrails shall be pro-

vided around elevated head sheaves.

55.19-39 Diameters of head sheaves and

hoist drums should conform to the following specifications:

Diameter of sheave and drum

Rope construction

Recommended

Minimum

Time rope

Time rope

diameter

diameter

6 x 7 classification

6 x 19

6 x 27

6 x 37

6 x 47 Type K, flattened

6 x 47 Type K, flattened

6 x 47 Type G, flattened

6 x 47 Type G, flattened

6 x 47 Type J, flattened

6 x 47 Type J, flattened

65

42

27

18

15

12

9

6

4

3

2

1

55.19-40 Head, footer, knuckle, and curve sheaves should have grooves that support the ropes properly. Before installing new ropes, the grooves should be inspected and

where necessary machined to the proper con-
tour and the proper groove diameter.

CONVEYANCES

55.19-45 Mandatory-OPAC. Man cages and

skips shall be used for hoisting or lowering men or other persons in any vertical shaft or any incline shaft with an angle of inclina-
tion of forty-five (45) degrees from the horizon-
tal, shall be covered with a metal bonnet.

55.19-46 Mandatory. Man cages shall be

fireproof, of substantial construction and

provided with:

(a) Fully enclosed sides, and safety gates;

gates shall be at least 5 feet high and have

no openings except those necessary for

signaling.

(b) Escape hatches;

(c) Safety catches. This provision (d) does

not apply to friction-hoist cages that are

suspended from more than one pin.

55.19-47 Mandatory. All skips conveying

men shall be provided with:

(a) Safety catches. This provision, (a),
does not apply to friction-hoists skips that

are suspended from more than one pin.

(b) Safety catches if guides are provided.

(c) Platforms, where necessary, to provide

safe footing.

(d) Stop controls to prevent travel into the
dumping position.

(e) Anchored platforms inside the skips,

if they are bottom-dumping.

(f) Devices to prevent tilting

55.19-48 Mandatory. Man cars shall be

of substantial construction and provided with:

(a) Drags or equivalent safety devices on

the last car of man trips operated in inclined

shafts where guides are not provided.

(b) Safety catches if guides are provided.

(c) Secondary safety connections where

possible.

(d) Safety chains or wire ropes between

cars.

(e) Adequate sealing for the number of

men handled.

55.19-49 Mandatory-OPAC. Baskets used to

hoist men during shaft sinking operation shall have:

(a) Crossheads equipped with safety catches and protective bonnets when the shaft depth exceeds 50 feet.

(b) Devices to prevent accidental dumping

(c) Sufficient depth to transport men

safely in a standing position.

HOISTING PROCEDURES

55.19-55 Mandatory-OPAC. When a manu-

ually operated hoist is used, a qualified hoistman shall remain within hearing of the telephone or signal device at all times while any person is underground.

55.19-56 When automatic hoisting is

used, a qualified hoistman should be in at-
tendance on the premises while any person

is underground.

55.19-57 Hoistmen should be physically

fit and should undergo yearly examination to
determine their continued fitness; certifi-
cation to this effect should be available at

the mine.

55.19-58 Mandatory-OPAC. Only experi-

enced hoistmen should operate the hoist except

in cases of emergency and in the training of

new hoistmen.

55.19-59 Mandatory-OPAC. Whenever a

regular shift of men is being hoisted or low-
ered by a manually operated hoist, a qualified

man familiar with and qualified to stop

the hoist shall be in attendance; this provision

shall not apply to friction-hoists skips, except in
that space on the premises where the hoisting or lowering men.

55.19-60 Hoistmen should use extreme care

when hoisting or lowering men.

55.19-61 The safe speed should be de-

termined for each shaft; in no instance should this speed exceed 2,500 feet per minute for hoisting men.

55.19-62 Maximum acceleration and de-

celeration should not exceed 6 feet per

second.

55.19-63 Only authorized personnel

should be in hoist rooms.

55.19-64 Conveyances intended to be

used for the balance of the shift should not be balanced when men are on the cage.

55.19-65 Mandatory-OPAC. Conveyances

shall not be lowered by the brakes alone except during emergency.

55.19-66 Management should designate

the maximum number of men permitted to

ride on a trip at one time; this limit should

be posted on each landing.

55.19-67 Authorized persons should be

in charge of all man trips.

55.19-68 Men should enter, ride, and

leave conveyances in an orderly manner.

55.19-69 Mandatory-OPAC. Men shall

not enter or leave conveyances which are in

motion or after a signal to move the con-

veyance has been given to the hoistman.

55.19-70 Mandatory-OPAC. Cage doors

cans be closed while men are being

holsted; they shall not be opened until the

car has come to a full stop.

55.19-71 Mandatory-OPAC. Men shall

not ride the bull, rim, or bonnet of any shaft conveyance, ex-

cept where necessary for the inspection and maintenance of the shaft and lining.

55.19-72 When combinations of cages and

skips are used, the skips should be closed

if they are bottom-dumping.

55.19-73 Mandatory-OPAC. Rock or sup-

plies shall not be hoisted in the same shaft

carriage during shift changes, unless the compartments and dumping bins are par-

titioned to prevent spillage into the cage compartments.

55.19-74 Men should not ride the bull,

rim, or bonnet of any shaft conveyance, ex-

cept where necessary for the inspection and maintenance of the shaft and lining.

55.19-75 Mandatory-OPAC. Open hooks

shall not be used to hoist buckets or other con-

veyances.

55.19-76 When men are hoisted, bucket

speeds should not exceed 300 feet a minute, and

should not exceed 200 feet a minute when 100 100 feet of a landing.

55.19-77 Mandatory-OPAC. Buckets shall

be stopped about 15 feet from the shaft bot-
tom; a second hoisting signal shall be given from one of the crew on the bottom for further lowering.

55.19-78 Buckets should be stopped after

5 feet of a landing and hoisted from the bottom; a second hoisting signal should be given after the bucket has been stabilized. Hoisting should be at a minimum speed and the bullcord should be attended constantly until the crosshead has been engaged.

55.19-79 Mandatory-OPAC. Where mine

cars are hoisted by cage or skip, means for

blocking cars shall be provided at all land-

lings and also on the regular-OPAC. When tools, timbers, or other materials are being

lowed or raised in a shaft by means of a

skip, or cage; such shall be blocked or so placed that they will not strike the

sides of the shaft.

Conveyances not in use should be

released and lowered to at least 10 feet from the floor of the landing.

SIGNALING

55.19-90 Mandatory-OPAC. There shall be

at least two effective approved methods of

signaling between each of the shaft stations

and the hoist room, one of which shall be a

telephone or speaking tube.

55.19-91 Hoistmen should not accept

hoisting instructions by telephone unless

the
PROPOSED RULE MAKING

regular signaling systems are out of order. During such an emergency one person should be responsible to direct movement of the conveyance.

55.19-92 A method should be provided to signal men at shaft bottom during sinking operation.

55.19-93 A standard code of hoisting signals should be adopted and used at each mine.

55.19-94 Mandatory-OAC. A legible signal code shall be posted prominently in the hoist house within easy view of the hoistman, and at each place where signals are given or received.

55.19-95 Hoisting signal devices should be maintained within easy reach of men on the shaft bottom during sinking operation.

55.19-106 Mandatory-OAC. Anyone responsible for receiving or giving signals for cages, skips, and mantrips when men or materials are being transported shall be familiar with the posted signaling code.

55.19-107 Mandatory-OAC. Shaft lands should be equipped with substantial safety gates so constructed that materials will not be permitted to ride under the gate and the gate shall be closed except when loading or unloading shaft conveyances.

55.19-108 Mandatory-OAC. Positive stopblocks or derail switches which shall be installed on all tracks leading to a shaft collar or landing shall be provided.

55.19-109 Mandatory-OAC. Guides should be provided in each hoisting compartment; in shafts inclined more than 45° from the horizontal, and sufficient in number so as to be so constructed as to minimize spillage into the shaft.

55.19-122 Mandatory-OAC. Adequate clearance should be maintained at shaft stations to allow men to pass safely and to allow materials to be handled safely.

55.19-123 Mandatory-OAC. A safe means of passage around open shaft compartments shall be provided on landings with more than one entrance to the shaft.

55.19-111 Mandatory-OAC. Shaft timbers should be kept clean of rocks and other loose material.

55.19-112 Mandatory-OAC. If inmates shall be informed when men are working in a compartment affected by that hoisting operation and a "Men Working In Shaft" sign shall be displayed.

55.19-113 "Men Working In Shaft" signs should be posted at the signal devices at all active shaft stations and landings when men are working in a compartment affected by that hoisting operation.

55.19-114 Mandatory-OAC. Shaft inspection and testing of hoisting equipment, shall be performed from substantial platforms equipped with hitches or equivalent overhead protection.

55.19-115 Mandatory-OAC. A substantial bulkhead or equivalent protection shall be provided above men at work deepening a shaft.

55.19-116 Substantial fixed ladders should be maintained near the shaft bottom as practicable during shaft-sinking operations. Chattel or other extension ladders shall be used from the fixed ladder to the shaft bottom.

55.19-118 Substantial fixed ladders should be provided above men at work deepening a shaft.

55.19-120 Ropes should be cut off and repositioned on the drum at regular intervals as necessary to effectively distribute wear of the rope. The length of the cut-off at the drum end should be greater than, but not an even multiple of, the circumference of the drum.

55.19-131 Ropes should be calipered at regular intervals as necessary to effectively determine the rate of wear and damage. Caliper measurements should be taken:

(a) Immediately above the socket or clip and above the safety connection;
(b) Where the roper rests on the sheaves;
(c) Where roper leaves the drums when the conveyances are at the regular stopping points;
(d) Where a layer of rope begins to overlap another layer.

55.19-121 Mandatory-OAC. Ropes shall not be used for hoisting when they have:

(a) More than six broken wires in any lay;
(b) Crown wires worn so less than 65 percent of the original diameter;
(c) A marked amount of corrosion or distortion;
(d) A combination of similar factors individually less severe than those above but which in aggregate might cause an unsafe condition.

55.19-119 Mandatory-OAC. Hoistmen shall examine their hoist and shall test overtravel, overspeed, and deadman controls, including emergency braking mechanisms at the beginning of each shift.

55.19-130 Empty conveyances should be operating in the shaft bottom at least once round trip before hoisting men after any shaft or equipment repairs and before regular men trips are loaded or lowered.

55.19-132 Rope and conveyance connections to conveyances should be inspected daily.

55.19-127 Safety catches should be inspected daily; drop tests should be made at the time of installation. Every 2 months the cable should be tested for proper blocking to check the operation or activation of the safety catches by allowing the rope to slacken gradually or lowered.

55.19-136 Safety catches should be inspected at least weekly.

55.19-139 Sheaves should be inspected daily and kept properly lubricated and aligned, and kept in good repair.

55.20 Miscellaneous

55.20-1 Mandatory-OAC. Indicating devices, where used, shall be protected from the elements and shall be so designed as to remain in proper working order.

55.20-2 Mandatory-OAC. Potable water shall be available to all employees during working hours.

55.20-3 Good housekeeping should be practiced in and around a mine.

55.20-4 Men should not engage in horseplay.

55.20-5 Mandatory-OAC. Carbon tetra­chloride should not be used or stored.

55.20-6 Protruding nails which may cause injury should be removed or completely bent over.

55.20-7 Employees should be constantly alerted to the potential of accidents on their jobs.

55.20-8 Toilet facilities should be provided at convenient locations and should be kept clean and sanitary.

55.20-9 Mandatory-OAC. Dusts suspected of being explosive shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

55.20-10 Mandatory-OAC. If failure or a water or silt retaining dam will create a hazard, it shall be of substantial construction and inspected at regular intervals.

§ 55.21 Savings provision.

55.21-1 Unless otherwise specified herein, nothing contained in these standards shall prevent the continued utilization of equipment, facilities, or structures made after the effective date of these mining standards, now in use, which fail in whole or in part to meet the requirements of these standards, Provided:

(b) That any equipment, facilities and structures which do not conform to mandatory specifications and safety standards set forth herein shall not be used after January 1, 1971, unless modified to conform to such standards.

(c) That all replacements or additions to existing equipment, facilities, or structures made after the effective date of these standards shall conform to such standards.

55.21-2 Nothing contained in § 55.21-1 above shall be construed to conflict with, or limit, the authority granted by the Act to the Bureau to issue orders pursuant to section 8(a) of the Act.

55.21-3 Nothing contained in § 55.21-1 above, shall be construed to limit or conflict with any standards contained herein which prohibit specific unsafe work practices or which require specific safe work practices to be followed.

[8:45 a.m.]

HEALTH AND SAFETY STANDARDS

Sand, Gravel, and Crushed Stone Operations

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Federal Metal and Nonmetal Mine Safety Act (80 Stat. 772, 30 U.S.C. 721-740, Supp. III) to promulgate health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in metal and nonmetal mines, it is proposed to add a new Part 56 to Title 30, Code of Federal Regulations, relating to sand, gravel, and crushed stone operations. The standards have been developed in conjunction with the Sand and Gravel and Crushed Stone Operations Advisory Committee appointed pursuant to section 7 of the Act.

[30 CFR Part 56]
Proposed Rule Making

Scope. The standards set forth in Part 56 would be applicable to operations at which sand, gravel, or crushed stone is recovered by surface-mining methods. The regulations in Part 56 would not be applicable to the surface mining of metal and nonmetallic minerals other than sand, gravel, and crushed stone or to the underground mining of metal and nonmetallic minerals; these mines would be covered by standards set forth in new Parts 55 and 57 of Title 30, Code of Federal Regulations.

Specific designation of mandatory standards. Each standard which would be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the section in which the standard is prescribed. If the Sand, Gravel, and Crushed Stone Operations Advisory Committee has recommended that a standard be mandatory, the standard will be preceded by the word "Mandatory" and the letters "SGCS." In this manner—"Mandatory—SGCS."

In accordance with the provisions of section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and the regulations promulgated pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and prescribe health and safety standards for sand, gravel, and crushed stone operations which are subject to the act. Each standard which is preceded by the word "Mandatory" is a mandatory standard. The violation of a mandatory standard will subject an operator to an order or notice under section 8 of the act (30 U.S.C. 727).

§ 56.1 Purpose and scope.

The regulations in this part are promulgated pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and prescribe health and safety standards for sand, gravel, and crushed stone operations which are subject to the act. Each standard which is preceded by the word "Mandatory" is a mandatory standard. The violation of a mandatory standard will subject an operator to an order or notice under section 8 of the act (30 U.S.C. 727).

§ 56.2 Definitions.

As used in this part:

"Approved" means tested and accepted for a specific purpose by a nationally recognized agency.

"Barricaded" means obstructed to prevent the passage of persons, vehicles, or flying materials.

"Berm" means a pile or mound of material capable of stopping a vehicle.

"Blasting agent" means any material or mixture of a fuel and oxidizer intended for blasting, not otherwise classified as an explosive, including, but not limited to, black powder, dynamite, nitroglycerin, nitroglycerin compounds, fulminate, and ammonium nitrate when mixed with a hydrocarbon.

"Blasting switch" means a switch used to ignite an igniter cord by means of an electric circuit. In the absence of an igniter cord, blasting switch means a blasting circuit.

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"Capped fuse" means a length of blasting fuse or electronic delay device capped by a fuse cap or fuse cap holder.

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"Competent person" means a person having abilities and experience that fully qualify him to perform the duty to which he is assigned.

"Detonating fuse" means a round flexible cord containing a center core of high explosives.

"Electric blasting cap" means a blasting cap designed for and capable of being initiated by means of an electric current.

"Electrical grounding" means to connect the ground with the earth to make the earth part of the circuit.

"Employee" means a person who works for wages or salary in the service of an employer.

"Employer" means a person or organization which hires one or more persons to work for wages or salary.

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. Explosives include, but are not limited to, black powder, dynamite, nitroglycerin, nitroglycerin compounds, fulminate, and ammonium nitrate when mixed with a hydrocarbon.

"Face or bank" means that part of any mine where excavating is progressing or was last done.

"Flammable" means capable of being easily ignited and of burning rapidly.

"Flammable Liquid" means liquid having a flash point below 140°F and having a vapor pressure not exceeding 40 p.s.i. absolute at 100°F.

"Flash point" means the minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure.

"Highway" means any public street, public alley, or public road.

"High potential" means more than 650 volts.

"Hoist" means a power driven windlass or drum used for raising ore, rock, or other material from a mine, and for lowering or raising men and material.

"Igniter cord" means a fuse, cordlike in appearance, which burns progressively along its length with an external flame or smoke and is used for lighting a series of safety fuses in the desired sequence.

"Incline" means any inclined plane, whether above or beneath the surface.

"Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any...
building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

"Lay" means the distance parallel to the axis of the rope in which a strand makes one complete turn about the axis of the rope.

"Low potential" means 650 volts or less.

"Magazine" means a storage place for explosives of detonators.

"Major electrical installation" means any assemblage of stationary electrical equipment for the generation, transmission, distribution or conversion of electrical power.

"Manlift" means a power-driven vertical belt having regularly spaced steps which can be boarded by man and used to travel from one elevation to another.

"Man trip" means a trip on which men are transported to and from a work area.

"Mill" includes any ore mill, sampling works, concentrator, and any crushing, grinding, or screening plant used at, and in connection with, an excavation or mine.

"Misfire" means the complete or partial failure of a blasting charge to explode as planned.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores that are to be mined.

"Permissible" means a machine, material, apparatus, or device which has been investigated, tested, and approved by the Bureau of Mines, and maintained in a permissible condition.

"Potable" means fit for drinking.

"Pyrotechnic charge" means a package or cartridge of explosives with a detonator.

"Reverse-current protection" means a method or device used on direct-current circuits or equipment to prevent the flow of current in the reverse direction.

"Roll protection" means a framework, safety canopy or similar protection for the operator when equipment overtops.

"Safety fire" means an approved container having a spring-closing lid and spout cover.

"Safety fuse" means a train of powder enclosed in cotton, jute yarn, and waterproof, impregnated, or treated with a uniform rate; used for firing a cap containing the detonating compound which in turn sets off the explosive charge.

"Safety switch" means a sectionalizing switch that also provides short circuit function, or circuit.

"Threshold limit values" refers to airborne concentrations of substances and the natural conditions under which it is believed that nearly all workers may be repeatedly exposed for a full shift, day after day, without adverse effect.

"Travalley" means a passage, walk, or way reasonably designated and persons to go from one place to another.

"Trip light" means a light displayed on the opposite end of a train from the locomotive to warn workmen.

"Wet drilling" means the continuous application of water through the central hole of hollow drill steel to the bottom of the drill hole.

"Working place" means any place in or about a mine where work is being performed.

§ 56.3 Ground control.

56.3-1 Mandatory-SGCS. Standards acceptable to the Secretary for the safe control of pit walls, including the overall slope of the pit wall, shall be established and followed by the operator. Such standards shall be consistent with prudent engineering design, the geology, the kind and character of the mining method and mineral mined, and the ensuring of safe working conditions according to the degree of stability of the pit walls, including the overall slope of the pit wall, shall be selected which will ensure wall and bank stability, including benching as necessary to obtain such a degree of stability.

56.3-2 Mandatory-SGCS. Loose unconsolidated material shall be stripped for a safe distance, but in no case less than 10 feet, from the face of the bank and the loose unconsolidated material shall be sloped to the angle of repose.

56.3-3 Mandatory-SGCS. To ensure safe operation, the width and height of benches shall be governed by the type of equipment to be used and the operation to be performed.

56.3-4 Mandatory-SGCS. Safe means for scaling pit banks shall be provided. Where power shovels are used for scaling, banks shall be limited to slope, height, and length, and no shovel shall be used with the shovel buckets. Exposed bank area shall be scaled before any other work is performed on adjacent areas.

56.3-5 Mandatory-SGCS. Men shall not work near or under dangerous banks. Overhanging banks shall be taken down immediately. Where bank conditions shall be corrected promptly, or the areas shall be barricaded and posted.

56.3-6 Mandatory-SGCS. Men shall approach loose rock and areas to be scaled from above and shall scale from a safe location.

56.3-7 Mandatory-SGCS. Art work, furniture, machinery, etc., shall be removed to prevent movement of material into cuts developed into steep hillside.

56.3-8 Mandatory-SGCS. The supervisor, or a competent person designated by him, shall examine working areas and faces for unsafe conditions at least at the beginning of each shift and after blasting. Any unsafe condition found shall be corrected before any further work is performed at the immediate or face at which the unsafe condition exists.

56.3-9 Mandatory-SGCS. Men shall examine their working places before starting work and faces or areas which appear to be unsafe shall be examined after every rain, freeze, or thaw before men work in such areas.

56.3-10 Tanks, benches, and terrain slopes of the working area should be examined after every rain, freeze, or thaw before men work in such areas.

56.3-11 Rock-bolt installations, where used, should be in accordance with recommendations of the Bureau of Mines or other competent agency.

§ 56.4 Fire prevention and control.

56.4-1 Mandatory-SGCS. No person shall smoke or use any open flame, flammable solvents, liquids, fluids, or other flammable materials are stored, transported, handled, or used, nor within an unsafe distance of any areas where such practices may cause a fire or explosion.

56.4-2 Mandatory-SGCS. Signs warning against smoking and open flames shall be posted so they can be readily seen in areas or places where fire or explosion hazards exist.

56.4-3 Areas surrounding flammable liquid storage tanks and transformers should be kept free from grass (dry), weeds, underbrush, and other combustible materials for at least 25 feet in all directions.

56.4-4 Mandatory-SGCS. Flammable liquids shall be stored in accordance with standards of the National Fire Protection Association or other recognized agencies approved by the Bureau of Mines. Small quantities of flammable liquids drawn from storage shall be kept in appropriately labeled safety cans.

56.4-5 Unburied flammable-liquid storage tanks should be mounted securely on firm foundations. Water and transformers should be kept free from combustible materials for at least 25 feet in all directions.

56.4-6 Buildings or rooms in which oil, grease, flammable liquids, or other flammable materials are stored should be of fire-resistant construction and well ventilated.

56.4-7 Meanings should be provided to confine, remove, control, or drain away spilled or flowing flammable liquids.

56.4-8 Mandatory-SGCS. Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards.

56.4-9 Mandatory-SGCS. All heat sources, including lighting equipment, capable of producing combustion shall be insulated or isolated from combustible materials.

56.4-10 Mandatory-SGCS. Power wires and cables shall be adequately insulated where they pass through doors or walls or where they present a fire hazard.

56.4-11 Mandatory-SGCS. Abandoned electrical circuits shall be deenergized and isolated so that they cannot become energized inadvertently.

56.4-12 Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.
56.4-13 Materials, such as oily waste and rags, which are subject to spontaneous combustion should be placed in tightly covered metal containers until disposed of properly.

56.4-14 Mandatory-SGCS. Solvents with flashpoints lower than 100° F. (38° C.) shall not be used or stored near an open flame or other ignition source, except in locations where the availability of effective sources of heat in an atmosphere that can elevate the temperature of the solvent above the flashpoint.

56.4-17 Flammable substances should be provided with safety switches to stop the drive pulley automatically in the event of emergency stoppage.

§ 56.3 Air quality

56.3-1 Mandatory-SGCS. Where airborne concentrations of dust, gas, and mists are encountered that exceed threshold limit values adopted by the American Conference of Governmental Industrial Hygienists, dust, gas, and mists surveys shall be conducted as frequently as necessary, unless dust is controlled adequately by other methods.

56.3-3 Mandatory-SGCS. Airports where passenger work (including equipment cases) shall be:

(a) At least 20 percent oxygen;

(b) Not more than 0.005 percent carbon monoxide; a maximum carbon dioxide, and five parts per million nitrogen dioxide or other threshold limit values for these gases shall be adopted by the American Conference of Governmental Industrial Hygienists;

(c) No harmful quantities of other gases, fumes, or mists, as determined by threshold limit values.

56.3-5 Muck piles, haulage roads, rock crushers, and other points where dust is produced shall be wet down at the beginning of the shift and thereafter as necessary, unless dust is controlled adequately by other methods.

56.3-10 Vehicles containing explosives or detonators shall be parked, the brakes shall be set, the motive power turned off, and no vehicles shall be blocked securely against rolling.

56.3-20 Mandatory-SGCS. Ammonium nitrate fuel-oil mixtures shall be physically separated from dynamite stored in the same magazine and in such a manner that oil does not contaminate the dynamite.

56.3-12 Cases of explosives should not be stored on their ends or sides.

56.3-13 Explosives and detonators shall be transported in separate vehicles that are at least 4 inches of hardwood or the equivalent.

56.3-21 Mandatory-SGCS. When explosives and detonators are transported in self-propelled locomotive, covered electrically insulated cars shall be used.

56.3-24 Mandatory-SGCS. Self-propelled vehicles used to transport explosives or detonators shall be equipped with suitable fire extinguishers.

56.3-33 Mandatory-SGCS. Vehicles containing explosives or detonators shall be parked, the brakes shall be set, the motive power turned off, and no vehicles shall be blocked securely against rolling.
cage space, and shall be equipped with suit-
able sides and tall gates; explosives shall not
ever exceed higher than the side or end en-
closures.
56.6-29 Explosives shall be transported as
configured vehicles that expose a mini-
num number of persons.
56.6-30 Explosives or detonators in open-
bodyd vehicles should be covered with fire
and explosion resistant materials.
56.6-31 Mandatory-SGCS. Other mate-
rials or supplies shall not be placed on or in
the vehicle unless the vehicle is a conveyance containing
explorives or detonators.
56.6-32 Mandatory-SGCS. Explosives or
detonators shall not be transported on
locomotives.
56.6-33 Mandatory-SGCS. No person shall
smoke while transporting or handling ex-
plorives.
56.6-34 Mandatory-SGCS. Containers with tight-fitting covers shall be
used to transport or carry capped fuses and
electric detonators to blasting sites.
56.6-35 Mandatory-SGCS. Explosives or
detonators shall not be transported on man
trucks.
56.6-36 Mandatory-SGCS. Explosives shall be transported promptly without undue delays in transit.
56.6-37 Mandatory-SGCS. Nonconductive containers for carrying explosives shall be used to transport or carry capped fuses and
electric detonators to blasting sites.
56.6-38 Mandatory-SGCS. Substantial nonsparking implements made of nonsparking materials shall be used to carry explosives to blasting sites.

Uses
56.6-45 Mandatory-SGCS. Persons who use explosives, blasting agents, or detonators shall be made to understand the hazards involved; trainees shall do such work only under the supervision of and in the immediate presence of experienced men.
56.6-46 Mandatory-SGCS. Blasting operations shall be under the direct control of authorized persons.
56.6-47 Mandatory-SGCS. Damaged or deteriorated explosives, blasting agents, and detonators shall be destroyed in a safe manner.
56.6-48 Mandatory-SGCS. Explosives or deto-
nators shall not be taken to the face or in vehicles containing explosives or detonators.
56.6-49 Mandatory-SGCS. Blasting materials shall be kept separated from explosives, blasting agents, or detonators.
56.6-50 Mandatory-SGCS. Explosives and blasting agents shall be kept separated from detonators until charging is started.
56.6-51 Mandatory-SGCS. Primers shall be made up at the time of charging and as close to the blasting site as conditions allow.
56.6-52 Mandatory-SGCS. Primers or charge caps shall be used in widely separated charges.
56.6-53 Mandatory-SGCS. Only wooden or special plastic containers shall be used to punch holes in explosives.
56.6-54 Mandatory-SGCS. Tamping poles shall be made of wood, nonsparking material, or of special plastic acceptable to the Bureau of Mines.
56.6-55 Mandatory-SGCS. No tamping should be done di-
rectly on primer cartridges.
56.6-56 Mandatory-SGCS. Unused explo-
sives and detonators shall be moved to a safe location as soon as charging operations are completed.

56.6-57 Mandatory-SGCS. Areas in which charged operations are completed.
56.6-58 Mandatory-SGCS. Temporary warning shall be given before blasts are fired. All persons shall be cleared and removed from areas endangered by flying rock.
56.6-59 Mandatory-SGCS. Sufficient blasting shelters shall be provided to protect all men endangered by blasting.
56.6-60 Mandatory-SGCS. When safety fuse has been used, men shall not return to misfired holes for at least 15 minutes.
56.6-61 Mandatory-SGCS. When electric blasting caps have been used, men shall not return to misfired holes for at least 15 minutes.
56.6-62 Mandatory-SGCS. Explorives shall be examined for undertonated explorives after each blast and undertonated explorives found should be disposed of safely.
56.6-63 Mandatory-SGCS. Misfuses shall be reported to the proper supervisor and shall be disposed of safely before any other work is performed in that blasting area.
56.6-64 Mandatory-SGCS. Holes shall not be drilled where there is danger of inter-
secting a charged or misfired hole.
56.6-65 Mandatory-SGCS. Holes and fuses that have been sprung should not be charged before tests have been made to
ensure that the heat has been dissipated to a
safe extent.
56.6-66 Mandatory-SGCS. Holes shall not be drilled or worked in until immediately before blasting.
56.6-67 Mandatory-SGCS. Electric blasting lines shall be properly supported, be stopped immediately when the presence of static electricity or stray current is de-
egnared, and lines shall be made safe upon the approach of an elec-
trical storm.
56.6-68 Mandatory-SGCS. If branch cir-
cuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast area shall be provided in addition to the main blasting switch.
56.6-69 Mandatory-SGCS. Electric switches shall be locked in the open position, where possible, to prevent the circuits from being wired into the blasting circuit. Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.
56.6-70 Mandatory-SGCS. The key to a blasting switch shall be entrusted only to the person designated to fire blasts.
56.6-71 Mandatory-SGCS. Electric cor-

detronators shall not be taken to the face or the

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56.6-72 Mandatory-SGCS. No person shall

56.6-73 Mandatory-SGCS. Fuses shall be cut and capped in safe, dry locations posted with "No Smoking" signs.
56.6-74 Mandatory-SGCS. Blasting caps shall be crimped to fuses only with imple-
ments designed for that specific purpose.
56.6-75 Mandatory-SGCS. The burning rate of the fuse shall be posted in the fuse-
capping station in a conspicuous location such that the burning rate will be brought to
the attention of all men concerned with blasting.
56.6-76 Mandatory-SGCS. Fuse shall be
ignited with hot-wire lighters, lead spitters, igniter cord, or other such devices designed for this purpose.
56.6-77 Mandatory-SGCS. Fuse shall not
be ignited before the primer and the entire
charge are securely in place.
56.6-78 Mandatory-SGCS. Timing should be such that the fuse in the last hole to fire is burning within the hole before the first hole fires.
56.6-79 Mandatory-SGCS. Detonators of different brands should not be used in the same round.
56.6-80 Mandatory-SGCS. Electric deto-
nators shall be charged as near to blasting time as possible.
56.6-81 Mandatory-SGCS. Electric deto-
nators shall not be transported on man
trucks.
56.6-82 Mandatory-SGCS. Electric deto-
nators shall not be transported on man
trucks.
56.6-83 Mandatory-SGCS. Electric deto-
nators shall not be transported on man
trucks.
56.6-84 Mandatory-SGCS. Electric deto-
nators shall not be transported on man
trucks.
56.6-85 Mandatory-SGCS. Permanent
blasting lines shall be properly supported, and
kept in good repair.
56.6-86 Mandatory-SGCS. Timed blasting shall be stopped immediately when the presence of static electricity or stray current is de-
egnared, and lines shall be made safe upon the approach of an elec-
trical storm.
56.6-87 Mandatory-SGCS. If branch cir-
cuts are used when blasts are fired from power circuits, safety switches located at safe distances from the blast area shall be provided in addition to the main blasting switch.
56.6-88 Mandatory-SGCS. Electric switches shall be locked in the open position, where possible, to prevent the circuits from being wired into the blasting circuit. Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.
56.6-89 Mandatory-SGCS. The key to a blasting switch shall be entrusted only to the person designated to fire blasts.
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designed for that specific purpose.
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be ignited before the primer and the entire
charge are securely in place.
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56.6-93 Mandatory-SGCS. Detonators of different brands should not be used in the same round.
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nators shall be charged as near to blasting time as possible.
56.6-95 Mandatory-SGCS. Electric deto-
nators shall not be transported on man
trucks.
56.6-96 Mandatory-SGCS. Electric deto-
nators shall not be transported on man
trucks.
56.6-97 Mandatory-SGCS. Delay connectors for firing
detronators shall be treated and han-
delected as shown in Fig. 56.6-73.
56.6-98 Detonating cord shall not be
kinked, bent, or otherwise handled in such a manner that the train of detonation may be interrupted.

SENSITIZED AMMONIUM NITRATE BLENDING AGENTS
56.6-100 If sensitized ammonium nitrate
blasting agents are used, all procedures must be
followed, all components shall be stored apart,
and the final product, mixing, and transportation should be in accordance with Bureau of Mines Information Circular 1720, “Safety Recommendations for Sensitized Ammonium Nitrate Blending Agents,” or with the manufacturer's recommendations.
56.6-101 Mandatory. In the use of sen-
sitized ammonium nitrate mixtures and blast-
ing agents, the manufacturer's instructions shall be taken as high explosives.
56.6-102 Adequate priming should be employed to guard against the possibility of increased toxic fumes, and poor performance.
56.6-103 Mandatory-SGCS. Where pru-
matic loading is employed, before any type
of blasting operation using blasting agents is put into effect, an evaluation of the potential hazards of static electricity shall be made. Adequate steps, including the grounding and loading of the conductive parts of pneumatic loading equipment, shall be taken to eliminate the hazard of static electricity before blasting agent use is commenced.

56.6-114 Reasonable precautions should be exercised to avoid static electricity hazards. Adequate steps, including the grounding of blasting equipment, shall be taken to limit the flow of stray electric currents to a safe level. Wire-countered hose shall not be used to protect pneumatically charged. If water continues to flow into bores, equipment defects affecting safety should be corrected before the equipment is used.

§ 56.7 Drilling.

56.7-1 Equipment should be inspected each shift by an authorized individual. Equipment defects affecting safety should be reported.

56.7-2 Mandatory-SGCS. Equipment defects affecting safety shall be corrected before the equipment is used.

56.7-3 Mandatory-SGCS. The drilling area shall be inspected for hazards before starting the drills. The drill helper, when used, should be in sight of the operator at all times while the drill is in operation.

56.7-4 Mandatory-SGCS. Drill crews and others shall be equipped with adequate brakes.

56.7-5 Mandatory-SGCS. Drill steel should not be left loose on the mast or drill platform.

56.7-6 Receptacles or mucks should be provided for drill steel stored on drills.

56.7-7 Drill bits or other points should not be left loose on the mast or drill platform.

56.7-8 Mandatory-SGCS. When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast placed in a safe position.

56.7-9 Drill helper, when used, should be in sight of the operator at all times while the drill is being moved to a new location.

56.7-10 Mandatory-SGCS. In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

56.7-11 Mandatory-SGCS. The drill stem shall be resting on the bottom of the hole or on the platform with the stopper secured, and the mast placed in the neutral position until power is restored.

56.7-12 Mandatory-SGCS. Drill steel should be attended at all times.

56.7-13 Mandatory-SGCS. Drill steel holes large enough to constitute a hazard shall be covered or guarded.

56.7-14 Men operating or working near jackhammers or jackleg drills and other drilling equipment shall position themselves so that they will not be injured or lose their balance if the drill steel breaks or sticks.

56.7-15 Men should not drill from positions that may be unsafe or expose them to the control levers, or from insecure footing or staging, or from atop equipment not designed for this purpose.

56.7-16 Bit wrenches or bit knockers should be used to remove detachable bits from drill steel.

56.7-17 Starter steels should be used when collaring holes with hand-held or feeded.

56.7-18 Mandatory-SGCS. Men shall not hold the drill steel while collaring holes, or walk under the hoist or other equipment while it is in the chuck or centralizer while drilling.

56.7-19 Air should be turned off and bled from the hoist before hand-held drills are moved from one working area to another.

§ 56.8 Rotary jet piercing.

56.8-1 Jet drills should be provided with:

(a) A system to pressure the operator's case.

(b) A protective cover over the oxygen flow indicator.

56.8-2 Mandatory-SGCS. Safety chains provided across connections to and between high pressure oxygen hose lines of 1-inch inside diameter or larger.

56.8-3 Mandatory-SGCS. A suitable means of protection shall be provided for the employee when lighting the burner.

56.8-4 Mandatory-SGCS. Ventilating refueling at locations other than fueling stations, a system for fueling from the ground without spill should be provided.

56.8-5 Mandatory-SGCS. Men shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines. Signs warning of oxygen and open flames shall be posted in these areas.

§ 56.9 Loading, hauling, dumping.

56.9-1 Equipment should be inspected each shift by an authorized individual. Equipment defects affecting safety should be reported.

56.9-2 Mandatory-SGCS. Equipment defects affecting safety shall be corrected before the equipment is used.

56.9-3 Mandatory-SGCS. Powered mobile equipment shall be provided with adequate brakes.

56.9-4 Mandatory-SGCS. Mobile mobile equipment shall be provided with audible warning devices. Lights should be provided on both ends.

56.9-5 Mandatory-SGCS. Operators shall be certain, by signal or other means, that all personnel are clear before starting or moving equipment.

56.9-6 Mandatory-SGCS. When a vehicle is moved to a new location, the operator shall start the equipment and make certain that all personnel are in the clear before starting the vehicle.

56.9-7 Mandatory-SGCS. Operators shall be certain, by signal or other means, that all personnel are clear before starting or moving equipment.

56.9-8 Mandatory-SGCS. When the entire length of the conveyor is visible from the starting end, the conveyors shall be started. Operators shall have full control of the conveyor after the switch and warning system have been installed and operated to warn persons that the conveyor will be started.

56.9-9 Mandatory-SGCS. Unguarded conveyors with walkways shall be equipped with emergency stop devices or cords along their full length.

56.9-10 Adequate protection should be provided at dumpings locations where men may be endangered by falling material.

56.9-11 Mandatory-SGCS. Operators shall sound warning before starting trains, when trains approach crossings or other trains on adjacent tracks, and where vision is obscured.

56.9-12 Mandatory-SGCS. Trucks, shuttle cars, and other haulers shall be equipped with emergency brakes separate and independent of the regular braking system.

56.9-13 Mandatory-SGCS. Operators shall be constructed to permit operators to see without straining and should be reasonably comfortable.
56.9-38 Loaded cars or trucks should not be left until the loads are trimmed properly.

56.9-39 Movements of two or more pieces of rail equipment operating independently on the same track should be regulated by an efficient signal block, telephone, or radio system; movement of complex haulage systems should be adequately controlled.

56.9-40 Mandatory-SGCS. Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set. The wheels shall be turned against rolling.

56.9-41 Mandatory-SGCS. Mobile equipment, except railroad cars, shall not be parked in such a way that the wheels are set. The tracks shall be turned into a bank or rib, or shall be blocked, when such equipment is parked on a grade.

56.9-42 Mandatory-SGCS. Mobile equipment not set against rolling and not getting on or off moving equipment, except that trainmen may get on or off slowly moving trains.

56.9-43 Mandatory-SGCS. Men shall not ride on top of loaded haulage equipment. Mobile equipment with rails shall have persons permitted to ride on trains or locomotives and they shall ride in a safe position.

56.9-44 Mandatory-SGCS. Men shall not ride out side the cabs and beds of mobile equipment.

56.9-47 Mandatory-SGCS. Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.

56.9-48 Mandatory-SGCS. Parked railcars, unless effectively by brakes shall be blocked securely.

56.9-49 Mandatory-SGCS. Railroad cars weighing less than 3 tons, when in use, shall be equipped with effective brake shoes.

56.9-50 Long material shall be transported on flatcars designed to prevent any overhang from creating a hazard.

56.9-51 Mandatory-SGCS. Railcars shall not be left on side tracks unless ample clearances are provided for traffic on adjacent tracks.

56.9-52 Mandatory-SGCS. Persons shall not go over, under, or between cars unless the train is stopped and the motorman has been notified and the notice acknowledged.

56.9-53 Mandatory-SGCS. Inability of the motorman to clearly recognize the brakeman's signals when the train is under the direction of the brakeman shall be considered a serious defect.

56.9-54 Dumping locations and haulage roads should be kept reasonably free of water, debris, and spillage.

56.9-55 Mandatory-SGCS. Barns, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

56.9-56 Mandatory-SGCS. Men shall not stand on the ground at a dumping place may fail to support the weight of a loaded dump truck, trucks shall be dumped back from the edge of the bank.

56.9-58 Grizzlies, grates, and other slinger devices at dump and transfer points shall be anchored securely.

56.9-59 Mandatory-SGCS. If truck spot­ ters are used, they shall be well in the clear and shall maintain sound communication with the operator. Lights shall be used at night to direct trucks.

56.9-60 Mandatory-SGCS. Public and private vehicles or mobile equipment shall be posted with warning signs or signals, and shall be guarded when trains are passing and shall be placarded or otherwise filled between the rails.

56.9-61 Mandatory-SGCS. Where overhead clearance is restricted, warning devices shall be installed and the restricted area shall be conspicuously marked.

56.9-62 Mandatory-SGCS. Stockpile and muckpile faces shall be trimmed to prevent hazards to personnel.

56.9-63 Mandatory-SGCS. Rocks too large to be handled safely shall be broken before loading.

56.9-64 Ramps and dumps should be of solid construction, of ample width, have adequate handrails and tread, and be kept reasonably free of spillage.

56.9-65 Mandatory-SGCS. Chute-loading has shall be properly regulated to prevent hazardous positions while loading cars.

56.9-66 Cars should not be coupled or uncoupled manually from the inside of curves.

56.9-67 Mandatory-SGCS. Facilities used to transport men to and from work areas shall not be overcrowded.

56.9-68 Mandatory-SGCS. Supplies, ma­ terials, and tools other than small hand tools shall not be transported with men in man­ trip vehicles, unless such men are specifi­ cally designed to make such transportation safe.

56.9-69 Mandatory-SGCS. Lights, flares, or other warning devices shall be provided when parked equipment creates a hazard to vehicular traffic.

56.9-70 Mandatory-SGCS. Tires shall be deflated before repairs on them are started and adequate means shall be provided to prevent wheel rolling rims from creating a hazard during tire inflation.

56.9-71 Any loads and burden more than 4 feet beyond the rear of the vehicle body shall be marked clearly with a red flag by day and with red lights by night.

56.9-72 A tow bar should be used to tow heavy equipment. A safety chain should be used in conjunction with the tow bar.

§ 56.10 Aerial tramways.

56.10-1 Buckets should not be overloaded, and feet should be regulated to prevent spillage.

56.10-2 Carriages, including loading and unloading mechanisms, should be inspected each shift; brakes should be inspected daily; ropes and supports should be inspected as recommended by the manufacturer of as physical conditions warrant. Records of rope maintenance and inspections should be kept.

56.10-3 Mandatory-SGCS. Any hazardous defects shall be corrected before the equipment is used.

56.10-4 Positive action-type brakes should be provided on all tramways.

56.10-5 Track cable connections should be designed to offer minimum obstruction to the passage of wheels.

56.10-6 Guards should be installed to prevent swaying buckets from hitting towers.

56.10-7 Mandatory-SGCS. Guards shall be provided on all travelways, walkways, and buildings.

56.10-8 Mandatory-SGCS. Men shall not ride on or between cars unless held effectively by brakes shall be secured at the edge of the bank.

56.10-9 (a) Two independent brakes, each capable of holding the maximum load; and (b) direct communication between terminals.

56.10-10 Mandatory-SGCS. Men shall not ride loaded travelways.

Where possible, aerial tramways shall not be started until the operator has ascertained that everyone is in the clear.

§ 56.11 Travelways.

56.11-1 Mandatory-SGCS. Safe means of access shall be provided and maintained to all working places.

56.11-2 Mandatory-SGCS. Crossways, elevated walkways, elevated ramps, and stairways shall be of substantial construction, provided with handrails, and maintained in a good condition.

56.11-3 Ladders shall be of substantial construction and maintained in good condition.

56.11-4 Portable straight ladders should be provided with one side rail or guard against rolling, and set on a safe footing.

56.11-5 Mandatory-SGCS. Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

56.11-6 Fixed ladders should be offset and have substantial miling handles, at least 24 inches each side unless backguards are provided.

56.11-7 Steep fixed ladders (70° or more) from the horizontal) 30 feet or more in height should be provided with backguards, cages, or equivalent protection, starting at a point not more than 7 feet from the bottom of the ladder.

56.11-8 Mandatory-SGCS. Fixed ladders shall project at least 3 feet above landings, or substantial handholds shall be provided above the landings.

56.11-9 Wooden members of ladders should not be painted.

56.11-10 Ladderways, stairways, walkways, and ramps should be kept free of loose rock and extraneous materials.

56.11-11 Mandatory-SGCS. Railed walkways and stairways through which persons are regularly required to walk alongside conveyor belts. Inclined rail walkways shall be non­ skid or provided with cleats and handholds.

56.11-12 Vertical clearance above stair steps should be a minimum of 7 feet.

56.11-13 Men climbing or descending ladders should face the ladders and have both hands free for climbing.

56.11-14 Mandatory-SGCS. Openings above, below, or near travelways through which men or materials may fall shall be protected by railing, barriers, or covers.

56.11-15 Where it is impractical to install such protective devices, adequate warning signals shall be installed.

56.11-16 Mandatory-SGCS. Scaffolds and working platforms shall be of substantial construction and provided with handrails and maintained in a good condition. Floor boards shall be continuous, and working platforms shall not be overloaded. Working platforms shall be provided with toeboards.

56.11-17 Mandatory-SGCS. Moving conveyors shall be crossed only at designated crossover points.

56.11-18 Slippery walkways should be provided with cleats and handrails and/or ropes.
§ 56.12 Electricity.

§ 56.12-1 Mandatory. Circuits shall be protected against excessive overload by fuses or circuit breakers of the correct type and capacity.

§ 56.12-2 Mandatory-SGCS. Powerlines, including trolley wires, and telephone circuits shall be protected against short circuits and lightning.

§ 56.12-3 Mandatory-SGCS. Electric equipment and circuits shall be equipped with switches or other controls. Such switches or controls shall be of approved design and construction and shall be properly installed.

§ 56.12-4 Mandatory. Individual overload protection or short-circuit protection shall be provided for the trailing cables of mobile equipment.

§ 56.12-5 Power wires and cables should have adequate current-carrying capacity and should be protected from mechanical injury. Buried equipment and equipment mounted on trucks or vehicles should have fuses or other non-fused means of protection. Overhead lines shall be covered, or insulated from the body of mobile equipment.

§ 56.12-6 Distribution boxes should be provided with disconnect switches.

§ 56.12-7 Trailing cable—power-cable connections to junction boxes shall not be made or broken under load.

§ 56.12-8 Power wires and cables should be insulated adequately where they pass into or out of electrical compartments. Cables which present a fire hazard should be well insulated on acceptable insulators.

§ 56.12-9 Where metal tools or equipment can come in contact with trolley wires or bare powerlines, all metal enclosures of electrical equipment should be guarded, unless protection is provided by location.

§ 56.12-10 Reverse-current protection should be provided at storage-battery charging stations.

§ 56.12-11 All metal enclosures of electrical equipment shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

§ 56.12-12 High-voltage transmission cables should be guarded, insulated, or placed according to acceptable safety practices, to prevent contact with low-potential circuits.

§ 56.12-13 High-potential transmission cable shall be guarded, insulated, or placed according to acceptable safety practices, to prevent contact with low-potential circuits.

§ 56.12-14 The potential on bare signal wires should not exceed 40 volts.

§ 56.12-15 Splices in power cables, including ground conductors, where provided, should be:

(a) Mechanically strong with adequate electrical conductivity;
(b) Effectively insulated and sealed to exclude moisture;
(c) Provided with mechanical protection and electrical conductivity as near as possible to that of the original.

§ 56.12-16 Mandatory-SGCS. Shovel trailing cables shall not be moved with the shovel dipper by means of cable slings or sheaves are used.

§ 56.12-17 Mandatory. Enclosed, high-potential cables shall be handled with insulated tools or tongs.

§ 56.12-18 Mandatory-SGCS. Electrical equipment shall be deenergized before work is done on such equipment. Switches shall be locked out and suitable warning signs posted. Simultaneous deenergization of the electrical system shall be done. Work: locks shall be removed only by the persons who installed them.

§ 56.12-19 Mandatory-SGCS. Power circuits shall be deenergized before any work is done on such circuits unless hot-line tools are used. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work: locks shall be removed only by the persons who installed them.

§ 56.12-20 Mandatory-SGCS. Principal power switches shall be labeled to show which units they control, unless identification can be made readily by location.

§ 56.12-21 At least 3 feet of clearance shall be provided around all parts of stationary and mobile electrical switchgear where access or travel is necessary.

§ 56.12-22 Mandatory-SGCS. Dry wooden platforms, insulating mists, or other electrically non-conductive material shall be kept in place at all switchboards and power-contruction switches where shock hazards exist. However, metal plates on which a person normally would stand, and kept at the same potential as the grounded metal, shall not be used.

§ 56.12-23 Mandatory-SGCS. Suitable danger signs shall be posted at all major electrical installations.

§ 56.12-24 Areas containing major electrical installations should be entered only by authorized personnel.

§ 56.12-25 Mandatory-SGCS. Electrical connections should be locked out and suitable warning signs posted. Suitable lockout devices shall be provided at all major electrical installations.

§ 56.12-26 Reverse-current protection should be provided at storage-battery charging stations.

§ 56.12-27 Mandatory-SGCS. All metal enclosing electrical equipment shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

§ 56.12-28 Mandatory-SGCS. Metal fencing and metal buildings enclosing transformers and switchgear shall be grounded.

§ 56.12-29 Mandatory-SGCS. Frame grounding or equivalent protection shall be provided for mobile equipment powered through trailing cables.

§ 56.12-30 Mandatory-SGCS. Continuity and resistance of grounding systems shall be tested immediately after installation.

§ 56.12-31 Electric equipment and wiring should be inspected by a competent person as often as necessary to assure safe operating conditions.

§ 56.12-32 Mandatory-SGCS. When a potentially dangerous condition is found it shall be corrected before equipment or wiring is energized.

§ 56.12-33 Electric motors, switches, and controls exposed to weather should be of dust-tight or weather-tight construction.

§ 56.12-34 Inspection and testing plates on electrical equipment should be kept in place at all times except during testing or repairs.

§ 56.12-35 Mandatory-SGCS. Hand-held electric tools shall not be operated at high-potential voltages.

§ 56.12-36 Portable extension lights and other lights that may present a shock or burn hazard should be guarded.

§ 56.12-37 Lamp sockets exposed to the weather should be of a weatherproof type.

§ 56.12-38 Mandatory-SGCS. Circuits shall be deenergized before fuses are removed or replaced.

§ 56.12-39 Mandatory-SGCS. Fuses should be of the correct rating and shall be deenergized before fuses are removed or replaced.

§ 56.12-40 Trailing cables should be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical system. Tools used to do the work: locks shall be removed only by the persons who installed them.

§ 56.12-41 Surplus trailing cables to shovels, cranes, and similar equipment should be stored in fixtures or on reels mounted on the equipment or otherwise protected from mechanical damage.

§ 56.12-42 Mandatory-SGCS. Operating controls shall be installed so that they can be operated without danger of contact with energized conductors.

§ 56.12-43 Mandatory-SGCS. Equipment with booms or masts which are not properly protected shall not be operated where the clearance from the boom or mast to a powered line is less than 19 feet of an energized overhead powerline.

§ 56.12-44 Mandatory-SGCS. Equipment with booms or masts which are not properly protected shall not be operated where the clearance from the boom or mast to a powered line is less than 19 feet of an energized overhead powerline.

§ 56.12-45 Mandatory-SGCS. Overhead high-potential powerlines shall be installed as specified by the National Electrical Safety Code.

§ 56.12-46 Mandatory-SGCS. When equipment must be moved under energized powerlines and the clearance is less than 10 feet, the powerlines shall be deenergized or other suitable protection shall be taken.

§ 56.12-47 Mandatory-SGCS. Guy wires of poles supporting high-potential conductors should be equipped with insulators installed near the pole end.

§ 56.12-48 Mandatory-SGCS. Telegraph, telephone, or signal wires shall not be in the same structure with energized power conductors. When carried on poles supporting powerlines, they shall be installed as specified by the National Electrical Safety Code.

§ 56.12-49 Mandatory-SGCS. Transformers should be suitably enclosed or shall be placed at least 8 feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least 8 feet high and at least 10 feet from any energized parts, casings, or wiring.

§ 56.12-50 Mandatory-SGCS. Transformer enclosures should be kept locked against unauthorized entry.

§ 56.12-51 Mandatory-SGCS. Men should not stand on the ground in the vicinity of an electrically powered shovel or other similar heavy equipment during an electrical storm.

§ 56.12-52 Trolley wires should be aligned properly and installed at less 6 inches outside and 7 feet above the track.

§ 56.12-53 Trolley wire hangers should be spaced in such a manner as to keep the wire at least 3 inches from the personnel.

§ 56.12-54 Trolley wires and trolley feeder wires should be carried with sectionalizing switches at man-trip stations and near the beginning of all branch lines.

§ 56.12-55 Ground wires for lightning circuits powered from trolley wires shall be connected securely to the ground return circuit.

§ 56.12-56 Trolley wires and supplies should be carried on the handles and not on the shoulders when men travel near bare power conductors.

§ 56.13 Compressed air and boilers.

§ 56.13-1 Mandatory-SGCS. All boilers and pressure vessels shall be constructed, installed, maintained, and operated in accordance with the standards and specifications of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

§ 56.13-2 Air compressors shall be equipped with automatic temperature-activated shutoff mechanisms set for 400° F., or with fusible plugs installed in the compressor discharge lines at near the compressors as

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possible. Flammable plugs should meet at temperatures 50° less than the flash points of the lubricating oils. 56.13-7 Compressors and compressed-air receivers should be inspected at least once a week. Automatic pressure-release valves, pressure gages, and drain valves shall be maintained properly.

56.13-8 Compressor air intakes should be installed to insure that only clean, uncontaminated air enters the compressors.

56.13-9 Compressed-air receivers should be drained or moisture and oil at least once each operating shift.

56.13-10 Compressed-air receivers shall be equipped with pressure-release devices which should be manholes when the tanks are over 36 inches in diameter.

56.13-11 Compressed-air receivers and other pressure vessels should be inspected internally at least once a year by qualified inspectors. Records of such inspections should be kept.

56.13-12 Compressors should be operated and lubricated in accordance with the manufacturer's recommendations.

56.13-13 Compressor discharge pipes should be cleaned periodically.

56.13-14 Safety valves on compressed-air systems should be checked at the beginning of each shift.

56.13-15 MANDATORY-SGCS. Repairs involving the pressure system of compressors, receivers, or compressed-air-powered equipment shall not be attempted until the pressure has been bled off and secured.

56.13-16 MANDATORY-SGCS. At no time shall compressed air be directed toward a person, where machinery motion is necessary to make adjustments to the machines are provided with mechanical shifters.

56.14-1 MANDATORY-SGCS. Gears; sprockets; chains; drive, head, tail, and takeup pulleys or conveyors, shall be guarded.

56.14-2 MANDATORY-SGCS. Overhead belts shall be equipped with safety guards at the point of application for each broken belt would be hazardous to persons below.

56.14-3 Guards at conveyor drive head, and at all control points, should extend a distance sufficient to prevent a person from reaching behind the guard and becoming caught between the belt and the pulley.

56.14-4 Openings where conveyors pass through walls or floors should be guarded.

56.14-5 MANDATORY-SGCS. Except when testing the machinery, guards shall be securely in place while machinery is being operated.

56.14-6 MANDATORY-SGCS. Stationary grinding machines other than special bit grinders shall be equipped with:

56.14-7 Guards shall be sufficiently strong and maintained to provide the required protection.

56.14-8 MANDATORY-SGCS. Safety belts, and hand - held materials, including stretchers and blankets, shall be provided at places convenient to those handling agents which may be available when corrective chemicals or other harmful substances are stored, handled, or used.

56.14-9 MANDATORY-SGCS. All persons shall wear suitable hard hats when in or around a mine or plant where falling objects may create a hazard.

56.14-10 MANDATORY-SGCS. All persons shall wear suitable protective footwear when in or around a mine or plant where falling objects may cause injury.

56.14-11 MANDATORY-SGCS. Safety belts and lines shall be worn when men work where there is danger of falling; a second line shall be provided; when bins, tanks, or other dangerous areas are entered.

56.14-12 MANDATORY-SGCS. Lanyards and harnesses shall be used to secure personnel when there is danger of falling into water.

56.14-13 MANDATORY-SGCS. Protective clothing, rubber gloves, goggles, or face shields shall be worn by employees handling materials which may cause injury.

56.14-27 MANDATORY-SGCS. Effective ear protection should be provided where noise levels may cause permanent ear damage or hearing loss, or noise should be reduced to safe levels.

56.14-28 MANDATORY-SGCS. Where there is a danger of a vehicle overturning, seatbelts should be used.

56.14-29 MANDATORY-SGCS. Materials should be stored and arranged in a manner which minimizes stumbling or full - material hazards.

56.14-30 MANDATORY-SGCS. Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner that minimizes the dangers.

56.14-31 MANDATORY-SGCS. Compressed and liquid gas cylinders shall be secured in a safe manner.

56.14-32 MANDATORY-SGCS. Valves on compressed gas cylinders shall be protected by covers when being transported or stored, and by a safe location when the cylinders are in use.
to perform work alone in any area where hazardous conditions exist that would endanger the hoist operator or anyone in the area. The hoist operator can communicate with others, can be heard, or can be seen.

50.18-10 An authorized person should be on hand at all times when men are working.

50.18-11 Selected hoist operators should be trained in first aid. First-aid training should be made available to all employees.

50.18-12 All supervisors and employees should be trained in accident prevention.

50.18-13 Mandatory-SGCS. Arrangements shall be made in advance for obtaining emergency medical care, transportation and treatment for injured persons.

§ 56.19 Man hoisting.

The hoisting standards in this section apply to those hoists and appurtenances used for hoisting men. However, where men may be endangered by hoists or other equipment, the employer shall establish a safety program and make every attempt to prevent accidents by handling ore, rock, and materials. The appropriate standards should be applied.

HONTS

50.19-1 Mandatory-SGCS. Honths shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used.

50.19-2 Mandatory-SGCS. Honths shall be anchored securely.

50.19-3 Mandatory-SGCS. Bolt, rope, or chain shall not be used to connect driving mechanisms to man hoists.

50.19-4 Mandatory-SGCS. Any hoist used to hoist men shall be equipped with a brake or brakes which shall be capable of holding its fully loaded cage, skip, or bucket at any point in the shaft.

50.19-5 Mandatory-SGCS. The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake to prevent accidental withdrawal of the clutch.

50.19-6 Mandatory-SGCS. Automatic holds shall be provided with devices that automatically apply the brakes in the event of power failure.

50.19-7 Mandatory-SGCS. Man hoists shall be provided with devices to prevent overtravel and overspeed.

50.19-8 Friction hoists should be provided with an interlocking mechanism that eliminates the overtravel devices and position indicators to correct for rope creep or stretch.

50.19-9 Mandatory-SGCS. An accurate and reliable indicator of the position of the cage, skip, bucket, or cars in the shaft shall be provided.

50.19-10 Mandatory-SGCS. Load controls shall be placed or housed so that the noise from machinery or other sources will not prevent hoistmen from hearing signals.

50.19-11 Flanges or drums should extend radially a minimum of three rope diameters beyond the last wrap.

50.19-12 Where grooved drums are used, the grooves should be of the proper size and pitch for the ropes used.

WIRE WROPS

50.19-20 The United States of America Standards Institute specifications cited in this section, if not changed by the latest revision thereof, should be used as a guide in the selection, installation, and maintenance of wire ropes used for hoisting, except in those instances where the recommendations cited herein are more stringent.

50.19-21 Mandatory-SGCS. The following static-load safety factors shall be used for selecting wire ropes for the tensile strength and for determining when such ropes shall be removed from man hoist:

<table>
<thead>
<tr>
<th>Length of rope in shaft (feet)</th>
<th>Minimum factor of safety</th>
<th>Minimum factor of safety (new rope)</th>
</tr>
</thead>
<tbody>
<tr>
<td>500 or less</td>
<td>4.4</td>
<td>4.4</td>
</tr>
<tr>
<td>501-1,000</td>
<td>4.3</td>
<td>4.3</td>
</tr>
<tr>
<td>1,001-2,000</td>
<td>4.0</td>
<td>4.0</td>
</tr>
<tr>
<td>2,001-3,000</td>
<td>3.8</td>
<td>3.8</td>
</tr>
<tr>
<td>3,001 or more</td>
<td>3.6</td>
<td>3.6</td>
</tr>
</tbody>
</table>

Length of rope in shaft (feet) (Continued)

50.19-22 At least three wraps of rope should be left on the drum when the conveyance is at the bottom of the hoistway. This provision does not apply to friction hoists.

50.19-23 The end of the rope at the drum should make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and should be fastened securely by means of rope clips or clamps. This provision does not apply to friction hoists.

50.19-24 Mandatory-SGCS. The rope shall be attached to the load by the thimble and clip method, the socketing method, or other approved method. If the thimble method is employed, zinc or its equivalent shall be used: The use of hawser metal or lead for socketing, or rope clips shall be prohibited. If the thimble and clip method is used, the following shall be observed:

(a) The rope shall be attached to the load by passing one end around an oval thimble that is attached to the load bending the end back so that it is parallel to the long or short end of the rope and fastening the two parts of the rope together with clips.

(b) The thimble of each clip shall encircle the rope and each clip shall be fastened securely. The distance between clips shall not be less than the figures given in the accompanying table.

(c) The following number of clips or equivalent shall be used for various diameters of six-strand 1/4-inch wire rope:

<table>
<thead>
<tr>
<th>Diameter of rope, inches</th>
<th>Center-to-center spacing of clips, inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>10</td>
<td>12</td>
</tr>
<tr>
<td>12</td>
<td>14</td>
</tr>
</tbody>
</table>

(d) For all ropes less than 1/4-inch in diameter, at least four clips or equivalent shall be used.

(e) When special conditions require the attachment of a sling to the hoisting cables to handle equipment in the shaft, the sling shall be attached by clips or equivalent in accordance with the table in these regulations.

50.19-25 New ropes should be broken in, in accordance with the manufacturer’s recommendations.

50.19-26 Corrosion of hoist ropes at the attachment of safety connections should be minimized by the design of the attachment devices and by lubrication.

50.19-27 The following apparatus should be provided with secondary safety connections:

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### PROPOSED RULE MAKING

#### 56.19-40 *Mandatory-SGCS.* Buckets used to hoist men during shaft sinking operation shall have:

- (a) Crossheads equipped with safety catches and protective bonnets when the shaft is actively being driven.
- (b) Devices to prevent accidental dumping.
- (c) Sufficient depth to transport men safely in a standing position.

#### 56.19-41 *Hosting Procedures.*

56.19-45 *Mandatory-SGCS.* Platforms with toeboards and handrails shall be provided around elevated head sheaves.

56.19-46 *Mandatory-SGCS.* Diameters of head sheaves and hoist drums should conform to the following specifications:

<table>
<thead>
<tr>
<th>Diameter of sheave and drum</th>
<th>Rope construction</th>
<th>Minimum required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rope</td>
<td>Times rope diameter</td>
</tr>
<tr>
<td>6 x 7 classification</td>
<td>42</td>
<td>72</td>
</tr>
<tr>
<td>6 x 19</td>
<td>30</td>
<td>45</td>
</tr>
<tr>
<td>6 x 25</td>
<td>27</td>
<td>35</td>
</tr>
<tr>
<td>6 x 30</td>
<td>25</td>
<td>40</td>
</tr>
<tr>
<td>6 x 37</td>
<td>22</td>
<td>45</td>
</tr>
<tr>
<td>9 x 7 classification</td>
<td>34</td>
<td>56</td>
</tr>
</tbody>
</table>

#### Conveyances

56.19-48 *Mandatory-SGCS.* Man cages and skips for hoisting or lowering employees or other persons in any vertical shaft or any incline shaft with an angle of inclination of forty-five (45) degrees from the horizontal, shall be covered with a metal bonnet.

56.19-49 *Mandatory-SGCS.* Man cages shall be fireproof, of substantial construction and provided with:

- (a) Fully enclosed sides, and safety gates; gates shall be at least 8 feet high and have no openings except those necessary for signaling.
- (b) Escape hatches.
- (c) Safety catches. This provision, (c), does not apply to friction-hoist cages that are suspended from more than one pin.

56.19-47 *Mandatory.* All skips conveying men shall be provided with:

- (a) Safety catches. This provision, (a), does not apply to friction-hoist skips that are suspended from more than one pin.
- (b) Safe means of access.
- (c) Platforms, where necessary, to provide safe footing.

56.19-48 *Mandatory.* Man cars shall be of substantial construction and provided with:

- (a) Dressing or equivalent safety devices on the last car of man trips operated in inclined shafts where guides are not provided.
- (b) Safety catches if guides are provided.
- (c) Secondary safety connections where possible.
- (d) Safety chains or wire ropes between cars.
- (e) Adequate seating for the number of men handled.

#### Signalizing

56.19-90 *Mandatory-SGCS.* There shall be at least two effective approved methods of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

56.19-91 *Hoistmen.* Hoistmen shall not be used to hoist buckets when within 100 feet of a landing.

56.19-92 *Mandatory-SGCS.* Men shall not be lowered by the brakes alone until the cage has come to a complete stop.

56.19-93 *Mandatory-SGCS.* Positive stop-blocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

56.19-94 *Mandatory-SGCS.* A legible signal code shall be posted prominently in the hoist house within easy view of the hoistmen, and at each place where signals are given or received.

56.19-95 *Hoisting signal devices.* Signal devices shall be maintained within easy reach of men on the hoist men's side of the hoist house.

56.19-96 *Mandatory-SGCS.* Any person responsible for receiving or giving signals for man trips, skips, or material lifts when men or materials are being transported shall be familiar with the posted signaling code.

#### Shafting

56.19-105 *Mandatory-SGCS.* Shaft landings shall be equipped with substantial safety gates so constructed that materials will not go through or under them; gates shall be closed except when loading or unloading shaft compartments.

56.19-106 *Mandatory-SGCS.* Positive stop-blocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

56.19-107 *Mandatory-SGCS.* Dumping facilities should be so constructed as to minimize spillage into the shaft.

56.19-108 *Mandatory-SGCS.* Open hooks shall not be used to hoist buckets or other conveyances.

56.19-109 *Mandatory.* When men are hoisted, bucket speeds should not exceed 600 feet a minute, and skips hoisted or raised in a shaft by means of a bucket, skip, or cage, shall be secured or so placed that they will not strike the sides of the shaft.

56.19-110 *Mandatory-SGCS.* Where mine cars are hoisted by cable or skip, means for blocking cars shall be provided at all landings and also on the cage.

56.19-111 *Mandatory-SGCS.* When tools, timbers, or other materials are being lowered or raised in a shaft by means of a bucket, skip, or cage, they shall be secured or so placed that they will not strike the sides of the shaft.

56.19-112 *Mandatory-SGCS.* Conveyances not in use should be released and raised or lowered at least 10 feet from the floor of the landing.

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Shaft timbers should be kept clean of rocks and other loose material.

56.19-112 Mandatory-SCGS. If hoses and steering ropes are hoisted in a compartment affected by that hoisting operation and a "Men Working in Shaft" signal is not provided at the hoist. The "Men Working in Shaft" shall be posted at the hoist at all times.

56.19-113 "Men Working in Shaft" signs should be posted at the signal devices at all active stations and landings when men are working in a compartment affected by that hoisting operation and a "Men Working in Shaft" shall be informed when men are working in a compartment affected by that hoisting operation.

56.19-114 Mandatory-SCGS. A substantial fixed ladder should be provided above men at work deepening a shaft.

56.19-116 Substantial fixed ladders should be maintained as near the shaft bottom as practical during shaft-shaking operations. Chain wire rope or other extension ladders should be used from the fixed ladder to the shaft bottom.

56.19-117 Safety catches should be inspected daily; drop tests should be made at the time of installation. Every 2 months the cage should be rested on chairs or proper blocking to check the operation or activation of the safety catches by allowing the rope to slacken suddenly.

56.19-118 Shafts should be inspected at least weekly.

56.19-119 Sheaves should be inspected daily and kept properly aligned and in good repair.

§ 56.20 Miscellaneous.

56.20-1 Mandatory-SCGS. Inspecting engineers and personnel shall not be permitted or used in or around mines. Persons under the influence of alcohol or narcotics shall not be permitted on the job.

56.20-2 Mandatory-SCGS. Potable water shall be available to all employees during work hours.

56.20-3 Good housekeeping should be practiced in and around a mine.

56.20-4 Men should not engage in horseplay.

56.20-5 Mandatory-SCGS. Carbon tetra-chloride shall not be used.

56.20-6 Protruding nails which may cause injury should be removed or completely bent over.

56.20-7 Employees should be constantly alert to the potential of accidents on their jobs.

56.20-8 Toilet facilities should be provided at convenient locations and should be kept clean and sanitary.

56.20-9 Mandatory-SCGS. Dusts suspected of being hazardous shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

56.20-10 Mandatory-SCGS. If failure of a water or silt retaining dam will create a hazard, it shall be of substantial construction and inspected at regular intervals.

§ 56.21 Savings provision.

56.21-1. Unless otherwise specified herein, nothing contained in these standards shall prevent the continued utilization of equipment, facilities, or structures, including mine working, now in use, which fail in whole or in part to meet the requirements of these standards. Provided:

(a) That such equipment, facilities, and structures be in a safe manner and are maintained in safe condition.

(b) That any equipment, facilities, and structures to which the statutory specifications and safety standards set forth herein shall not be used after January 1, 1972, unless modified to conform to such standards.

(c) That all replacements of or additions to existing equipment, facilities, or structures made after the effective date of these standards shall conform to such standards.

56.21-2 Nothing contained in § 56.21-1 above, shall be construed to conflict with, or limit, the authority granted by the Act to the Bureau to issue orders pursuant to section 8(a) of the Act.

56.21-3 Nothing contained in § 56.21-1 above, shall be construed to limit or conflict with any standards contained herein which prohibit specific unsafe work procedures or which require specific safe work procedures to be followed.

[F.R. Doc. 69-477; Filed, Jan. 15, 1969; 8:46 a.m.]
§ 57.2 Definitions.

As used in this part:

"Abandoned mine" means all work has stopped on the mine premises and an office with a responsible person in charge is no longer maintained at the mine.

"Abandoned workings" means deserted mine areas in which further work is not intended.

"Active workings" means areas at, in, or around mine or plant where men work or travel.

"Approved" means tested and accepted for a specific purpose by a nationally recognized agency.

"Auxiliary fan" means a fan used to deliver air to a working place off the main airstream; generally used with ventilation tubing.

"Barriers" means means obstructed to prevent the passage of persons, vehicles, or flying materials.

"Berm" means a pile or mound of material capable of stopping a vehicle.

"Blasting area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury.

"Blasting cap" means a detonator containing a charge of detonating compound, which is ignited by electric current or the spark of a fuse. Used for detonating explosives.

"Blasting circuit" means electric circuits used to fire electric detonators or to ignite a safety fuse by means of an electric starter.

"Blasting switch" means a switch used to connect a power source to a blasting circuit.

"Booster fan" means a fan installed in the main airstream or a split of the main airstream to increase airflow through a section or sections of a mine.

"Box-type underground distribution station" means a small, portable, box-type magazine used as a temporary storage place for limited quantities of explosives or detonators near working faces, which meets the specifications set forth in § 57.7-27.

"Casing" or "casing tender" means a person working at the top of the shaft or at an intermediary level inside the mine who directs station operations and the movement of the conveyance used to raise and lower men, materials, and supplies between shaft levels and the surface.

"Capped fuse" means a length of safety fuse to which a detonator has been attached.

"Competent person" means a person having abilities and experience that fully qualify him to perform the duty to which he is assigned.

"Detonating fuse" means a round flexible cord containing a center core of high explosives.

"Deteriorating" means a device used for detonating an explosive, including, but not limited to, blasting caps, explosives, percussion caps, percussion detonators, and delay electric blasting caps.

"Distribution box" means a portable apparatus with an enclosure through which an electric circuit is carried to work or to a temporary storage place for limited quantities of blasting materials, or to any device or common purpose of which is to function by explosion. Explosives include, but are not limited to, blasting powder, dynamite, nitroglycerin, fulminate, and ammonium nitrate when mixed with a hydrocarbon.

"Flammable gas" means methane, or mixtures of methane and other saturated hydrocarbon gases that may occur naturally as strata gases.

"Flammable liquid" means liquid having a flash point below 140°F and having a vapor pressure not exceeding 0.5 psi (absolute) at 100°F.

"Flash point" means the minimum temperature at which sufficient vapor is released by a liquid so as to form a flammable vapor-air mixture at atmospheric pressure.

"Highway" means any public street, public alley or public road.

"Inhabited building" means any building or structure that is a habitation for human beings or any other material from a mine, and for lowing or raising men and material.

"Igniter cord" means a fuse, cordlike in appearance, which burns progressively along its length with an external flame at the zone of burning, and is used for lighting a series of safety fuses in the desired sequence.

"Incline" means any inclined plane, whether above or beneath the surface.

"Inert" means a power-driven windlass or drum used for raising ore, rock, or other material from a mine, and for lowering or raising men and material.

"Igniter" means a device used for igniting an explosive, including, but not limited to, blasting caps, explosives, percussion caps, percussion detonators, and delay electric blasting caps.

"Distribution box" means a portable apparatus with an enclosure through which an electric circuit is carried to work or to a temporary storage place for limited quantities of blasting materials, or to any device or common purpose of which is to function by explosion. Explosives include, but are not limited to, blasting powder, dynamite, nitroglycerin, fulminate, and ammonium nitrate when mixed with a hydrocarbon.

"Electric blasting cap" means a blasting cap designed for and capable of being initiated by means of an electric current.

"Electrical grounding" means to connect the ground to make the earth part of the circuit.

"Employee" means a person who works for wages or salary in the service of an employer.

"Employer" means a person or organization which hires one or more persons to work for wages or salary.

"Escapeway" means a passageway by which persons may leave if the ordinary exits are obstructed.

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. Explosives include, but are not limited to, blasting powder, dynamite, nitroglycerin, fulminate, and ammonium nitrate when mixed with a hydrocarbon.

"Explosive gas" means a gas that is a flammable vapor-air mixture at atmospheric pressure.

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. Explosives include, but are not limited to, blasting powder, dynamite, nitroglycerin, fulminate, and ammonium nitrate when mixed with a hydrocarbon.

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. Explosives include, but are not limited to, blasting powder, dynamite, nitroglycerin, fulminate, and ammonium nitrate when mixed with a hydrocarbon.

"Exploding" means initiated by means of an electric current.

"Flammable" means capable of being easily ignited and of burning rapidly.

"Flammable" means capable of being easily ignited and of burning rapidly.

"Flash point" means the minimum temperature at which sufficient vapor is released by a liquid so as to form a flammable vapor-air mixture at atmospheric pressure.

"Highway" means any public street, public alley or public road.

"High" means more than 650 volts.

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PROPOSED RULE MAKING

57.3-1 Mandatory. Standards acceptable to the Secretary for the safe control of pit walls, including the overall slope of the pit, wall, shall be determined and followed by the operator. Such standards shall be consistent with prudent engineering design, the nature of the ground, the kind of material and mineral mined, and the protection of safe working conditions according to the degree of slope. Mining methods shall be selected which will ensure wall and back stability and the prevention of unstable or unsafe conditions, including benching as necessary to obtain a safe overall slope.

57.3-2 Mandatory-UAC. Loose unconsolidated material shall be stripped for a safe distance, but in no case less than 10 feet from the top of pit or quarry walls, and the loose unconsolidated material shall be sloped to the angle of repose.

57.3-3 Mandatory-UAC. Before work is performed for scaling pit banks shall be provided. Where power shovels are used for scaling, banks that cannot be limited shall be scaled with the shovel buckets. Exposed bank areas shall be scaled before any other work is performed in the exposed bank area.

57.3-4 Mandatory-UAC. Men shall not work near or under dangerous banks. Overhanging banks shall be taken down immediately and other unsafe ground conditions shall be corrected promptly, or the areas shall be barricaded and posted.

57.3-5 Mandatory-UAC. Men shall approach loose rock and areas to be scaled from above and shall scale from a safe location.

57.3-7 Baffleboards, screens, cribbing, or other suitable means should be provided to prevent movement of material into cuts developed into steep sideslopes.

57.3-8 Mandatory-UAC. The supervisor, or a competent person designated by him, shall examine working areas and faces for unsafe conditions at least at the beginning of each shift and after blasting. Any unsafe condition found shall be corrected before any further work is performed at the immediate area or face at which the unsafe condition exists.

57.3-9 Mandatory-UAC. Men shall examine their working places before starting work and shall be aware thereof. Ground control and any unsafe condition shall be corrected.

57.3-10 Banks, benches, and terrain sloping into the working areas should be excavated after every rain, freeze, or thaw before men work in such areas.

57.3-11 Large boulders requiring secondary blasting should be in a safe location before they are utilized or broken.

57.3-12 Mandatory-UAC. Men shall not work between equipment and the pit wall or bank where the equipment may hinder escape in case of falls or falls of the equipment.

57.3-13 Rock-bolt installations, where used, should be in accordance with recommendations of the Bureau of Mines or other competent agency.

UNDERGROUND ONLY

57.3-20 Mandatory-UAC. Ground support shall be used if the operating experience of the mine, or any particular area of the mine, indicates that it is required. It is required, support, including timbering, rock bolting, or other methods shall be consistent with the nature of the ground and the mining method used.

57.3-21 Men should be trained in the proper methods of testing for, taking down, and supporting longwall roof.

57.3-22 Mandatory-UAC. Miners shall examine and test the back, face, and rib of their working places at the beginning of each shift and frequently thereafter. Supervisors shall examine the ground conditions during daily visits to insure that proper temporary and permanent ground control measures are being followed. Loose ground shall be taken down or adequately supported before any other work is performed. Where contour haulageways and travelways shall beaminated periodically and scaled or supported as necessary.

57.3-23 A sealing bar of proper length and blunt on one end should be provided at each working face.
57.3-34 Pits or other short tools that would place the user in danger of falling rock should not be used for bargaining down, or rock from a face of the blocked tightly.
57.3-36 Damaged or dislodged timbers which create a hazardous condition shall be removed or supported.
57.3-37 Temporary ground support shall be installed as needed.
57.3-39 When necessary, permanent, or temporary ground support shall be installed near enough to the bottom of the shaft during shaft sinking to prevent falls of rock from the sides of the shaft.
57.3-29 Shaft pillars should have sufficient strength to protect operating shafts and equipment.
57.3-20 Belts in locations should be installed in a manner to provide safe and effective ground support.
57.3-31 Rock-bolting materials should meet the setting standards of the United States of America Standards Institute.
57.3-32 When needed, rock bolts should be installed as soon as possible after an area is exposed.
57.3-33 Torque meters should be available at mines where rock bolts are used for ground support. Periodic tests should be made to determine if bolts meet recommended torque.
§ 57.4 Fire prevention and control.

General—Surfaces and Underground

57.4-1 Mandatory-UAC. No person shall smoke or use an open flame where oil, grease, flammable solvents, liquids, fluids, or other flammable or combustible materials are stored, transported, handled, or used, nor within a unsafe distance of any area or place where such practice may cause a fire or explosion.
57.4-2 Mandatory-UAC. Signs warning against smoking and open flames shall be posted in certain places where fire or explosion hazards exist.
57.4-3 Areas surrounding flammable-liquid-storage tanks and electric substations and transformers should be kept free from grass (dry), weeds, underbrush, and other combustible materials for at least 35 feet in all directions.
57.4-4 Mandatory-UAC. Flammable liquids shall be stored in accordance with standards issued by the National Fire Protection Association or other recognized agencies approved by the Bureau of Mines. Small quantities of flammable liquids drawn from storage tanks shall be kept in appropriately labeled safety cans.
57.4-5 Unburned flammable-liquid-storage tanks should be secured with steel foundations. Outlet piping should be provided with flexible connections or other special fittings to prevent adverse effects from sudden movement.
57.4-6 Buildings or rooms in which oil, grease, flammable liquids, or similar flammable materials are stored should be of fire-resistant construction and well ventilated.
57.4-7 Means should be provided to confine, remove, control, or drain away spilled or flowing flammable liquids.
57.4-8 Mandatory-UAC. Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards.
57.4-9 Mandatory-UAC. All heat sources, including lighting equipment, capable of producing combustion shall be insulated or located from combustible materials.
57.4-10 Mandatory-UAC. Power wires and cables shall be adequately insulated where they pass through doors or walls or where they cross a conveyor or some other mechanical hazard.
57.4-11 Mandatory-UAC. Abandoned electrical circuits shall be deenergized and isolated so that they cannot become energized inadvertently.

PROPOSED RULE MAKING

57.4-12 Combustible materials, grease, lubricants, or flammable liquids should not be accumulated where they can create a fire or explosion hazard.
57.4-13 Materials, such as oily waste and rags, which are subject to spontaneous combustion, should be kept in closed metal containers until disposed of properly.
57.4-14 Mandatory-UAC. Solvents with flash points lower than 100° F. (38° C.) shall not be used in underground.
57.4-15 Mandatory-UAC. Solvents shall not be used near an open flame or other ignition sources of heat, or in an atmosphere that can elevate the temperature of the solvent above the flash point.
57.4-16 Drip pans should be provided to catch leakage or spillage when oil or flammable liquids are dispensed in a place or manner which may create a fire hazard.
57.4-17 Floors around drip pans should be covered with sand or other suitable non-combustible material and such sand or material should be replaced as necessary.
57.4-18 Mandatory-UAC. Oxygen cylinders shall not be stored near oil or grease.
57.4-19 Mandatory-UAC. Gas regulators used with oxygen or acetylene cylinders shall be kept clean and free of oil and grease.
57.4-20 Mandatory-UAC. Battery-charging stations shall be located in well ventilated areas.
57.4-21 Mandatory-UAC. Internal combustion engines, except diesels, shall be shut off and stored in a safe place before being fueled.
57.4-22 Mandatory-UAC. Each mine shall have available or be provided with suitable firefighting equipment adequate for the size of the mine.
57.4-23 Mandatory-UAC. Firefighting equipment shall be strategically located, readily accessible, plainly marked, properly maintained, and inspected periodically. Records shall be kept of such inspections.
57.4-24 Fire extinguishers shall be:
(a) Of the appropriate type for the particular fire hazard involved.
(b) Adequate in number and size for the particular fire hazard involved.
(c) Replaced immediately with fully charged extinguishers after any discharge is made from the extinguisher.
(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations.
(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Bureau.
57.4-25 Fire hydrants should be:
(a) Of a standard type to fit the hose equipment of local fire departments. Adapters should be provided if necessary.
(b) Provided with readily available wrenches or keys to open the valves.
57.4-26 Water pipes, valves, outlets, hydrants, and hoses designated for firefighting purposes should be inspected and tested every 3 months.
57.4-27 Suitable fire extinguishers shall be provided on self-propelled mobile equipment.
57.4-28 Suitable fire extinguishers shall be an integral part of portable mobile equipment.
57.4-29 Mandatory-UAC. When welding or cutting near combustible materials, suitable precautions shall be taken to insure that smoldering metal or sparks do not result in a fire.
57.4-30 Employees should be trained in the use of firefighting equipment.
57.4-31 A firefighting organization should be established and maintained, and trained in firefighting; drills should be held at least twice a year.
57.4-32 All employees should be instructed on current escape and evacuation plans, fire alarm signals, and applicable procedures to be followed in case of fire.
57.4-33 Mandatory-UAC. Valves on oxygen, acetylene, or other similar gases shall be kept closed when the contents are not being used.
57.4-34 Bell-conveyors in locations where fire would cause a hazard to personnel should be provided with safety switches to stop the drive pulley automatically in the event of excessive slippage.

Surface Only

57.4-40 Fire-alarm systems adequate to warn all employees should be provided and maintained in operating condition.
57.4-41 Two exits should be provided where men work at the same time.
57.4-42 Timber or other combustible materials in excess of 1 day's supply should not be stored more than 100 feet of mine ventilation fans or mine openings, except where physical conditions do not permit.
57.4-43 Buildings and other structures within 100 feet of mine openings should be fire-resistant.
57.4-44 Areas surrounding main fan installations and other mining operations should be kept free from grass, weeds, underbrush, and other combustible materials for a safe distance in all directions.
57.4-45 Blacksmith shops should be:
(a) A safe distance from mine openings and not in buildings or snowsheds adjoining mine openings.
(b) Of fire-resistant construction.
(c) Well ventilated and equipped with exhaust hoods over the forge and welding areas.
(d) Occupied when the forge is being fueled.
(e) Inspected carefully for smoldering fires at the end of the shift.
(f) Battery-chargers and battery-charging stations shall be fire-resistant.
(g) Gasoline, diesel fuel, liquefied petroleum gases, and other flammable liquids when not buried, shall not be stored within 100 feet of the following:
(1) Mine ventilation fans or mine openings.
(2) Buildings or snowsheds connected to mine openings.
(3) Fire installations or housing.
(4) Hoist houses.

Underground Only

57.4-50 Mandatory-UAC. Specific escape and evacuation plans shall be established and kept current. Escape routes shall be marked plainly.
57.4-51 Mandatory-UAC. Fire-alarm systems adequate to warn all employees shall be provided and maintained in operating condition.
57.4-52 Mandatory-UAC. Gasoline shall not be used, mixed, or stored, or used underground.
57.4-53 Mandatory-UAC. The use of liquid petroleum gases shall be limited to maintenance work.
57.4-54 Mandatory-UAC. Oil, grease, or diesel fuel stored underground shall be kept in suitable tightly sealed containers in fire-resistant areas, at safe distances from explosive magazines, electrical installations, and shaft stations.
57.4-55 Transformer stations, pump rooms, compressor rooms, and similar installations should be in fire-resistant areas.
57.4-56 Oil or fuel storage areas should not be located in main ventilation airways.
57.4-57 Trailing cables should be fire-resistant.
57.4-58 Mandatory-UAC. Fires shall not be built underground; open-flame torches and candles shall not be left unattended.
57.4-59 Welding should be done in fire-resistant locations whenever possible. When welding or cutting near combustible materials, welding and cutting areas should be kept dry through the use of water and after the work is done, a fire patrol of the area should be maintained afterward for at least 8 hours.
57.4-69 Power circuits should be deenergized in all areas on idle shifts or idle days, except where power is required. These require circuits should be protected with minimum-capacity fuses.

57.4-61 Fire doors should be provided at shaft mouths, sumps, elevator doors, and at points at which it is necessary to prevent the spread of smoke or gas; the doors should be equipped with latches operating to prevent the spread of smoke or gas; the doors should be equipped with latches operating to prevent the spread of smoke or gas.

57.4-63 Timbered mine entrances should be fire resistant for at least 200 feet inside the mine portal or collar, with smoke or gas to control a fire for at least 200 feet inside the mine portal or collar.

57.4-65 Waterline outlets should be located so as to be accessible if a fire is at a station.

57.4-66 All air lines in timbered mines should be readily convertible into waterlines if a water supply is available, unless the air lines are pseudociliated by waterlines.

57.4-68 Adequate fire extinguishers or equivalent fire projection should be provided in the mine, driven by belt conveyors and at suitable intervals along the belt line.

57.4-69 A mine rescue station equipped with at least 10 sets of approved and properly maintained 2-hour self-contained breathing apparatus, adequate supplies, and spare parts should be maintained at mines employing 75 or more men underground or, if in lieu thereof, the mine should be affiliated with a central or cooperative mine rescue station.

57.4-70 Mines at which individual mine rescue stations are not maintained should affiliate with central or cooperative mine rescue stations.

57.4-76 Waterlines should be provided at intake and return air ducts connecting main fans to underground openings.

57.5-10 Mandatory-UAC. Atmospheres where persons work (including equipment cases) shall contain:

(a) At least 20 percent oxygen.
(b) Not more than 0.005 percent carbon monoxide, 0.5 percent carbon dioxide, and 5 parts per million nitrogen dioxide or other threshold limit values for these gases adopted by the American Conference of Governmental Industrial Hygienists.
(c) No harmful quantities of other gases, fumes, or mists as determined by threshold limit values established by the American Conference of Governmental Industrial Hygienists.

57.6-10 Ventilation and radiation. VENTILATION

57.6-1 Mandatory-UAC. Mines shall be provided with mechanically induced primary ventilation.

57.6-2 Main fans shall be installed on the surface. If it is necessary to locate them underground, they should be in fire-resistant areas and should be provided with remote controls.

57.6-3 Mine openings shall be provided for main intake and return air currents. A multiple compartment shaft does not constitute separate mine openings.

57.6-5 Mandatory-UAC. Precautions shall be taken to ensure that mine intake air is below the 6-hour weighted average allowable threshold limit of contaminants. (Reference to air samples.)

57.6-6 Main fans shall be inspected and maintained properly.

57.7-1 Terrestrial instruments should be provided to test the mine atmosphere quantitatively for carbon monoxide, nitrogen dioxide, and other gases that occur in mines. These instruments should be calibrated as frequently as necessary to assure that the required quality of air is maintained.

57.7-2 Fire safety lamps or other suitable safety devices should be used to test for scate oxygen deficiency.

57.7-9 Mandatory-UAC. Unventilated areas shall be sealed, or barricaded and posted against entry.

57.7-9 Ventilation tubing should be installed so that the air current sweeps the face areas effectively. Maximum distance of the face from the intake fan should generally be 30 feet for blowing and 6 feet for exhausting.

57.7-10 Mandatory-UAC. Doors not operated mechanically should be hung so that they are self-closing, and installed so as to remain closed, regardless of the direction of air current.

57.7-12 Mandatory-UAC. Internal combustion engines other than Bureau of Mines approved diesels shall not be used underground and they shall be operated in a permissible manner and maintained in permissible condition.

57.8-10 Mandatory-UAC. Where airborne concentrations of dust, gas, mist, or fume are encountered which exceed threshold limit values adopted by the American Conference of Governmental Industrial Hygienists, and persons exposed to such concentrations, control measures shall be adopted to maintain concentrations below such threshold limit values.

57.8-15 Atmospheres in all active areas shall contain at least 20 percent oxygen.

57.8-16 Mandatory-UAC. Atmospheres in all active areas shall contain:

(a) Not more than 0.005 percent carbon monoxide.
(b) Not more than 0.5 percent carbon dioxide.
(c) Not more than 5 parts per million nitrogen dioxide.
(d) No harmful quantities of other gases, fumes, or mists as determined by threshold limit values established by the American Conference of Governmental Industrial Hygienists.

57.8-18 Mandatory-UAC. If samples show an atmospheric concentration of radon daughters of more than 1 working level, but less than 2 working levels, immediate corrective action shall be taken or the men shall be withdrawn. When concentrations higher than 2 working levels are indicated, the men shall be withdrawn from the area until corrective action is taken and the radon daughter atmospheric concentrations are reduced to 1 working level or less.

57.8-20 Mandatory-UAC. If samples show an atmospheric concentration of radon daughters in excess of 0.3 working level, complete individual exposure records shall be kept for all employees entering these areas.

57.8-21 Mandatory-UAC. If samples show an atmospheric concentration of radon daughters in excess of 0.3 working level, complete individual exposure records shall be kept for all employees entering these areas.

57.8-23 Mandatory-UAC. Smoking shall be prohibited where uranium is mined.

57.8-28 Mandatory-UAC. The most recent radiation exposure standard established by the Radiation Council and approved by the President shall be considered authoritative guidance in preventing occupational disease or injury from exposure to ionizing radiation.

57.8-24 Mandatory. On and after January 1, 1971, no employee shall be permitted to receive an exposure of more than 4 WLM in any consecutive 12-month period.

57.9-10 Mandatory-UAC. Storage of explosives shall be permitted to receive an exposure of more than 4 WLM in any consecutive 12-month period.

57.9-11 Mandatory-UAC. Detonators, explosives, and blasting agents shall be stored in magazines.
57.7-2 Mandatory-UAC. Separate magazines shall be provided for the storage of detonators and explosives.

57.7-3 Mandatory-UAC. Detonators shall not be stored in the same magazine with explosives or blasting agents.

57.7-4 Mandatory-UAC. Electric switches shall be outside the magazine.

57.7-5 Mandatory-UAC. Magazine shall be provided for the storage of detonating cord.

57.7-6 Mandatory-UAC. Only enclosed and padded fixtures and wiring in conduit shall be used inside magazines that are illuminated electrically.

57.7-7 Areas surrounding magazines for not less than 25 feet in all directions should be kept free of rubbish and other combustible material or covered with fire-resistant material.

57.7-8 Detonators shall be kept free of all extraneous materials.

57.7-9 Area surrounding magazines shall be kept free of all extraneous materials.

57.7-10 Mandatory-UAC. Ammonium nitrate and dynamite shall be physically separated from dynamite stored in the same magazine and in such a manner that oil does not contaminate the dynamite.

57.7-11 Cases of explosives should not be stored on their ends or sides.

57.7-12 Cases of explosives should not be stacked more than 6 feet high.

57.7-20 Mandatory-UAC. Magazines shall be:

(a) Located in accordance with the current American table of distances for storage of explosives.

(b) Detached structures located away from powerlines, fuel storage areas, and other possible sources of fire.

(c) Constructed of substantial construction and have only nonsparking material on the inside including the floor.

(d) Reasonably bullet resistant.

(e) Electrically bonded and grounded if constructed of metal.

(f) Made of nonsparking materials on the inside, including floors.

(g) Provided with adequate and effectively screened ventilation openings near the floor and ceiling.

(h) Kept locked securely when unattended.

(i) Posted with suitable danger signs so located that a bullet passing through the face or garage will not strike the magazine.

(j) Used exclusively for storage of blasting agents, explosives, or detonators and kept free of all extraneous materials.

(k) Kept clean and dry in the interior, and in good repair.

(l) Unheated, unless heated in a manner that does not create a fire or explosion hazard. Electrical heating devices shall not be used inside a magazine.

57.7-25 Mandatory-UAC. Main underground distribution storage magazines for explosives and detonators shall be:

(a) Of substantial construction and have only nonsparking material on the inside including the floor.

(b) So situated that in the event a magazine catches fire or explodes, escape from the mine will not be cut off.

(c) Separated from haulageways by 25 feet of solid ground.

(d) Located, where possible or practical, so that fumes from fires or explosions will not be conveyed to active mining areas.

(e) Provided with suitable warning signs at the entrance to the drift in which the magazine is situated and on the magazine itself.

57.7-26 Mandatory-UAC. Secondary underground distribution storage magazines for explosives and detonators shall be:

(a) Of substantial construction and have only nonsparking material on the inside including the floor.

(b) Located, at least 200 feet from active working places or shafts, 10 feet from tracks or haulageways, 25 feet from trolley wires or conductors, and at least 50 feet from any blasting or detonating faces.

57.7-27 Mandatory-UAC. Box-type underground distribution storage magazines used to store explosives, blasting agents, or detonators near working faces shall be constructed with only nonsparking material inside and equipped with covers or doors and shall be located out of the line of blasts.

57.7-28 Box-type underground distribution storage magazines shall be used to store explosives, blasting agents, or detonators near working faces and should be located not less than 50 feet from the face.

57.7-29 Mandatory-UAC. Secondary underground and box-type underground magazines shall be labeled suitably.

57.7-30 Mandatory-UAC. Detonator-storage magazines shall be of the same construction as explosives-storage magazines and shall be separated by at least 25 feet from explosives-storage magazines.

57.7-31 Mandatory-UAC. Vehicles containing explosives or detonators shall be posted with proper warning signs.

57.7-32 Mandatory-UAC. When vehicles containing explosives or detonators are parked, the brakes shall be set, the motive power shut off, and the vehicles shall be blocked securely against rolling.

57.7-33 Mandatory-UAC. Vehicles shall be attended, whenever practical and possible, while loaded with explosives or detonators.

57.7-34 Mandatory-UAC. Vehicles containing explosives or detonators shall be stopped while explosives, blasting agents, or detonators are unloaded.

57.7-35 Mandatory-UAC. Vehicles used to transport explosives or detonators shall be kept separated from other materials in adjacent shaft compartments by at least 25 feet.

57.7-36 Vehicles used to transport explosives or detonators shall be kept separated at least 50 feet from powerlines, fuel storage areas, and other possible sources of fire.

57.7-37 Vehicles used to transport explosives or detonators shall be kept separated from other materials in adjacent shaft compartments by at least 25 feet.

57.7-38 Vehicles shall not be used in underground magazines.

57.7-39 Vehicles shall not be used in underground magazines.

57.7-40 Mandatory-UAC. Explosives and detonators shall be transported in separate vehicles unless separated by 4 inches of hard wood or hardboard.

57.7-41 Mandatory-UAC. When explosives and detonators are hauled by trolley locomotive, covered electrically insulated cars shall be used.

57.7-42 Mandatory-UAC. Self-propelled vehicles used to transport explosives or detonators shall be equipped with suitable fire extinguishers.

57.7-43 Mandatory-UAC. Vehicles containing explosives or detonators shall not be started, run, or stopped while explosives, blasting agents, or detonators are unloaded.

57.7-44 Mandatory-UAC. Vehicles used to transport explosives other than snuff mixtures shall be maintained in good condition and shall be operated at a safe speed and in accordance with all safe operating practices.

57.7-45 Mandatory-UAC. Vehicles used to transport explosives other than snuff mixtures shall be maintained in good condition and shall be operated at a safe speed and in accordance with all safe operating practices.

57.7-46 Mandatory-UAC. Vehicles used to transport explosives other than snuff mixtures shall be maintained in good condition and shall be operated at a safe speed and in accordance with all safe operating practices.

57.7-47 Mandatory-UAC. Vehicles containing explosives or detonators shall be maintained in good condition and shall be operated at a safe speed and in accordance with all safe operating practices.

57.7-48 Mandatory-UAC. Vehicles used to transport explosives other than snuff mixtures shall be maintained in good condition and shall be operated at a safe speed and in accordance with all safe operating practices.

57.7-49 Mandatory-UAC. Explosives should be transported promptly without undue delay in transit.

57.7-50 Mandatory-UAC. Explosives or detonators shall not be transported on man trips.

57.7-51 Mandatory-UAC. Explosives or detonators shall not be transported on man trips.

57.7-52 Mandatory-UAC. Explosives or detonators shall not be transported on man trips.

57.7-53 Mandatory-UAC. Explosives or detonators shall not be transported on man trips.

57.7-54 Mandatory-UAC. Only the necessary personnel shall ride on or in vehicles containing explosives or detonators.

57.7-55 Mandatory-UAC. Explosives or detonators shall not be transported on man trips.

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PROPOSED RULE MAKING

57.7-102 Mandatory-UAC. Unused explosives and detonators shall be moved to a safe location as soon as charging operations are completed.

57.7-103 Mandatory-UAC. Areas in which charged holes are awaiting firing shall be guarded from unauthorized entry.

57.7-104 Mandatory-UAC. When safety fuse caps have been used, men shall not return to misfired holes for at least 30 minutes.

57.7-105 Mandatory-UAC. When electric blasting caps have been used, men shall not return to misfired holes for at least 15 minutes.

57.7-106 Faces and muckholes shall be examined for undetonated explosives after each round and undetonated explosives found should be disposed of safely.

57.7-107 Mandatory-UAC. Holes shall not be drilled when there is danger of intersecting a charged or misfired hole.

57.7-108 Mandatory-UAC. Fuse and igniters shall be stored in a cold, dry place away from oil or grease.

57.7-109 Fuse shall not be kinked, bent sharply, or handled roughly.

57.7-110 Mandatory-UAC. Fuses shall be cut and capped in safe, dry locations posted with "No Smoking" signs.

57.7-111 Mandatory-UAC. Blasting caps shall be crimped to fuses only with implements designed for that specific purpose.

57.7-112 Mandatory-UAC. The burning rate of the fuse shall be posted in the fuse-capping station in a conspicuous location such that the burning rate will be brought to the attention of all men concerned with blasting.

57.7-113 Mandatory-UAC. Fuse less than 49 inches long shall not be used.

57.7-114 Mandatory-UAC. At least two men shall be present when lighting fuses, and no man shall light more than 15 individual fuses. If more than 15 holes per man are to be fired, igniter cord and connectors or electric blasting shall be used.

57.7-115 Mandatory-UAC. A safe interval of time should be allowed to light a round and evacuate the blasting area.

57.7-116 Mandatory-UAC. Fuse shall be ignited with hot-wire lighters, lead spotters, igniter cord, or other such devices designed for this purpose.

57.7-117 Mandatory-UAC. Fuse shall not be ignited before the primer and the entire charge are securely in place.

57.7-118 Mandatory-UAC. The key to a blasting cap shall be within the fuse in the last hole to fire when fusing within the hole before the first hole fires.

57.7-119 Mandatory-UAC. At least two men shall be present when lighting fuses, and no man shall light more than 15 individual fuses.

57.7-120 Mandatory-UAC. Electric detonators shall be used until they are being wired into the blasting circuit. Lead lines and wired rounds shall be kept shunted until immediately before blasting.

57.7-121 Mandatory-UAC. Completely wired rounds shall be tested with a blasting galvanometer before connections are made to the blasting line.

57.7-122 Mandatory-UAC. Permanent blasting lines shall be properly supported, insulated, and well grounded; and properly reconnected when changed.

57.7-123 Mandatory-UAC. Charging shall be stopped immediately when the presence of static electricity or stray current is detected; the condition shall be remedied before charging is resumed.

57.7-124 Mandatory-UAC. Charging shall be suspended on surface mining, shaft sinking, and tunneling and men withdrawn to a safe location upon the approach of an electrical discharge.

57.7-125 Mandatory-UAC. If branch circuits are used when blasts are fired from portable electric loading equipment, the distance at safe distances from the blast areas shall be provided in addition to the main blasting switch.

57.7-126 Mandatory-UAC. Safety switches and blasting switches shall be labeled, encased in boxes and arranged so that the covers of the boxes cannot be closed with the switches in closed position.

57.7-127 Mandatory-UAC. Blasting switches shall be wired in the open position, except when closed to fire the blast. Lead wires shall not be connected to the blasting switch until the entire charge is securely in place.

57.7-128 Mandatory-UAC. The key to a blasting switch shall be entrusted only to the person designated to fire the blast.

57.7-129 Mandatory-UAC. Electric circuits from the blasting switches to the blast area shall not be grounded.

57.7-130 Mandatory-UAC. At least a 5-foot airgap should be provided between the blasting circuit and the power circuit.

57.7-131 Mandatory-UAC. Power sources should be suitable for the number of electric detonators to be fired and for the type of circuits used.

57.7-132 Delay connectors for firing detonating cord should be treated and handled with the same safety precautions as blasting caps and electric detonators.

57.7-133 Mandatory-UAC. Fuse shall not be kinked, bent sharply, or handled roughly.

57.7-134 Mandatory-UAC. Charging shall be suspended on surface mining, shaft sinking, and tunneling and men withdrawn to a safe location upon the approach of an electrical discharge.

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57.7-139 Mandatory-UAC. Electric circuits from the blasting switches to the blast area shall not be grounded.

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57.7-141 Mandatory-UAC. Power sources should be suitable for the number of electric detonators to be fired and for the type of circuits used.

57.8-1 Equipment should be inspected each shift by an authorized individual. Equipment defects affecting safety shall be repaired.

57.8-2 Mandatory-UAC. Equipment defects affecting safety shall be corrected before the equipment is put into operation.

57.8-3 Mandatory-UAC. The drilling area shall be inspected for hazards before starting the drilling operations.

57.8-4 Mandatory-UAC. Men shall not be on the mast while the drill is in operation.

57.8-5 Mandatory-UAC. Drill crews and others shall stay clear of augers or drill stems not be turned on again until after the shots are fired.

57.9-1 Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted shall be deenergized before any type of blasting agent charges against water unless a positive grounding system is provided to drain electrostatic charges from the hole.

57.9-2 In small-diameter holes, the ANFO or related agents should be loaded so as to provide a continuous column that completely fills the cross section of the borehole.

57.9-3 Adequate priming should be employed to guard against misfires, increased toxic fumes, and poor performance.

57.9-4 Mandatory-UAC. Pneumatic loading equipment shall not be grounded to air lines, temporary electrical grounding systems.

57.9-5 Mandatory. Hoses used in connection with pneumatic agents, machines shall be of the semiconductive type, having a total resistance low enough to permit the dissipation of static electricity and high enough to limit the flow of stray electric currents to a safe level.

57.9-6 Reasonable precautions should be exercised to exclude moisture from blasting lines. Loaded blasting agent charges against water unless a positive grounding system is provided to drain electrostatic charges from the hole.

57.9-7 Equipment should be inspected each shift by an authorized individual. Equipment defects affecting safety shall be repaired.

57.9-8 Mandatory-UAC. Equipment defects affecting safety shall be corrected before the equipment is put into operation.

57.9-9 Mandatory-UAC. The drilling area shall be inspected for hazards before starting the drilling operations.

57.9-10 Mandatory-UAC. Men shall not be on the mast while the drill is in operation.

57.9-11 Mandatory-UAC. Drill crews and others shall stay clear of augers or drill stems.
that are in motion. Persons shall not pass
under a moving stem or auger.

7.9-6 Receptacles or racks should be provided for drill steel stored on drills.

7.9-7 Tools and other objects should not be left loose on the mast or drill platform.

7.8-8 Mandatory-UAC. When a drill is being moved from one drilling area to another, drill steel, or other equipment shall be secured and the mast placed in a safe position.

7.8-9 Mandatory-UAC. The drill stem shall be resting on the bottom of the hole or on the platform with the stem secured to the mast before attempts are made to straighten a crossed cable on a reel.

7.8-10 Mandatory-UAC. While in operation, drills shall be attended at all times.

7.8-11 Mandatory-UAC. Drill holes large enough to constitute a hazard shall be covered or guarded.

7.8-12 M e n operating or working near jackhammers or jackleg drills and other drilling machines should position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.

7.8-13 M e n shall not drill from positions that are accessible to the control levers, or from insecure footing or staging, or from atop equipment not designed for that purpose.

7.8-16 Bit wrenches or bit knockers should be used to remove detachable bits from drill steel.

7.8-17 Starter steels should be used when collaring holes while collaring holes, or rest their hands on the chuck or centralizer while drilling.

7.8-18 Air should be turned off and bled from the hose before hand-held drills are moved from one working area to another.

7.8-20 M e n may be endangered by falling material. Operators shall have full control of the equipment being operated.

7.8-21 Cab windows should be kept free of extraneous materials.

7.8-22 Cabs of mobile equipment should be equipped with emergency stop devices or cords along their full length.

7.8-27 Men shall not hold the drill steel while collaring holes, or rest their hands on the chuck or centralizer while drilling.

7.8-29 Air should be turned off before moving portable drills from one face to another.

7.8-30 Receptacles or racks should be provided for drill steel stored on jumbos.

7.8-31 Before drilling cycle is started, warning should be given to men working below so that they will not be struck.

7.8-32 Drills on columns should be anchored firmly before drilling is started and should be retightened frequently thereafter.

§ 57.9 Rotary jet piercing.

SURFACE ONLY

7.9-1 Jet drills should be provided with:
(a) A protective cover over the oxygen flow indicator.

7.9-2 Mandatory-UAC. Safety chains or other adequate means shall be installed so that they will not be struck or lose their balance if the drill steel breaks or sticks.

7.9-3 Mandatory-UAC. A suitable means of protection shall be provided for the employee when lighting the burner.

7.9-4 Mandatory-UAC. A system for fueling from the ground without spill shall be provided. This system shall also be provided across connections to and between high pressure oxygen hose lines of 1-inch inside diameter, or larger, and between the oxygen manifold and the burners, service connections, and the oxygen hose lines.

7.9-5 Mandatory-UAC. Men shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines, or in oxygen lines. Signs warning against smoking and open flames shall be posted in these areas.

§ 57.10 Loading, hauling, dumping.

GENERAL—SURFACE AND UNDERGROUND

57.10-1 Equipment should be inspected each shift by an authorized individual. Equipped defects affecting safety should be reported.

57.10-2 Mandatory-UAC. Equipment defects affecting safety shall be corrected before the equipment is used.

57.10-3 Mandatory-UAC.Powered mobile equipment shall be provided with adequate brakes.

57.10-4 Mobile haulage equipment shall be provided with audible warning devices or visual warning devices shall be provided on both ends when required.

57.10-5 Mandatory-UAC. Operators shall be certain that the equipment is in the neutral position until power is restored.

57.10-6 Equipment operators shall have full control of the equipment while it is in motion.

57.10-7 Mandatory-UAC. Mobile equipment operators shall have full control of the equipment while it is in motion.

57.10-8 Mobile equipment operators shall have full control of the equipment while it is in motion.

57.10-9 Electrically powered mobile equipment shall not be left unattended unless the parking brakes are set. The wheels shall be turned to prevent a person's foot from becoming wedged.

57.10-10 Mandatory-UAC. Positive locking devices or other adequate means shall be installed wherever necessary to protect persons from falling or moving railroad equipment.

57.10-11 Vehicles should follow at a safe distance; passing should be limited to areas of adequate travel with visual guidance.

57.10-12 Mandatory-UAC. B e a m s or guards shall be provided on the outer banks of elevated roadways.

57.10-13 Mandatory-UAC. Trackless haulage equipment shall be operated under power control at all times.

57.10-14 Mandatory-UAC. Mobile equipment operators shall have full control of the equipment while it is in motion.

57.10-15 Slusher hoists should be provided for jumbos.

57.10-16 Roadbeds, rails, joints, switches, frogs, and other elements on railroads should be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.

57.10-17 Equipment operating speeds should be prudent and consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.

57.10-18 Dust control measures should be adequate to eliminate or significantly reduce visibility of equipment operations.

57.10-19 Track guard rails, lead rails, and friction mats shall be provided across connections to and between high pressure oxygen hose lines of 1-inch inside diameter, or larger, and between the oxygen manifold and the burners, service connections, and the oxygen hose lines.

57.10-20 Mandatory-UAC. Men shall not get on or off moving equipment, except that

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§ 57.12 Travelways.

General: Surface and Underground

57.12-1 Mandatory-UAC. Safe means of access shall be provided and maintained to all working places.

57.12-2 Mandatory-UAC. Crossovers, elevated walkways, elevated ramps, and stairways shall be of substantial construction, provided with handrails, and maintained in good condition. Where necessary, toeboards shall be provided.

57.12-3 Mandatory-UAC. Ladders shall be of substantial construction and maintained in good condition.

57.12-4 Portable straight ladders should be provided with nonslip bases, should be placed against a safe backing, and set on level ground.

§ 57.13 Escapesways.

Underground Only

57.13-1 Mandatory-UAC. Every mine shall have two separate properly maintained escapesways to the surface which are so positioned that damage to one shall not lessen the effectiveness of the other, or a method of refuge shall be provided where only one opening to the surface is possible.

57.13-2 Mandatory-UAC. Escape routes shall be:

(a) Inspected at regular intervals and maintained in safe, travelable condition.

(b) Marked with conspicuous and easily read directional signs that clearly indicate the ways of escape.

57.13-3 Mandatory-UAC. Refuge areas shall be:

(a) Of fire-resistant construction, preferably in unsheltered areas of the mine.

(b) Large enough at least to accommodate the normal number of men in the particular area of the mine.

(c) Constructed so they can be made gastight.

(d) Provided with compressed air lines, waterlines, suitable handtools, and stopping materials.

57.13-4 Mandatory-UAC. Mine maps shall be posted and available showing escape routes, locations of travelways, mine shafts, mouths of the mine, and such systems shall be made readily available by location.

57.13-5 Mandatory-UAC. Designated escapeways inclined more than 30° from the horizontal should be provided with toeboards when necessary.

57.13-6 Mandatory-UAC. Designated escapeways shall be covered, insulated adequately where they pass into passageways, and electrical conductivity as near as possible to the earth.

57.13-7 Mandatory-UAC. Trailing cables shall be effectively insulated and sealed to prevent entry of water into electrical circuits unless hot-line tools are used.

57.13-8 Mandatory-UAC. Telephone and low-potential electrical signal wires shall be protected from contacting energized powerlines.

57.13-9 Mandatory-UAC. Telephone and low-potential electrical signal wires shall be protected from direct contact with high-potential electrical wires accessible to personal contact.

§ 57.14 Electricity.

57.14-1 Mandatory. Circuits shall be protected against excessive overload by fuses or other circuit breakers of the correct type and capacity.

57.14-2 Mandatory-UAC. Electric equipment and circuits shall be provided with guards or other protective devices, and switch controls shall be of approved design and construction and shall be properly installed.

§ 57.15 Power cables and control cables shall be provided for the trailing cables of mobile equipment.

§ 57.16 Power wires and cables should have adequate current-carrying capacity and should be protected from mechanical injury.

§ 57.17 No other crLower-mounted or rubber-tired equipment should run over trailing cables, unless the cables are properly guarded and protected.

§ 57.18 Distribution boxes shall be provided with disconnect switches.

§ 57.19 Mandatory-UAC. Trailing cable and power-cable connections to junction boxes shall not be made or broken under load.

§ 57.20 Power wires and cables should be insulated adequately where they pass into or out of electrical compartments.

§ 57.21 Power supply and cables which present a fire hazard should be well insulated on acceptable insulators.

§ 57.22 Telephone and low-potential electrical signal wires shall be protected from contacting energized powerlines.

§ 57.23 Principal power cables shall be covered, insulated, or placed according to acceptable electrical codes to prevent contact with low-potential electrical conductors.

§ 57.24 The potential on bare signal wires accessible to personal contact shall not exceed 40 volts.

§ 57.25 Splices in power cables, including ground conductors, where provided, should be:

(a) Mechanically strong with adequate electrical conductivity.

(b) Effectively insulated and sealed to exclude moisture.

(c) Provided with mechanical protection and electrical conductivity as near as possible to the surface of the mine.

(d) Provided with mechanical protection and electrical conductivity as near as possible to the surface of the mine.

§ 57.26 Mandatory-UAC. Telephone and low-potential electrical signals shall be deenergized before work is done on such equipment. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by the persons who installed them.

§ 57.27 Mandatory-UAC. Power circuits shall be deenergized before work is done on such circuits unless hot-line tools are used.

§ 57.28 Mechanical switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by persons who installed them.

§ 57.29 Mandatory-UAC. Principal power switches shall be labeled to show which units of the mine the power is on and where access is necessary.

§ 57.30 Mandatory-UAC. Nameplate identification should be provided around all parts of stationary equipment where access to or travel is necessary.

§ 57.31 Mandatory-UAC. Dry wooden platforms, insulating mats, or other electrically nonconductive material shall be kept

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in place at all switchboards and power-control switches where shock hazards exist. However, metal plates on which a person normally works, and kept at the same potential as the grounded metal noncurrent carrying parts of the power switches to be operated, may be used.

57.14-31 Mandatory-UAC. Suitable danger signs shall be posted at all major electrical installations.

57.14-32 Mandatory-UAC. Areas containing major electrical installations should be entered only by authorized personnel.

57.14-33 Mandatory-UAC. Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless insulation is provided by local authority.

57.14-34 Mandatory-UAC. Reverse-current protection should be provided at storage-battery charging stations.

57.14-35 Mandatory-UAC. All metal enclosures or enclosing electrical circuits shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

57.14-36 Mandatory-UAC. Metal fencing and barriers for protecting transformers and switchgear shall be grounded.

57.14-37 Mandatory-UAC. Frame grounding or equivalent protection shall be provided with mobile equipment powered through trailing cables.

57.14-38 Mandatory-UAC. Continuity and resistance of mobile electrical systems shall be tested immediately after installation.

57.14-39 Electric equipment and wiring should be inspected by a competent person as often as necessary to assure safe operating conditions.

57.14-40 Mandatory-UAC. When a potentially dangerous condition is found it should be corrected before equipment or wiring is energized.

57.14-41 Mandatory-UAC. Electric motors, switches, and controls exposed to damaging dust or water should be of dusttight or watertight construction.

57.14-42 Mandatory-UAC. Inspection and cover plates on electrical equipment should be kept in place at all times except during testing or repairs.

57.14-43 Mandatory-UAC. Hand-held electric tools shall not be operated at high potential voltages.

57.14-44 Mandatory-UAC. Portable extension lights and other lights that may present a shock or burn hazard should be guarded.

57.14-45 Mandatory-UAC. Trolley rails exposed to the weather should be of a weatherproof type.

57.14-46 Mandatory-UAC. Circuits shall be deenergized before fuses are removed or replaced.

57.14-47 Mandatory-UAC. Fuse fongs or holding tools shall be used when fuses are removed or replaced in high-potential circuits.

57.14-48 Mandatory-UAC. Trolley cables should be clamped to machines in a manner to protect the cables from damage and to prevent straps on the electrical connections.

57.14-49 Mandatory-UAC. Surge-trailing cables to chutes, cranes, and similar equipment should be stored in cable boots or on reels mounted on the equipment, or otherwise protected from mechanical damage.

57.14-50 Mandatory-UAC. Operating controls shall be installed so that they can be operated only from a danger of contact with energized conductors.

57.14-51 Mandatory-UAC. Switches and light switches shall be of safe design and capacity.

57.14-52 Both fuses should be bonded or welded together by any joint. Rails should be cross-bonded at least every 200 feet. If the track serves as the return trolley circuit, except when the control signal can not be used on a crossbonded track.

57.14-53 Mandatory-UAC. Equipment with booms or masts which are not properly protected shall not be operated where the booms or masts can come within 10 feet of an energized overhead powerline.

57.14-54 Mandatory-UAC. Trolley rails and trolley feeder rails shall be connected to earth at least 10 feet from the track or mine return circuit.

57.14-55 Mandatory-UAC. Overhead high-potential powerlines shall be totally enclosed, or shall be placed near the pole end.

57.14-56 Mandatory-UAC. When equipment must be moved under energized powerlines and the clearance is less than 10 feet, the powerlines shall be insulated or otherwise protected as specified by the National Electrical Safety Code.

57.14-57 Mandatory-UAC. Guy wires of poles supporting high-potential conductors shall be equipped with insulators installed near the pole end.

57.14-58 Mandatory-UAC. Trolley feeder switches shall be installed at opposite ends of trolley lines and at intervals not exceeding 500 feet.

57.15 Compressed air and boilers.

57.15-1 Mandatory-UAC. All boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

57.15-10 Air compressors should be equipped with automatic temperature-actuated cut-out mechanisms for 400° F., or with fusible plugs installed in the compressor discharge lines as near the compressors as possible. Fusible plugs should melt at temperatures 80° less than the final points of the lubricating oils.

57.15-11 Compressors and compressed-air receivers should be equipped with automatic pressure-release valves, pressure gauges, and drain valves.

57.15-12 Compressor air intakes should be installed to insure that only clean, uncontaminated air enters the compressors.

57.15-13 Compressors should be drained of moisture and oil at least once each operating shift.

57.15-14 Compressed-air receivers should have inspection openings which should be maintained when the tanks are over 30 inches in diameter.

57.15-15 Compressed-air receivers and other pressure vessels should be inspected internally at least once a year by qualified inspectors; records of such inspections should be kept.

57.15-16 Compressors should be operated and lubricated in accordance with the manufacturer's recommendations.

57.15-17 Compressor discharge pipes should be cleaned periodically or a filter mechanism for 400° F. or with fusible plugs installed in the compressor discharge lines as near the compressors as possible.

57.15-18 Safety devices on compressed-air systems should be checked at the beginning of each day.

57.15-19 Mandatory-UAC. Power cables in shafts and boreholes should be fastened securely in such a manner as to prevent undue strain on the sheath, insulation, or conductors.

57.15-20 Mandatory-UAC. Transformer and switchgear stations shall be enclosed to prevent persons from inadvertently contacting energized parts.

57.15-21 Not more than five splices should be made in any trailing cable unless they are vulcanized.

57.15-22 On machines not using cable reels, no splices should be present in the first 25 feet of trailing cable adjacent to the equipment.

57.15-23 The potential on high-potential wires or feeder lines shall not exceed 650 volts.
57.16-10 Mandatory-UAC. Face shields or goggles, in good condition, shall be worn when operating a grinder ormill.

§ 57.17 Personal protection.

57.17-1 Mandatory-UAC. Adequate flame-resistant materials, including stretchers and blankets, shall be provided at places convenient to all working areas. Water or neutralizing agents shall be available where corrosive chemicals or other hazardous substances are stored, handled, or used.

57.17-2 Mandatory. All persons shall wear protective footwear when in or around a mine or plant where falling objects may create a hazard.

57.17-3 Mandatory. All persons shall wear suitable protective footwear when in or around a mine or plant where falling objects may create a hazard.

57.17-4 Mandatory-UAC. Protective clothing or equipment and face shields or goggles shall be worn when welding, cutting, or working with materials which can create a hazard.

57.17-5 Snug-fitting clothing should be worn around moving equipment and machinery.

57.17-6 Protective clothing, rubber gloves, goggles, or face shields should be worn by persons handling substances that are corrosive, toxic, or injurious to the skin.

57.17-7 Mandatory-UAC. Protective clothing or equipment and face shields or goggles shall be worn when welding, cutting, or working with materials which may cause injury.

57.17-8 Gloves should not be worn when they could create a hazard by becoming entwined or caught in moving parts of machinery.

57.17-9 Finger rings should not be worn while working in or around a mine or plant.

57.17-10 Effective ear protection should be worn where noise levels may cause permanent ear damage or hearing loss.

57.17-11 Where there is danger of a vehicle overturning, seat belts should be used.

SURFACE ONLY

57.17-20 Mandatory-UAC. Life jackets or belts shall be worn where there is danger of falling into water.

§ 57.18 Materials storage and handling.

57.18-1 Materials should be stored and stacked in a manner which minimizes spillage or fire hazards.

57.18-2 Men working on surge piles or storage piles should not walk or stand immediately above a reclaiming area during reclaiming.

57.18-3 Mandatory-UAC. Materials that can create hazards if accidentally liberated from containers shall be stored in a manner that minimizes the dangers.

57.18-4 Mandatory-UAC. Hazardous materials should be stored in containers of a type approved for such use by recognized agencies; such containers shall be labeled appropriately.

57.18-5 Mandatory-UAC. Compressed and liquid gas cylinders shall be secured in a safe manner.

57.18-6 Mandatory-UAC. Valves on compressed gas cylinders shall be protected by covers when being transported or stored, and stored in a safe location when the cylinders are in use.

57.18-7 Hitches and slings used to hoist materials shall be designed and operated properly for the particular material handled.

57.18-8 Tuglines should be attached to suspended materials that require standing.

57.18-9 Mandatory-UAC. Men shall stay clear of suspended loads.

57.18-10 Materials should not be dropped from an elevation unless the drop area is guarded or sufficient warning is given.

57.18-11 Mandatory-UAC. Men shall not ride on loads being moved by cranes or dollies, nor shall they ride the hoisting hooks unless such method eliminates a greater hazard.

57.18-12 Substances that react violently or liberate dangerous fumes when mixed shall be stored in such a manner that they cannot come in contact with each other.

57.18-13 Only men wearing protective equipment should stand near pots or ladles when molten materials are being handled; warning should be given before a pour is made or the pot is moved.

57.18-14 Mandatory-UAC. Operator-carrying and other cranes shall be provided with:

(a) Bumpers at each end of each rail.

(b) Automatic switches to halt uptravel of hoist when personnel is in contact with the load.

(c) Effective audible warning signals within easy reach of the operator.
PROPOSED RULE MAKING

§ 57.20-20 Mandatory-UAC. No employee shall be assigned, or allowed, or be required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless he can communicate with others, can be heard or can be seen.

§ 57.20-25 Mandatory-UAC. No employee shall be assigned, or allowed, or be required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless he can communicate with others, can be heard or can be seen.

§ 57.21 Man hoisting.

The hoisting standards in this section apply to those hoists and appurtenances used for hoisting men. Wherever, however, men may be endangered by hoists and appurtenances used solely for handling ore, rock, and the like, the appropriate standards should be applied.

Bridges

§ 57.21-1 Mandatory-UAC. Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the rope used. The rope used shall be selected for proper safety factors.

§ 57.21-2 Mandatory-UAC. Hoists shall be anchored securely.

§ 57.21-3 Mandatory-UAC. Belts, rope, or chains shall not be used to connect driving mechanisms to man hoists.

§ 57.21-4 Mandatory-UAC. Any hoist used to hoist men shall be provided with a brake or brakes which shall be capable of holding its fully loaded cage, skip, or bucket at any point in the shaft going in and out of the mine shall be kept on the surface.

§ 57.21-5 Mandatory-UAC. The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, interlocked electrically or mechanically with the brake to prevent accidental withdrawal of the clutch.

§ 57.21-6 Mandatory-UAC. Man hoist cable shall be provided with devices that automatically apply the brakes in the event of power failure.

§ 57.21-7 Mandatory-UAC. Man hoists shall be provided with devices to prevent overtravel and overspeed.

§ 57.21-8 Mandatory-UAC. Friction hoists shall be provided with synchronizing mechanisms that recalibrate the overtravel devices and position indicators to correct for rope creep or stretch.

§ 57.21-9 Mandatory-UAC. An accurate and reliable indicator of the position of the cage, skip, bucket, or car, in the shaft shall be provided.

§ 57.21-10 Mandatory-UAC. Hoist controls shall be designed so that the noise from machinery or other sources will not prevent hoistmen from hearing signals.

§ 57.21-11 Mandatory-UAC. Wire rope on drums shall extend radially a minimum of 3 rope diameters beyond the last wrap.

§ 57.21-12 Mandatory-UAC. Where grooved drums are used, the grooves shall be at the proper size and pitch for the rope used.

Wine Ropes

§ 57.21-20 The United States of America Standards Institute specifications cited in "Wire Ropes for Mines," MIL-1900-1, or the latest revision thereof, should be used as a guide in the selection, installation, and maintenance of wire ropes used for hoisting, except in those instances where the recommendations cited herein are more stringent.

§ 57.21-21 Mandatory-UAC. The following static-load safety factors shall be used for selecting ropes to be used for hoisting men and for determining when such ropes shall be removed from man hoists.

<table>
<thead>
<tr>
<th>Length of rope in shaft</th>
<th>Minimum factor of safety (new rope)</th>
<th>Minimum factor of safety (new rope)</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 or less</td>
<td>8.4</td>
<td>8.4</td>
</tr>
<tr>
<td>50.1-100.00</td>
<td>6.8</td>
<td>6.8</td>
</tr>
<tr>
<td>100.1-200.00</td>
<td>6.0</td>
<td>6.0</td>
</tr>
<tr>
<td>200.1-400.00</td>
<td>5.8</td>
<td>5.8</td>
</tr>
<tr>
<td>400.1-800.00</td>
<td>5.0</td>
<td>5.0</td>
</tr>
<tr>
<td>800.01 or more</td>
<td>4.3</td>
<td>4.3</td>
</tr>
</tbody>
</table>

§ 57.21-22 At least three wraps of rope should be left on the drum when the connection between clips shall be less than the figures given in the accompanying table.

§ 57.21-23 The end of the rope at the drum should make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and should be fastened securely by Mandatory-UAC. Arches, or clips. This provision does not apply to friction hoists.

§ 57.21-24 Mandatory-UAC. The rope shall be attached to the load by the thimble and clip method, the socketing method, or other approved method. If the socketing method is employed, zinc or its equivalent shall be used. The use of babbitt metal or lead for socketing wire rope is prohibited. If the thimble and clip method is used, the following shall be observed:

(a) The rope shall be attached to the load by passing one end around an anchor thimble that is attached to the load bending the end back so that it is parallel to the long or "live" end of the rope and fastening the two parts of the rope together with clips.

(b) The U-bolt of each clip shall encircle the short or "dead" end of the rope and the distance between clips shall be less than the figures given in the accompanying table.

§ 57.21-25 The following number of clips or equivalent shall be used for various diameters of wire rope:

<table>
<thead>
<tr>
<th>Diameter of rope, inches</th>
<th>Number of clips</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/8</td>
<td>1</td>
</tr>
<tr>
<td>5/64</td>
<td>1</td>
</tr>
<tr>
<td>3/32</td>
<td>1</td>
</tr>
<tr>
<td>7/64</td>
<td>2</td>
</tr>
<tr>
<td>1/4</td>
<td>2</td>
</tr>
<tr>
<td>9/64</td>
<td>3</td>
</tr>
<tr>
<td>5/32</td>
<td>3</td>
</tr>
<tr>
<td>11/64</td>
<td>4</td>
</tr>
<tr>
<td>3/16</td>
<td>4</td>
</tr>
<tr>
<td>13/64</td>
<td>5</td>
</tr>
<tr>
<td>7/32</td>
<td>5</td>
</tr>
<tr>
<td>15/64</td>
<td>6</td>
</tr>
<tr>
<td>1/2</td>
<td>6</td>
</tr>
</tbody>
</table>

For all ropes less than three-fourth inch in diameter, at least four clips or equivalent shall be used.

§ 57.21-26 When special conditions require the attachment of a sling to the hoisting cable to guide equipment in the shaft, the sling shall be attached by clips or equivalent in accordance with the table in these regulations.

§ 57.21-27 New ropes should be broken-in in accordance with the manufacturer's recommendations.

§ 57.21-28 Correlation of hoist ropes at the attachment of safety connections should be
minimized by the design of the attachment devices and by lubrication.

57.21-27 Where possible, conveyances attached with single ropes used to hoist men shall be provided with secondary safety connections.

57.21-38 Mandatory-UAC. Platforms with toeboards and handrails shall be provided around elevated head sheaves.

57.21-39 Diameters of head sheaves and hoist drums shall conform to the following specifications:

<table>
<thead>
<tr>
<th>Diameter of sleeve and drum</th>
<th>Rope construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 x 1 classification</td>
<td>72</td>
</tr>
<tr>
<td>6 x 2 classification</td>
<td>65</td>
</tr>
<tr>
<td>6 x 3 classification</td>
<td>57</td>
</tr>
<tr>
<td>6 x 4 classification</td>
<td>48</td>
</tr>
<tr>
<td>6 x 5 classification</td>
<td>40</td>
</tr>
<tr>
<td>6 x 6 classification</td>
<td>32</td>
</tr>
<tr>
<td>6 x 7 classification</td>
<td>26</td>
</tr>
<tr>
<td>6 x 8 classification</td>
<td>20</td>
</tr>
<tr>
<td>8 x 10 classification</td>
<td>16</td>
</tr>
</tbody>
</table>

PROPOSED RULE MAKING

57.21-49 Mandatory-UAC. Baskets used to hoist men during shaft sinking operations shall have:

(a) Crossheads equipped with safety catches and protective bonnets when the shaft dew point is below 50 degrees F.

(b) Devices to prevent accidental dumping.

(c) Sufficient depth to transport men safely in a standing position.

57.21-50 Mandatory-UAC. When a manually operated hoist is used, a qualified hoistman shall remain within hearing of the telephone or signal device at all times while any person is underground.

57.21-51 When automatic hoisting is used, a qualified hoistman shall be in attendance on the premises while any person is underground.

57.21-52 Maximum acceleration and deceleration shall not exceed 6 feet per second.

57.21-53 Ordinary personnel shall be in hoist rooms.

57.21-54 Conveyances intended to be operated in balance shall not be balanced as men during shift changes, unless the compartments and dumping bins are partitioned to prevent spillage into the cage compartment.

57.21-55 Mandatory-UAC. Men shall not ride the ball, rim, or bonnet of any shaft conveyance, except where necessary for the inspection and maintenance of the shaft and lining.

57.21-56 Mandatory-UAC. Buckets shall not be used to hoist buckets or other conveyances.

57.21-57 When men are hoisted, bucket speeds shall not exceed 150 feet a minute and should not exceed 200 feet a minute when within 100 feet of a landing.

57.21-58 Mandatory-UAC. Buckets shall be stopped about 15 feet from the shaft bottom to await a signal from one of the conveyance or the hoistmen for further lowering.

57.21-59 Mandatory-UAC. When tools, timbers, or other materials are being lowered or raised in a shaft by means of a bucket, skip, or cage, they shall be secured or so arranged that they will not strike the sides of the shaft.

57.21-60 Management shall designate the persons who shall be in hoist rooms.

57.21-61 The safe speed should be determined for each shaft; in no instance should this speed exceed 1500 feet per minute for hoisting men.

57.21-62 Maximum acceleration and deceleration shall not exceed 6 feet per second.

57.21-63 Only authorized personnel shall be in hoist rooms.

57.21-64 Conveyances shall not be operated in balance unless the conveyance is at its uppermost man landing.

57.21-65 Hoistmen should be physically fit and should undergo yearly examinations and tests. Certification to this effect should be available at the mine.

57.21-66 A safety man should be in attendance at a hoist room, when the hoistman is not in the control of a manually operated hoist, a second hoistman should be in attendance; this provision does not apply to friction-hoist skips that are suspended from more than one pin.

57.21-67 Governor cables should be provided in conveyances with a speed of more than 2000 feet per minute.

(d) Safety chains or wire ropes between cars.

(e) Adequate sealing for the number of men handled at any one time.

57.21-68 Men shall not enter, ride, and leave conveyances in an orderly manner.

57.21-69 Mandatory-UAC. Men shall not enter or leave conveyances which are in motion or after a signal to move the conveyance has been given to the hoistman.

57.21-70 Mandatory-UAC. Cage doors or skip gates shall not open while any men are being hoisted; they shall not be opened until the cage has come to a stop.

57.21-71 Mandatory-UAC. Men shall not ride in skips or buckets with muck, supplies, materials, or tools other than small hand tools.

57.21-72 When combinations of cages and skips are used, the skips shall be empty while men are being transported.

57.21-73 Mandatory-UAC. Buckets or supplies shall not be loaded in the same shaft as men during shift changes, unless the compartments and dumping bins are partitioned to prevent spillage into the cage compartment.

57.21-74 Men should not ride the ball, rim, or bonnet of any shaft conveyance, except where necessary for the inspection and maintenance of the shaft and lining.

57.21-75 Men shall not be loaded in a secondary hoist which shall not be used to hoist buckets or other conveyances.

57.21-76 When men are hoisted, bucket speeds shall not exceed 150 feet a minute and should not exceed 200 feet a minute when within 100 feet of a landing.

57.21-77 Mandatory-UAC. Buckets shall be stopped about 15 feet from the shaft bottom to await a signal from one of the conveyance or the hoistmen for further lowering.

57.21-78 Buckets should be stopped after being raised 3 feet when men are hoisted from the bottom of the hoist and for further lowering.

57.21-79 Mandatory-UAC. Where mine cars are hoisted by cage or skip, means for blocking cars shall be provided at all landings and also on the cage.

57.21-80 Mandatory-UAC. When tools, timbers, or other materials are being lowered or raised in a shaft by means of a bucket, skip, or cage, they shall be secured or so arranged that they will not strike the sides of the shaft.

57.21-81 Conveyances not in use should be released and raised or lowered at least 10 feet to the floor of the hoisting.

57.21-82 A method should be provided to signal hoist operators from within conveyances at any point in the shaft.

57.21-83 A standard code of hoisting signals should be adopted and used at each mine.

57.21-84 Mandatory-UAC. A legible signal code shall be posted prominently in the hoist rooms within easy observation of all men, and at each place where signals are given or received.

57.21-85 Escape signal devices should be maintained within easy reach of men on the shaft bottom during sinking operation.

57.21-86 Mandatory-UAC. Any person responsible for the control of a hoist shall be in charge of all man trips.

57.21-87 Authorized persons should be in charge of all man trips.

57.21-88 Men should enter, ride, and leave conveyances in an orderly manner.

57.21-89 Mandatory-UAC. Men shall not enter or leave conveyances which are in motion or after a signal to move the conveyance has been given to the hoistman.

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57.21-97 Authorized persons should be in charge of all man trips.

57.21-98 Men should enter, ride, and leave conveyances in an orderly manner.

57.21-99 Mandatory-UAC. Men shall not enter or leave conveyances which are in motion or after a signal to move the conveyance has been given to the hoistman.

57.21-100 Mandatory-UAC. Shaft landings shall be equipped with substantial safety gates so constructed that materials will not go through or under them; gates shall be kept closed when loading or unloading shaft conveyances.

57.21-101 Mandatory-UAC. Positive stoppings on a shaft shall be installed on all tracks leading to a shaft collar or landing.

57.21-102 Guides should be provided in each hoisting compartment in shafts inclined more than 45 degrees from the horizontal.

57.21-103 Dumping facilities should be so constructed as to minimize spillage into the shaft.

57.21-104 Adequate clearance should be maintained at shaft stations to allow men to pass safely and to allow materials to be handled safely.

57.21-105 Mandatory-UAC. A safe means of passage around open shaft compartments.
shall be provided on landings with more than one entrance to the shaft.

57.21-107 Mandatory. Hoistmen shall be informed when men are working in a compartment affected by that hoisting operation and a "Men Working in Shaft" sign shall be posted at the entry to the shaft. A "Men Working in Shaft" sign shall be posted at the signal devices at all active stations and landings when men are working in a compartment affected by that hoisting operation.

57.21-108 Mandatory. Shaft inspection and repair work shall be performed on substantial platforms equipped with bollards or equivalent overhead protection.

57.21-109 Mandatory. A substantial bulkhead or equivalent protection shall be provided above men at work deepening a shaft.

57.21-111 Substantial fixed ladders should be maintained as near the shaft bottom as practical during shaft-sinking operations. A working man reeling rope or a fixed ladder to the shaft bottom should be maintained as near the shaft bottom as practical during shaft-sinking operations. A working man reeling rope or a fixed ladder to the shaft bottom. A systematic procedure of inspection, testing, and maintenance of shafts and hoisting equipment shall be developed and followed. If it is found or suspected that any part is not functioning properly, or that a hazard exists, the hoisting equipment shall be shut down and repairs or adjustments made until the malfunction has been located and repaired or adjustments have been made.

57.21-112 Parts used to repair hoists should be designed to fit the original installation. Parts used to repair hoists should be designed to fit the original installation.

57.21-113 Ropes should be kept well lubricated from end to end as recommended by the manufacturer. Ropes shall be lubricated, properly aligned and kept in good repair.

57.22 Gasoy mines shall be operated in accordance with the mandatory standards in this part. Such mines shall also be operated in accordance with the mandatory standards in this section. The mandatory standards of this section apply only to underground operations.

57.22-1 Mandatory. A mine shall be deemed gassy and thereafter operated as a gassy mine if:

(a) The State in which the mine is located classifies the mine as gassy; or
(b) Flammable gas emanating from the orebody or the strata surrounding the orebody has been detected not less than 12 inches from the back, face, and ribs by any method approved by the manufacturer or an equally competent agency.

57.22-2 Mandatory. Flammable gases detected while unmanning mines and similar operations shall not be used to classify a mine gassy.

57.22-3 Mandatory. Flammable gases detected while unmanning mines and similar operations shall not be used to classify a mine gassy.

FIRE PREVENTION AND CONTROL

57.22-10 Mandatory. Men shall not smoke or carry smoking materials, matches, or lighters underground. A mine shall institute a reasonable program to ensure that persons entering the mine do not carry smoking materials, matches, or lighters.

57.22-11 Mandatory. Except when necessary for welding or cutting, open flames shall not be used in other than fresh air or in places where flammable gases are present or may enter the air current.

57.22-12 Mandatory. Welding or cutting with arc or flame underground in other than fresh air shall not be performed in atmospheres containing more than 1 percent of flammable gases.

VENTILATION

57.22-20 Mandatory. Main fans shall be:

(a) Installed on the surface.
(b) Operated only in air containing not more than 1 percent flammable gas.

57.22-21 Main fans should be:

(a) Operated continuously except when the mine is shut down for an extended period.
(b) Provided with pressure-recording gauges.
(c) Inspected daily and records kept of such inspections and of fan maintenance.

57.22-22 Mandatory - UAC. When singleshafts are used for intake and return the curtain wall or partition shall be constructed of reinforced concrete or equivalent and provided with pressure relief devices.

57.22-23 Mandatory - UAC. When singleshafts are used for intake and return the curtain wall or partition shall be constructed of reinforced concrete or equivalent and provided with pressure relief devices.

57.22-24 Mandatory. When it has been a failure of ventilation and ventilation has been restored in a reasonable time action shall be taken to cut off the power to the areas affected and to withdraw all men from such areas.

57.22-25 When there has been a failure of ventilation and ventilation has been restored in a reasonable time action shall be taken to cut off the power to the areas affected and to withdraw all men from such areas.

57.22-26 Mandatory. When there has been a failure of ventilation and ventilation has been restored in a reasonable time action shall be taken to cut off the power to the areas affected and to withdraw all men from such areas.

57.22-27 Mandatory - UAC. When the main fan fails or stops and ventilation is not restored in a reasonable time action shall be taken to cut off the power to the areas affected and to withdraw all men from such areas.

57.22-28 Mandatory - UAC. When the main fan fails or stops and ventilation is not restored in a reasonable time action shall be taken to cut off the power to the areas affected and to withdraw all men from such areas.

57.22-29 Booster fans should be:

(a) Operated by permissible drive units maintained in permissible condition.
(b) Operated by permissible drive units maintained in permissible condition.

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fans slow down or stop when the fans are not provided with automatic alarm devices. 

75.22-30 Mandatory-UAC. Auxiliary fans shall be:
(a) Operated by permissible drive units maintained in permissible condition.

75.22-32 Mandatory-UAC. Air containing not more than 1.0 percent flammable gas.

75.22-33 Mandatory-UAC. Abandoned areas shall be sealed or ventilated; areas that are not sealed shall be barricaded and posted against unauthorized entry.

75.22-34 Mandatory-UAC. Fans slow down or stop when the fans are operated only in air containing not more than 1.0 percent flammable gas.

75.22-35 Mandatory. At least once each week, aid-main and auxiliary ventilation fans shall be started, and the volume of air entering or leaving the main intake and leaving the main returns, shall be measured. These measurements shall be recorded and shall be continued until the fans slow down or stop.

75.22-36 Mandatory-UAC. The quantity of air conveyed through the last open crosscuts in pairs or sets of entries, or through other ventilation openings nearest the face, shall be at least 6,000 cubic feet a minute.

75.22-37 Mandatory. At least once each week, the quantity of air conveyed through the last open crosscuts, shall be measured. These measurements shall be recorded and shall be continued until the fans slow down or stop.

75.22-38 Mandatory-UAC. If flammable gas be present at a concentration of 1 percent or higher, the ventilation openings nearest to the face of the workings shall be closed in order to test ventilating the area and shall:
(a) Inspect the working places and test the air therein with a permissible flame safety lamp, and if found safe, report it to the mine operator or other designated mine official, except during weeks in which the mine is idle for the entire week. The mine operator or other designated mine official shall:
(b) Examine and make tests; (c) Blow down, by venting, any unsealed abandoned area or areas where danger signs are posted.

75.22-39 Mandatory-UAC. If 1.5 percent or higher concentration of flammable gas is detected in air returning from an underground working place or places, the men shall be withdrawn and the power cut off to the portion of the mine endangered by such flammable gas; and the concentration of such gas is reduced to 1 percent or less.

75.22-40 Mandatory-UAC. If 1.5 percent or higher concentration of flammable gas is detected in air returning from an underground working place or places, the men shall be withdrawn and the power cut off to the portion of the mine endangered by such flammable gas; and the concentration of such gas is reduced to 1 percent or less.

75.22-41 Mandatory. Air that has passed by an opening of any unsealed abandoned area shall:
(a) Inspect the working places and test the air therein with a permissible flame safety lamp, and if found safe, report it to the mine operator or other designated mine official, except during weeks in which the mine is idle for the entire week. The mine operator or other designated mine official shall:
(b) Examine and make tests; (c) Blow down, by venting, any unsealed abandoned area or areas where danger signs are posted.

75.22-42 Mandatory. Air that has passed through any ventilation opening nearest the face of workings, where it is inaccessible for inspection shall not be used to ventilate any active face workings in such mine, except that such air may be used to ventilate enough advancing working places or rooms required to maintain an orderly sequence of pillar recovery on a set of entries.

75.22-43 Mandatory-UAC. Air containing not more than 1.0 percent flammable gas.

75.22-44 Mandatory-UAC. One or more seals of substantial construction, exposed surfaces of which shall be made of fire-resistant material or, if the ventilation system contains such seals, shall be made of combustible material.

75.22-45 Mandatory-UAC. One or more seals of substantial construction, exposed surfaces of which shall be made of fire-resistant material or, if the ventilation system contains such seals, shall be made of combustible material.

75.22-46 Mandatory-UAC. Closures shall be made at intervals not in excess of 100 feet between entries and between rooms.

75.22-47 Crosscuts should be closed where necessary to provide adequate face ventilation.

75.22-48 Mandatory. Line brakes or other suitable devices shall be installed from the last open crosscut to a point near the face to prevent pressure air flow to the face of every active working or face in such mine, unless the general manager or the Secretary or his authorized representative permits an exception to this requirement.

75.22-49 Mandatory-UAC. Closures should be of fire-resistant material.

75.22-50 Mandatory-UAC. Damaged bratxes are not considered satisfactory.

75.22-51 Crosscuts should be provided, where practicable, at or near the faces of entries and rooms before they are abandoned.

75.22-52 Mandatory-UAC. Entries or other ventilation openings nearest the face of the workings shall be closed in order to test ventilating the area and shall:
(a) Inspect the working places and test the air therein with a permissible flame safety lamp, and if found safe, report it to the mine operator or other designated mine official, except during weeks in which the mine is idle for the entire week. The mine operator or other designated mine official shall:
(b) Examine and make tests; (c) Blow down, by venting, any unsealed abandoned area or areas where danger signs are posted.

75.22-53 Stoppings in crosscuts between intake and return airways, on entries other than room entries, shall be built of solid, substantial material; exposed surfaces should be made of fire-resistant material or, if the ventilation system contains such seals, shall be made of combustible material.

75.22-54 Stoppings should be reasonably strong.

75.22-55 Mandatory-UAC. The main ventilation shall be so arranged by means of air locks, overcasts, or undercuts that the passageway of air from the face, face, and rib of an underground working place, or in air returning from a working place or places, shall be made in the ventilation immediately so that the concentration of flammable gas in such air is reduced to 1 percent or less.

75.22-56 Mandatory-UAC. Air locks shall be ventilated sufficiently to prevent accumulations of flammable gas inside the locks.

75.22-57 Mandatory-UAC. Doors shall be kept closed except when moved or equipment is passing through the doorways.

75.22-58 Overcasts and undercasts shall be:
(a) Constructed tightly of incombustible material.
(b) Of sufficient strength to withstand possible impact of a coal face.
(c) Kept clear of obstructions.

75.22-59 Mandatory. Preflight examinations shall be conducted of all underground areas before any work is authorized to be done in such areas by persons other than the examiners, enter the mine, or in any other situation.

75.22-60 Mandatory. Each examiner shall be responsible for a definite underground area and shall:
(a) Inspect the working places and test the air therein with a permissible flame safety lamp, and if found safe, report it to the mine operator or other designated mine official, except during weeks in which the mine is idle for the entire week. The mine operator or other designated mine official shall:
(b) Examine and make tests; (c) Blow down, by venting, any unsealed abandoned area or areas where danger signs are posted.

75.22-61 Mandatory-UAC. Only qualified examiners shall be permitted in the mine during the change.

75.22-62 Mandatory-UAC. Danger signs shall be removed or any split thereof and may affect the safety of persons in the mine shall be made of fire-resistant material or, if the ventilation system contains such seals, shall be made of combustible material.

75.22-63 Mandatory-UAC. One or more seals of substantial construction, exposed surfaces of which shall be made of fire-resistant material or, if the ventilation system contains such seals, shall be made of combustible material.

75.22-64 Mandatory. Idle and abandoned areas shall be inspected for gas and for oxygen deficiency and other dangerous conditions before or are self-closing.

75.22-65 Mandatory-UAC. Air locks shall be ventilated sufficiently to prevent accumulations of flammable gas inside the locks.

75.22-66 Mandatory-UAC. Doors shall be kept closed except when moved or equipment is passing through the doorways.

75.22-67 Overcasts and undercasts shall be:
(a) Constructed tightly of incombustible material.
(b) Of sufficient strength to withstand possible impact of a coal face.
(c) Kept clear of obstructions.

75.22-68 Mandatory. Preflight examinations shall be conducted of all underground areas before any work is authorized to be done in such areas by persons other than the examiners, enter the mine, or in any other situation.

75.22-69 Mandatory. Each examiner shall be responsible for a definite underground area and shall:
(d) Record the results of his examination with ink or indelible pencil in a book kept for that purpose at a designated place on the surface of the mine.

77.22-66 The mine foreman or other designated mine official should read and countersign promptly the reports of daily and weekly examinations by qualified persons, and should take prompt action to have dangerous conditions corrected.

**Equipment**

77.22-75 Mandatory. Diesel-powered equipment not approved as permissible by the Bureau of Mines for use in mines subject to these regulations shall not be used underground. Permissible equipment shall be maintained in permissible condition.

77.22-76 Mandatory. Diesel-powered equipment shall not be taken into or operated in places where flammable gas exceeds 1.0 percent at any point not less than 12 inches from the back, face, and rib.

77.22-77 Mandatory. Trolley wires and trolley feeder wires shall be on intake air and shall not extend beyond the last open crosscut or other ventilation opening. Such wires shall be kept at least 150 feet from pillar workings.

77.22-78 Mandatory. Only permissible distribution boxes shall be used in working places and other places where dangerous quantities of flammable gases are present, or may enter the air current.

77.22-79 Mandatory. Only permissible electric devices shall be used in places where dangerous quantities of flammable gas may be present or may enter the air current.

77.22-80 Mandatory. All electric equipment shall be taken into or operated in places where flammable gas can be detected in the amount of 1 percent or more at any point not less than 12 inches from the back, face, and rib.

**Illumination**

77.22-90 Mandatory. Only permissible electric lamps shall be used for portable illumination underground.

**Explosives**

77.22-95 Mandatory. AN and FO or other blasting agents other than explosives designated as permissible by the Bureau of Mines shall not be used in any underground gassy mine until the U.S. Bureau of Mines and State Inspector of Mines have given written approval for each specific blasting agent or explosive used in any underground mine.

77.22-96 Mandatory. The Bureau of Mines and the State Inspector of Mines, in granting approval referred to in paragraph one, shall provide the operator with a written list of conditions for using the specific blasting agent or explosives covered by the approval and adapted to the mining operation.

77.22-97 Mandatory. When permissible explosives are used underground, they shall be fired with:

(a) Instantaneous or millisecond delay electric detonators of proper strength.

(b) Permissible shot-firing units, unless the rounds are fired from the surface when all men are out of the mine.

77.22-98 Mandatory. Boresholes shall be stemmed as prescribed for the explosives used.

77.22-99 Mandatory. Examinations for gas shall be made immediately before and after firing each shot or round.

77.22-100 Mandatory. Shots or rounds shall not be fired in places where flammable gas can be detected with a permissible flame safety lamp, or where 1 percent or more of flammable gas can be detected by any other Bureau of Mines approved device or method, at a point not less than 12 inches from the back, face, and rib.

77.22-101 Shots and rounds shall be fired by qualified persons.

§ 57.23 Miscellaneous.

**General—Surface and Underground**

77.23-1 Mandatory. Intoxicating beverages and narcotics shall not be permitted or used in or around mines. Persons under the influence of alcohol or narcotics shall not be permitted on the job.

77.23-2 Mandatory. Potable water shall be available to all employees during working hours.

77.23-3 Good housekeeping should be practiced in and around a mine.

77.23-4 Men should not engage in horseplay.

77.23-5 Mandatory. Carbon tetrachloride shall not be used.

77.23-6 Protruding nails which may cause injury should be removed or completely bent over.

77.23-7 Employees should be constantly alert to the potential of accidents on their jobs.

77.23-8 Toilet facilities should be provided at convenient locations and should be kept clean and sanitary.

77.23-9 Mandatory. Dusts suspected of being explosive shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

77.23-10 Mandatory. If failure of a water or silt retaining dam will create a hazard it shall be of substantial construction and inspected at regular intervals.

**Surface Only**

77.23-20 Mandatory. Access to unattended mine openings shall be restricted by gates on doors, or the openings shall be fenced and posted.

77.23-21 Mandatory. Upon abandonment of a mine, the owner or operator shall effectively close or fence off all surface openings down which persons could fall or through which persons could enter. Upon or near all such safeguards, trespass warnings and appropriate danger notices shall be posted.

**Underground Only**

77.23-30 Mandatory. Whenever any working place in a mine is being advanced in an area where a dangerous inrush of water, silt, or gas may be encountered, test holes of sufficient depth, proper orientation, and number shall be drilled in advance of such workings to ensure that, at least 20 feet of tested ground remains to prevent an uncontrollable inrush after any blast advancing the face.

77.23-31 Mandatory. Underground. In areas where dangerous accumulations of water, gas, mud, or fire atmospheres could be encountered, men shall be removed to safe places before blasting.

77.23-32 Mandatory. Telephone service or equivalent two-way communication facilities should be provided from underground working areas to the surface.

§ 57.24 Savings provision.

77.24-1 Unless otherwise specified herein, nothing contained in these standards shall prevent the continued utilization of equipment, facilities or structures, including mine workings, now in use, which fail in whole or in part to meet the requirements of these standards, Provided:

(a) That such equipment, facilities, and structures are utilized in a safe manner and are maintained in safe condition.

(b) That any equipment, facilities, and structures which do not meet the mandatory specifications and safety standards set forth herein shall not be used after January 1, 1972, unless modified to conform to such standards.

(c) That all replacements of or additions to existing equipment, facilities or structures made after the effective date of these standards shall conform to such standards.

77.24-2 Nothing contained in § 57.24-1 above, shall be construed to conflict with, or limit, the authority which the Act or the Bureau to issue orders pursuant to section 6(a) of the Act.

77.24-4 Nothing contained in § 57.24-1 above, shall be construed to limit or conflict with any standards contained herein which prohibit specific unsafe work procedures or which require specific safe work procedures to be followed.

[FR. Doc. 69-478; Filed, Jan. 15, 1969; 6:45 a.m.]