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Agriculture Department
Business and Defense Services
Administration
Civil Aeronautics Board
Coast Guard
Consumer and Marketing Service
Federal Aviation Administration
Federal Highway Administration
Federal Power Commission
Federal Reserve System
Federal Trade Commission
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Labor Standards Bureau
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Just Released

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Title 7—AGRICULTURE

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

[Grapefruit Reg. 20, Amdt. 1]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Texas Valley Citrus Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of grapefruit.

Order. The provisions of paragraph (a) (1) (ii) of § 906.341 Grapefruit Regulation 20 (33 F.R. 14068) are amended to read as follows:

§ 906.341 Grapefruit Regulation 20.

(a) *Order.* (1) * * *

(i) * * *

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than $3\frac{3}{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than $3\frac{3}{16}$ inches in diameter: *Provided*, That during the period April 1 through April 18, 1969, grapefruit grading at least U.S. No. 1, and not smaller than $3\frac{3}{16}$ inches in diameter, with not more than 10 percent, by count, of such grapefruit in any lot of con-

tainers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot smaller than $3\frac{3}{16}$ inches in diameter, may be handled; or

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

Dated: April 1, 1969.

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

[F.R. Doc. 69-4017; Filed, Apr. 3, 1969; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-SO-118]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones, Transition Area, and Designation of Transition Area

On January 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1054) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the terminal airspace in the vicinity of Pensacola, Fla.

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

In consideration of the foregoing, the proposed amendments are hereby adopted, effective, 0901 G.m.t., May 29, 1969, subject to the following changes:

In Item 1, delete "(33 F.R. 2058)" and substitute "(34 F.R. 4557)" therefor. Also, delete "control zone" following "Pensacola, Fla. (Municipal Airport)", "Pensacola, Fla. (NAS Saufley Field)", "Pensacola, Fla. (NAS Saufley-Forrest Field)" and "Milton, Fla. (NAS Whiting Field (North))". In Item 2, delete "(33 F.R. 2137 and 138)" and substitute "(34 F.R. 4637)" therefor. In the Pensacola, Fla., transition area, delete "to lat. 30°18'00" N., long. 87°00'00" W.". These coordinates are superfluous.

(Sec. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854; 24 F.R. 9596; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 1, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

1. In § 71.171 (34 F.R. 4557) control zones are amended as follows:

PENSACOLA, FLA. (MUNICIPAL AIRPORT)

Within a 5-mile radius of Pensacola Municipal Airport (lat. 30°28'25" N., long. 87°11'10" W.); within 2 miles each side of the 167° bearing from Pickens RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; within 2 miles each side of the 331° bearing from the Brent LOM, extending from the 5-mile radius zone to 8 miles northwest of the LOM; and within the portion of a 4-mile radius of NAS Ellyson Field (lat. 30°31'30" N., long. 87°11'45" W.); extending clockwise from a line 2 miles northeast of and parallel to the 331° bearing of the Brent LOM to the 5-mile radius zone.

PENSACOLA, FLA. (NAS SAUFLEY FIELD)

Within a 5-mile radius of NAS Saufley Field (lat. 30°28'15" N., long. 87°20'30" W.); within 2 miles each side of the 214° bearing from Navy Saufley RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN; and within 2 miles each side of the Saufley VOR 234° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR, excluding the portions within the Pensacola (Municipal Airport) and NAS Pensacola (Forrest Sherman Field) control zones.

PENSACOLA, FLA. (NAS PENSACOLA-FORREST SHERMAN FIELD)

Within a 5-mile radius of NAS Pensacola (Forrest Sherman Field) (lat. 30°21'15" N., long. 87°19'00" W.); within 2 miles each side of the 219° bearing from NAS Pensacola LF RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN; within 2 miles each side of the 174° bearing from NAS Pensacola UHF RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; within 2 miles each side of NAS Pensacola TACAN 235° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the TACAN.

MILTON, FLA. (NAS WHITING FIELD (NORTH))

Within a 5-mile radius of NAS Whiting Field (North) (lat. 30°43'15" N., long. 87°01'45" W.); within 2 miles each side of the Navy Whiting TACAN 309° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN.

2. In § 71.181 (34 F.R. 4637) the Milton, Fla., transition area is added, and the Pensacola, Fla., transition area is amended as follows:

MILTON, FLA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of NAS Whiting Field (North) (lat. 30°43'15" N., long. 87°01'45" W.); within 2 miles each side of the 315° bearing from Navy Whiting RBN, extending from the 6-mile radius area to 8 miles northwest of the RBN; within 2 miles each side of Navy Whiting TACAN 309° radial, extending from the 6-mile radius area to 8 miles northwest of the TACAN, and within a 1.5-mile radius of Mil-

ton "T" (Private) Field (lat. 30°38'15" N., long. 86°59'20" W.).

PENSACOLA, FLA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Pensacola Municipal Airport (lat. 30°28'25" N., long. 87°11'10" W.); within 8 miles southwest and 5 miles northeast of the 331° bearing from the Brent LOM, extending from the 8-mile radius area to 12 miles northwest of the LOM; within a 6-mile radius of NAS Saufley Field (lat. 30°28'15" N., long. 87°20'30" W.); within 8 miles southeast and 5 miles northwest of Saufley VOR 234° radial, extending from the 6-mile radius area to 12 miles southwest of the VOR; within a 9-mile radius of NAS Pensacola (Forrest Sherman Field) (lat. 30°21'15" N., long. 87°19'00" W.); within 7 miles each side of the NAS Pensacola (Forrest Sherman Field) Runways 6/24 and 18/36 extended centerlines, extending from the 9-mile radius area to 12 miles northeast, south and southwest of the airport; and that airspace extending upward from 1200 feet above the surface bounded by a line beginning at lat. 30°15'00" N., long. 87°41'00" W., thence north to lat. 30°50'00" N., long. 87°48'00" W., thence to the southeast boundary of V-208 and lat. 31°00'00" N., thence northeast along the southeast boundary of V-208 to and counterclockwise along the arc of a 14-mile radius circle centered at Monroeville, Ala. VOR, to and east along the south boundary of V-70, to and south along the west boundary of V-115 to lat. 30°50'00" N., to lat. 30°42'45" N., long. 86°45'45" W., to lat. 30°38'45" N., long. 86°55'00" W., to lat. 30°35'35" N., long. 86°56'40" W., thence clockwise along the arc of a 25-mile radius circle centered at NAS Saufley Field to lat. 30°22'05" N., thence to lat. 30°21'15" N., long. 87°00'50" W., to lat. 30°18'20" N., long. 87°00'00" W., to lat. 29°54'00" N., long. 87°15'17" W., thence clockwise along the arc of a 30-mile radius circle centered on NAS Pensacola LP RBN, to lat. 30°02'50" N., long. 87°42'20" W., to lat. 30°04'00" N., long. 87°41'20" W., thence clockwise along the arc of a 30-mile radius circle centered on NAS Pensacola TACAN, to lat. 30°09'45" N., long. 87°45'45" W., to point of beginning.

[F.R. Doc. 69-3977; Filed, Apr. 3, 1969; 8:50 a.m.]

[Airspace Docket No. 68-SO-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration, Revocation and Extension of Federal Airway Segments; Alteration of Transition Areas

On January 24, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1170) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would realign segments of VOR Federal airways Nos. 16 and 57; extend VOR Federal airway No. 49 and alter portions of the Hopkinsville, Ky., and Nashville, Tenn., transition areas.

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

Although not mentioned in the notice, action is taken herein to make additional

amendments which are editorial to segments of V-57 and V-209, and to redescribe portions of the boundaries of the Birmingham, Ala., and Muscle Shoals, Ala., transition areas. These editorial amendments would extend V-209 from Birmingham to Bowling Green as a direct replacement for V-57 between these points and would substitute V-209 for V-57 in the descriptions of the Birmingham and Muscle Shoals transition area. These amendments are being made to provide safety and eliminate potential traffic conflicts which may arise through use of similar phonic sounding airway numbers (V-7 and V-57) in the vicinity of the Atlanta/Memphis Air Traffic Control Center Boundary north of Birmingham. The extent of controlled airspace will not be altered by these additional amendments.

Since these additional editorial amendments are minor in nature, notice and public procedure hereon is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

1. Section 71.123 (34 F.R. 4509) is amended as follows:

a. In V-16 "INT Jacks Creek 044° and Nashville 284° radials;" is deleted and "INT Jacks Creek 049° and Nashville 288° radials;" is substituted therefor.

b. In V-49 "From Bowling Green, Ky.," is deleted and "From Jacks Creek, Tenn., 12 AGL Bowling Green, Ky.;" is substituted therefor.

c. In V-57 all before "From Lexington, Ky." is deleted.

d. In V-209 "12 AGL Decatur, Ala., including a 12 AGL E alternate via INT Birmingham 013° and Decatur 130° radials, and a 12 AGL W alternate via INT Birmingham 335° and Decatur 205° radials; 12 AGL Graham, Tenn.; 12 AGL INT Graham 006° and Bowling Green, Ky., 230° radials; 12 AGL to Bowling Green." is added to the end of text.

2. Section 71.181 (34 F.R. 4637) is amended as follows:

a. In the description of "Birmingham, Ala." whenever "V-57E" appears "V-209E" is substituted therefor.

b. In the description of "Muscle Shoals, Ala." whenever "V-57" appears "V-209" is substituted therefor.

c. In the description of "Nashville, Tenn." all after "to 12 miles southeast of the Sewart RBN;" is deleted and "and that airspace extending upward from 1,200 feet above the surface beginning at the intersection of the southeast boundary of V-209 and the arc of a 36-mile circle centered at the Nashville Metropolitan Airport, thence clockwise along this arc to and southeast along the southwest boundary of V-243, to and clockwise along the arc of a 43-mile circle centered at Sewart Air Force Base to long. 86°20'00" W., thence south to the intersection of a line 5 miles north of and parallel to the Muscle Shoals, Ala., VORTAC 066° radial and the arc of a 31-mile circle centered at lat. 34°46'30" N., long. 86°36'30" W., thence counterclockwise along this arc to and north along the east boundary of V-209 to and east

along the south boundary of V-16, to and clockwise along the arc of a 30-mile circle centered at the Nashville Metropolitan Airport, to and west along the north boundary of V-16N, to and northeast along the southeast boundary of V-209 to the point of beginning." is substituted therefor.

d. In the description of "Hopkinsville, Ky." "on the southeast by V-57, on the south by V-16N and V-140," is deleted and "on the southeast by V-49 and on the south by V-140," is substituted therefor.

(Sec. 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 April 1, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 69-3960; Filed, Apr. 3, 1969; 8:49 a.m.]

[Airspace Docket No. 68-WA-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation, Alteration, and Revocation of Transition Areas, and Additional Control Area

On January 10, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 402) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would redescribe, alter, revoke and designate the controlled airspace within the State of Florida and its coastal waters by designating the Florida transition area.

On January 23, 1969, a notice of proposed rule making (Airspace Docket No. 67-SO-118), was published in the FEDERAL REGISTER (34 F.R. 1054) which proposed, in part, the alteration of the Pensacola, Fla., transition area. That airspace action has been coordinated with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854. This final rule will include the 1200-foot floor portion of that proposal which would extend more than 3 nautical miles offshore.

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., May 29, 1969, as hereinafter set forth.

1. In § 71.163 (34 F.R. 4549) the Avon Park, Fla., additional control area is revoked.

2. Section 71.181 (34 F.R. 4637, 4942) is amended as follows:

a. The Florida transition area is added as follows:

FLORIDA

That airspace extending upward from 1,200 feet above the surface: within the boundary of the State of Florida including the airspace within 3 nautical miles of and parallel to the shoreline of Florida; that airspace east of Jacksonville, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from lat. 30°43'05" N., long. 81°21'00" W., thence to lat. 30°44'00" N., long. 81°18'10" W., thence clockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC, to and east along lat. 30°17'30" N., to long. 81°01'30" W., thence to lat. 30°09'00" N., long. 81°02'15" W., to lat. 29°54'00" N., long. 81°02'15" W., to lat. 29°56'00" N., long. 81°14'50" W.; that airspace east of Melbourne, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline, and the arc of a 25-mile radius circle centered on Patrick AFB, Cocoa, Fla. (lat. 28°14'05" N., long. 80°36'35" W.); that airspace east of Palm Beach, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and the arc of a 30-mile radius circle centered on the Palm Beach VORTAC; that airspace east and south of Miami, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and the arc of a 50-mile radius circle centered on the Miami International Airport (lat. 25°47'35" N., long. 80°17'10" W.); that airspace surrounding Key West, Fla., beginning at lat. 25°04'05" N., long. 81°58'15" W., thence clockwise along the arc of a 35-mile radius circle centered on the Key West VORTAC to lat. 24°08'50" N., long. 82°04'35" W., to lat. 24°13'00" N., long. 82°02'30" W., to lat. 24°13'00" N., long. 82°21'00" W., to lat. 24°25'00" N., long. 82°32'00" W., to lat. 24°45'00" N., long. 82°32'00" W., to lat. 24°45'00" N., long. 81°56'50" W., to lat. 24°49'00" N., long. 81°55'00" W., to point of beginning; that airspace northeast of Key West bounded on the west by B-19, on the south and east by V-35 and on the north by the arc of a 50-mile radius circle centered on the Miami International Airport; that airspace southwest of Fort Myers, Fla., bounded by a line 3 nautical miles from the shoreline and the arc of a 20-mile radius circle centered on the Fort Myers VORTAC; that airspace north, west, and south of Tampa, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from lat. 26°30'00" N., and a point 3 nautical miles from the shoreline, thence west along lat. 26°30'00" N., to the east boundary of W-168, thence north and west along the boundary of W-168, to long. 83°42'00" W., thence to the north boundary of Control 1226 at long. 83°47'50" W., thence east along the north boundary of Control 1226, to and clockwise along the arc of a 42-mile radius circle centered on MacDill AFB (lat. 27°51'05" N., long. 82°31'15" W.) to a point 3 nautical miles from the shoreline; that airspace south of Panama City, Fla., bounded by a line 3 nautical miles from the shoreline and a line extending from lat. 29°43'10" N., long. 85°27'00" W., to lat. 30°04'00" N., long. 85°56'00" W., to lat. 30°11'10" N., long. 85°56'00" W.; that airspace south of Eglin AFB bounded by a line 3 nautical miles from the shoreline and a line extending from lat. 30°19'45" N., long. 86°23'45" W., to lat. 29°54'00" N., long. 86°16'00" W., to lat. 29°54'00" N., long. 86°45'50" W., to lat. 30°20'50" N., long. 86°39'50" W.; that airspace south of Pensacola, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from lat. 30°18'20" N., long. 87°00'00" W., to lat. 29°54'00" N., long. 87°15'17" W., thence clockwise along the arc of a 30-mile radius circle centered on NAS Pensacola LP RBN, to lat. 30°02'50" N., long. 87°42'20" W., to lat. 30°04'00" N.,

long. 87°41'20" W., thence clockwise along the arc of a 30-mile radius circle centered on NAS Pensacola TACAN, to lat. 30°09'45" N., long. 87°45'45" W., to lat. 30°11'20" N., long. 87°44'15" W., thence along a line 3 nautical miles from and parallel to the shoreline to lat. 30°13'15" N., long. 87°32'55" W.; that airspace southwest of Miami extending upward from 1,700 feet MSL bounded on the northeast by a line 3 nautical miles from and parallel to the shoreline, on the southeast by V-51, on the south by the arc of a 35-mile radius circle centered on the Key West VORTAC and on the west by V-225E; that airspace extending upward from 2,000 feet MSL; east of Jacksonville beginning at lat. 30°44'00" N., long. 81°18'10" W., to lat. 30°45'15" N., long. 80°58'50" W., to lat. 30°17'30" N., long. 81°01'30" W., thence west along lat. 30°17'30" N., to and counterclockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC to point of beginning; that airspace south of Marathon, Fla., bounded on the north by V-35, on the east by long. 80°25'00" W., on the south by lat. 24°20'00" N., and on the west by Control 1233; that airspace southwest of Fort Myers, Fla., bounded on the south by Control 1230, on the east by V-225, on the northeast by the arc of a 25-mile radius circle centered on the Fort Myers VORTAC, on the north by lat. 26°30'00" N., and on the west by W-168 and a line extending from lat. 26°10'00" N., long. 82°17'00" W., to the north boundary of Control 1230 at long. 82°15'00" W.; that airspace northwest of Tampa bounded on the east by V-35W, on the southwest and northwest by V-97E; that airspace west of Tampa extending upward from 4,700 feet MSL bounded on the northeast by V-97 and V-97W, on the southeast by the arc of a 42-mile radius circle centered on MacDill AFB, on the south by Control 1226, on the northwest by the Cross City VOR 212° radial from the southwest boundary of V-97 to the St. Petersburg VORTAC 280° radial, then west along this radial to Control 1226, excluding; That portion within W-151 east of the INT of the north boundary of Control 1226, and the St. Petersburg VORTAC 280° radial; that portion within R-2909; that portion southeast of a line extending from lat. 29°43'35" N., long. 84°39'00" W., to lat. 29°47'00" N., long. 84°40'00" W., to lat. 29°52'30" N., long. 84°34'40" W., thence to the west boundary of V-7W at lat. 29°52'30" N.

b. In the Daytona Beach, Fla., transition area, all after " * * * excluding that airspace outside of the continental limits of the United States." is deleted.

c. In the Eglin AFB, Fla., transition area, all after " * * * and within a 7-mile radius of Hurlburt AFB, Fla." is deleted and "(lat. 30°25'40" N., long. 86°41'20" W.)" is substituted therefor.

d. In the Fort Myers, Fla., transition area, all after " * * * within 2 miles each side of the 219° bearing from the Fort Myers RBN" is deleted and "extending from the 8-mile radius area to 8 miles southwest of the RBN." is substituted therefor.

e. In the Gainesville, Fla., transition area, all after " * * * Stengel Field Airport" is deleted and "(lat. 29°37'30" N., long. 82°22'35" W.)" is substituted therefor.

f. In the Jacksonville, Fla., transition area, all after " * * * within an 8-mile radius of NAS Cecil Field" is deleted and "(lat. 30°13'05" N., long. 81°52'45" W.)" is substituted therefor.

g. In the Key West, Fla., transition area, all after " * * * within 2 miles each side of the Navy Key West TACAN 246° radial," is deleted and "extending from the 7-mile radius area to 16 miles southwest of the TACAN." is substituted therefor.

h. In the Melbourne, Fla., transition area, all after " * * * within an 8-mile radius of Patrick AFB, Cocoa, Fla." is deleted and "(lat. 28°14'05" N., long. 80°36'35" W.)" is substituted therefor.

i. In the Miami, Fla., transition area, all after " * * * within 2 miles each side of the Homestead ILS localizer northeast course," is deleted and "extending from the 7-mile radius area to 9 miles northeast of Homestead AFB." is substituted therefor.

j. In the Ocala, Fla., transition area, all after " * * * within 2 miles each side of the Ocala VORTAC 171° radial," is deleted and "extending from the 9-mile radius area to 9 miles south of the VORTAC." is substituted therefor.

k. In the Orlando, Fla., transition area, all after " * * * within 5 miles east and 8 miles west of the McCoy ILS localizer south course" is deleted and "extending from McCoy AFB to 12 miles south of the LOM." is substituted therefor.

l. In the Pahokee, Fla., transition area, all after " * * * within 2 miles each side of the Pahokee VORTAC 342° radial" is deleted and "extending from the 5-mile radius area to 9 miles north of the VORTAC." is substituted therefor.

m. In the Palm Beach, Fla., transition area, all after " * * * Palm Beach International Airport" is deleted and "(lat. 26°41'05" N., long. 80°05'35" W.)" is substituted therefor.

n. In the Panama City, Fla., transition area, all after " * * * within an 8-mile radius of Tyndall AFB (lat. 30°04'15" N., long. 85°34'30" W.);" is deleted and "excluding that airspace outside of the continental limits of the United States." is substituted therefor.

o. In the Stuart, Fla., transition area, all after " * * * WSTU Commercial Broadcast Station (lat. 27°12'58" N., long. 80°15'19" W.)" is deleted and " * * * extending from the 5-mile radius area to 11 miles northwest of the WSTU Commercial Broadcast Station." is substituted therefor.

p. In the Tampa, Fla., transition area, all after " * * * extending from the Peter O. Knight 5-mile radius area to 8 miles northeast of the LOM." is deleted.

q. In the Vero Beach, Fla., transition area, all after " * * * within 2 miles each side of the Vero Beach VORTAC 150° radial" is deleted and "extending from the 5-mile radius area to the Vero Beach VORTAC." is substituted therefor.

r. The Marathon, Fla., transition area is revoked.

s. The Sanibel, Fla., transition area is revoked.

t. The Taylor, Fla., transition area is revoked.

(Sec. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854; 24 F.R. 9565; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 28, 1969.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 69-3961; Filed, Apr. 3, 1969;
8:40 a.m.]

[Airspace Docket No. 68-SO-98]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway and Reporting Point

On January 24, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1172) stating that the Federal Aviation Administration was considering the revocation of Blue Federal airway No. 48 from Gulfstream INT (INT Bimini, Bahamas, RBN 216° and Portland, Fla., RBN 145° bearings); to the Portland RBN. It was also proposed to revoke the Gulfstream INT as a designated reporting point.

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., May 29, 1969, as hereinafter set forth.

1. In § 71.109 (34 F.R. 4508) the following change is made: "B-48 From INT Bimini, Bahamas, RBN 216° and Portland, Fla., RBN 145° bearings; 12 AGL Portland, RBN." is deleted.

2. In § 71.209 (34 F.R. 4802) the following change is made: "Gulfstream INT: INT 216° bearing Bimini, Bahamas, RBN, 145° bearing Portland, Fla., RBN." is deleted.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854; 24 F.R. 9565; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 1, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 69-3962; Filed, Apr. 3, 1969;
8:49 a.m.]

[Airspace Docket No. 69-WA-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation and Addition of Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke Harriet, Alaska, Intersection and Shemya, Alaska, RBN as high altitude reporting points and add Saint Paul, Alaska, RBN as a high altitude reporting point.

Air traffic control requirements periodically change with regard to specific reporting points due to modifications of operating procedures or alteration of air-

way and jet route configurations. Recent changes obviate the requirements for Harriet Intersection and Shemya RBN as high altitude reporting points but necessitate the addition of Saint Paul RBN as a reporting point.

Since this amendment is minor in nature and one in which the public is not particularly interested, notice and public procedure hereon is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

In § 71.213 (34 F.R. 4805) "Harriet INT:" and "Shemya, Alaska, RBN" are deleted and "Saint Paul, Alaska, RBN" is added.

(Sec. 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 April 1, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 69-3963; Filed, Apr. 3, 1969;
8:49 a.m.]

[Airspace Docket No. 68-WE-103]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On January 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1401) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Visalia, Calif., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following changes:

1. The NPRM stated in part the Visalia control zone was amended by deleting " * * * from 0700 to 2100 hours local time daily." This should be changed to read " * * * effective from 0800 to 1900 hours local time daily."

2. Change the FEDERAL REGISTER citation to read "In § 71.171 (34 F.R. 4557) * * *"

Since these changes are minor in nature, notice and public procedure hereon are unnecessary.

Effective date. This amendment shall be effective 0901 G.m.t., May 1, 1969.

Issued in Los Angeles, Calif., on March 25, 1969.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the Visalia, Calif., control zone is amended by deleting " * * * from 0800 to 1900 hours." and substituting therefor, "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously

published in the Airman's Information Manual."

[F.R. Doc. 69-3935; Filed, Apr. 3, 1969;
8:48 a.m.]

[Airspace Docket No. 69-WE-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the descriptions of the Pullman Wash., control zone and transition area.

Amendments to the approach procedure for Pullman-Moscow Airport are proposed utilizing the 047° T (027° M) radial in lieu of the current 049° T (029° M) final approach radial. In addition the procedure turn and holding radial will be changed from the current 229° T (209° M) radial to the 232° T (212° M) radial. Action is taken herein to reflect these changes to provide controlled airspace for aircraft executing the revised instrument procedures.

In view of the foregoing in § 71.171 (34 F.R. 4557) the Pullman, Wash., control zone is amended by deleting " * * * 049° * * *" where it appears in the text and substitute " * * * 047° * * *" therefor.

In § 71.181 (34 F.R. 4637) the Pullman, Wash., transition area is amended to read as follows:

PULLMAN, WASH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pullman-Moscow Regional Airport (latitude 46°44'40" N., longitude 117°06'30" W.) and within 2 miles each side of the Pullman VOR (latitude 46°40'25" N., longitude 117°13'30" W.) 232° and 047° radials extending from the 5-mile radius area to 3 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 9 miles northwest and 6 miles southeast of the Pullman VOR 052° and 232° radials extending from 17.5 miles southwest to 7.5 miles northeast of the VOR.

Since these changes are minor in nature and impose no additional burden on any person, notice and public procedures hereon are unnecessary.

Effective date. These amendments shall be effective 0901 G.m.t., May 29, 1969.

Issued in Los Angeles, Calif., on March 25, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-3936; Filed, Apr. 3, 1969;
8:48 a.m.]

[Airspace Docket No. 69-EA-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to realign a segment of V-214

from the INT of Appleton, Ohio, 236° T (238° M) and Zanesville, Ohio, 274° T (277° M) radials; 1,200 feet AGL to Zanesville. This segment is designated in part from the Columbus, Ohio, Port Columbus Airport ILS localizer 1,200 feet AGL to Zanesville. Because this segment of V-214 is predicated in part on the ILS localizer, the maximum authorized altitude of the airway is 4,000 feet MSL. Although this action would align V-214 only 1 degree, basing it on VORTAC radials would permit use of the airway above 4,000 feet MSL.

Since this amendment is minor in nature notice and public procedure hereon is unnecessary. However, since it is necessary to allow sufficient time to permit the appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

In V-214 "From Columbus, Ohio, Port Columbus Airport ILS localizer, 12 AGL Zanesville, Ohio;" is deleted and "From INT Appleton, Ohio, 236° and Zanesville, Ohio, 274° radials; 12 AGL Zanesville;" is substituted therefor.

(Sec. 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 March 27, 1969.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 69-3937; Filed, Apr. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-117]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway and Transition Area Revocation of Federal Airway

On January 16, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 625) stating that the Federal Aviation Administration was considering the realignment of V-100 from Medicine Bow, Wyo., 12 AGL, Scottsbluff, Nebr.; 12 AGL Alliance Nebr.; 12 AGL Ainsworth, Nebr.; 12 AGL O'Neill, Nebr. It was also proposed to revoke V-168 from Scottsbluff to O'Neill and to alter the Douglas, Wyo., transition area.

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., May 29, 1969, as hereinafter set forth.

1. Section 71.123 (34 F.R. 4509) is amended as follows:

a. In V-100 all before "12 AGL O'Neill, Nebr.;" is deleted and "From Medicine Bow, Wyo., 12 AGL Scottsbluff, Nebr.; 12 AGL Alliance, Nebr.; 12 AGL Ainsworth, Nebr.;" is substituted therefor.

b. V-168 is revoked.

2. Section 71.181 (34 F.R. 4637) is amended as follows:

In the Douglas, Wyo., transition area "on the south by V-524," is deleted and "on the south by V-100," is substituted therefor.

(Sec. 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 March 27, 1969.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 69-3938; Filed, Apr. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area and Alteration of Continental Control Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to revoke the McGregor, N. Mex., Restricted Area R-5103B and to delete this area from the continental control area.

The Department of the Army has advised the Federal Aviation Administration that Restricted Area R-5103B is no longer required. Accordingly, action is taken herein to revoke this restricted area.

Since these amendments are minor in nature, notice and public procedure hereon are unnecessary and for that reason may be made effective in less than 30 days.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective immediately, as hereinafter set forth.

1. In § 73.51 (34 F.R. 4837) Restricted Area R-5103B McGregor, N. Mex., is revoked.

2. In § 71.151 (34 F.R. 4546) "R-5103B McGregor, N. Mex.," is deleted.

(Sec. 307, 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 March 27, 1969.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 69-3942; Filed, Apr. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 68-SW-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration and Designation of Federal Airways and Jet Routes

On September 26, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 14469) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter and designate certain VOR Federal airways and jet routes in the Greater Houston, Tex., terminal area.

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

Subsequent to the publication of the Notice, the FAA has determined that several minor airway alignments within the Houston terminal area should be made to further the safe and expeditious movement of terminal air traffic. These adjustments would not alter the extent of controlled airspace. Accordingly, action is taken herein to effect the following airspace actions:

1. Realign V-20N alternate segments from Palacios, Tex., to Houston, and from the Crosby, Tex., intersection to Beaumont, Tex. The realignments would utilize the Houston 251° T (243° M) radial and the Beaumont 271° T (264° M) radials in lieu of the Houston 252° T (244° M) and Beaumont 272° T (265° M) radials. These realignments would adjust V-20N alternate segment between Palacios and Houston to intersect at the centerline of V-180 at the Rosenberg, Tex., intersection, and adjust V-20N alternate segment between Crosby Intersection and Beaumont to overlie the centerline of V-222 airway.

2. Realign V-13W segment between Humble, Tex., and Lufkin, Tex., and V-477E segment between Leona, Tex., and Humble by use of the Lufkin 218° T (210° M), Leona 139° T (131° M), and Humble 002° T (354° M) radials in lieu of the radials proposed in the notice. These realignments would provide for a more accurate intersection of the airways at the New Waverly, Tex., intersection.

3. Designate V-15E segment from Houston via Humble to Navasota, Tex. This alternate segment designation would preclude the designation of the airway segment from Navasota via Humble to Sabine Pass, Tex., as proposed in the notice.

Since these realignments and designations are minor and the public is not particularly interested in these changes, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation

Regulations are amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

1. Section 71.123 (34 F.R. 4509) is amended as follows:

a. In V-13, all before "12 AGL Shreveport, La.," is deleted and "From Houston, Tex., 12 AGL Humble, Tex.; 12 AGL Lufkin, Tex., including a 12 AGL east alternate from Houston to Lufkin via Daisetta, Tex., and a 12 AGL west alternate from Humble to Lufkin via INT Humble 002° and Lufkin 218° radials;" is substituted therefor.

b. In V-15 all between "12 AGL via Houston, Tex.;" and "12 AGL Waco, Tex.;" is deleted and "12 AGL Navasota, Tex., including a 12 AGL east alternate from Houston to Navasota via Humble, Tex.; 12 AGL College Station, Tex., including a 12 AGL west alternate from Houston to College Station via the INT of Houston 287° and College Station 149° radials;" is substituted therefor.

c. In V-20 all between "12 AGL Houston, Tex.;" and "12 AGL Lake Charles, La.;" is deleted and "including a 12 AGL north alternate via INT Palacios 035° and Houston 251° radials, and a 12 AGL south alternate via INT Palacios 064° and Houston 201° radials; 12 AGL Beaumont, Tex., including a 12 AGL north alternate via INT Houston 045° and Beaumont 271° radials;" is substituted therefor.

d. V-22 is revoked.

e. In V-70, "12 AGL Sabine Pass, Tex.;" is deleted and "12 AGL Sabine Pass, Tex., including a 12 AGL north alternate from Palacios to Sabine Pass via Humble, Tex.;" is substituted therefor.

f. In V-198, "12 AGL Houston, Tex." is deleted and "12 AGL Houston, Tex.; 12 AGL INT Houston 090° and Sabine Pass, Tex., 265° radials; 12 AGL Sabine Pass, including a 12 AGL north alternate from Eagle Lake to Sabine Pass via Humble, Tex.; 12 AGL White Lake, La.; 12 AGL Tibby, La.; 12 AGL Harvey, La.; 12 AGL INT Harvey 073° and Brookley, Ala., 240° radials; 12 AGL Brookley; 6 miles wide 12 AGL Navy Saufley, Fla.; 6 miles wide 12 AGL INT Navy Saufley 047° and Crestview, Fla., 251° radials; 6 miles wide 12 AGL Crestview; 12 AGL Marianna, Fla.; 12 AGL Tallahassee, Fla.; 12 AGL Greenville, Fla.; 18 miles, 6 miles wide, 12 AGL Taylor, Fla.; 12 AGL Jacksonville, Fla." is substituted therefor.

g. In V-222, all between "12 AGL Industry;" and "12 AGL McComb, Miss.;" is deleted and "12 AGL Humble, Tex.; 12 AGL Beaumont, Tex.; 12 AGL Lake Charles, La., including a 12 AGL north alternate from Humble to Lake Charles via Daisetta, Tex.;" is substituted therefor.

h. In V-477, all between "From Houston, Tex.;" and "12 AGL INT Leona 338°" is deleted and "12 AGL Humble, Tex.; 12 AGL Leona, Tex., including a 12 AGL east alternate from Humble to Leona via INT of Humble 002° and Leona 139° radials, and a 12 AGL west alternate from Houston to Leona via Navasota, Tex.;" is substituted therefor.

2. Section 75.100 (34 F.R. 4856) is amended as follows:

a. In the text Jet Route No. 2, "Houston, Tex.;" is deleted and "Humble, Tex.;" is substituted therefor.

b. The caption Jet Route No. 15 is amended to read "(Humble, Tex., to Portland, Oreg.);" and in the text Jet Route No. 15 "From Houston, Tex., via INT of the Houston 287° and the Austin, Tex., 113° radials; Austin;" is deleted and "From Humble, Tex., via Austin, Tex.;" is substituted therefor.

c. In the text Jet Route No. 29, "Lufkin, Tex.;" is deleted and "INT of Houston 348° and Lufkin, Tex., 204° radials; Lufkin;" is substituted therefor.

d. In the text Jet Route No. 86, all between "Austin, Tex.;" and "Grand Isle, La.;" is deleted and "Humble, Tex.;" is substituted therefor.

e. In the caption and text Jet Route No. 87 "Houston" is deleted and "Humble" is substituted therefor.

f. In the caption and text Jet Route No. 101 "Houston" is deleted and "Humble" is substituted therefor.

g. In the caption Jet Route No. 138 "San Antonio, Tex." is deleted and "Humble" is substituted therefor.

and in the text Jet Route No. 138 "to San Antonio, Tex." is deleted and "San Antonio, Tex.; to Humble, Tex." is substituted therefor.

(Sec. 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 April 1, 1969.

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69-3959; Filed, Apr. 3, 1969; 8:49 a.m.]

[Airspace Docket No. 69-SW-93]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to modify Restricted Area R-6303, Matagorda Island, Tex., by lowering the designated ceiling.

A review of the utilization reports for Restricted Area R-6303, covering the period from October 1, 1965, through September 30, 1968, revealed that the altitude extending from flight level 450 to flight level 600 was not used by the using agency. The Federal Aviation Administration has determined that the ceiling of Restricted Area R-6303 should be lowered to include only that airspace required to fulfill the known operational requirements of the using agency.

Since this amendment reduces the burden on the public and is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective March 27, 1969, as hereinafter set forth.

In § 73.63 (34 F.R. 4846), the Matagorda Island, Tex., Restricted Area

R-6303 is amended by deleting the present designated altitude and substituting the following therefor:

Designated altitude. Surface to flight level 450.

(Sec. 307, 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 March 27, 1969.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 69-3939; Filed, Apr. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-1]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to modify Restricted Area R-3803, Fort Polk, La., by lowering the designated ceiling.

A review of the annual utilization report for Restricted Area R-3803, covering the period from October 1, 1967, through September 30, 1968, revealed that the altitude between 15,000 feet MSL and 20,000 feet MSL is not needed by the using agency to fulfill its operational requirement.

The Federal Aviation Administration has determined that the ceiling of Restricted Area R-3803 should be lowered to 15,000 feet MSL. The Department of the Army concurs in this determination.

Since this amendment is minor in nature, notice and public procedure hereon is unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective March 27, 1969, as hereinafter set forth.

In § 73.38 (34 F.R. 4829), the Fort Polk, La., Restricted Area R-3803 is amended by deleting the present designated altitude and substituting the following therefor:

Designated altitude. Surface to 15,000 feet MSL.

(Sec. 307, 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 March 27, 1969.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 69-3940; Filed, Apr. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-2]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to modify Restricted Area R-3804C, Fort Polk, La., by lowering the designated ceiling.

A review of the annual utilization report for Restricted Area R-3804C, covering the period from October 1, 1967, through September 30, 1968, revealed that the altitude between 18,000 feet MSL and 29,000 feet MSL is not needed by the using agency to fulfill its operational requirement.

The Federal Aviation Administration has determined that the ceiling of Restricted Area R-3804C should be lowered to 18,000 feet MSL. The Department of the Army concurs in this determination.

Since this amendment is minor in nature, notice and public procedure hereon is unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective March 27, 1969, as hereinafter set forth.

In § 73.38 (34 F.R. 4829), the Fort Polk, La., Restricted Area R-3804C is amended by deleting the present designated altitude and substituting the following therefor.

Designated altitude, 15,000 feet MSL to 18,000 feet MSL.

Sec. 307, Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(e), Department of Transportation Act; 49 U.S.C. 1655(e)

Issued in Washington, D.C., on March 27, 1969.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[P.R. Doc. 69-3941; Filed, Apr. 3, 1969; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-566]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of March 1969.

Pursuant to authority delegated to the undersigned in § 385.19(f) of the Board's Organization Regulations, Part 208 is hereby reissued, effective April 6, 1969, to incorporate all amendments which were in effect on the date of adoption of this ER-566.

By the Civil Aeronautics Board.

[SEAL] JOSEPH B. GOLDMAN,
General Counsel.

Subpart A—General Provisions

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208.33	Flight delays and substitute air transportation (interstate and overseas).
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Subpart C—Provisions Relating to Pro Rata Charters

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REQUIREMENTS RELATING TO AIR CARRIERS

208.200a	Solicitation and formation of a chartering group.
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REQUIREMENTS RELATING TO TRAVEL AGENTS

208.203	Prohibition against double compensation.
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REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

208.210	Solicitation of charter participants.
208.211	Passengers on charter flights.
208.212	Participation of immediate families in charter flights.
208.213	Charter costs.
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208.215	Passenger manifests.

Subpart D—Provisions Relating to Single Entity Charters

208.300	Applicability of subpart.
208.301	Tariffs and terms of service.
208.302	Commissions paid to travel agents.

Subpart E—Provisions Relating to Mixed Charters

208.400	Applicable rules.
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AUTHORITY: The provisions of this Part 208 issued under sec. 204, 72 Stat. 743, 766, secs. 401(d)(3), 401(n), 407, 417, 76 Stat. 143, 144, 145, 146; 49 U.S.C. 1324, 1371(d)(3), 1371(n), 1377, 1387.

Subpart A—General Provisions

§ 208.1 Applicability.

This part contains terms, conditions and limitations on the operating authority of supplemental air carriers, including substantive regulations implementing paragraphs (1), (2), (3) of section 401(n) of the Act. The requirements of

this part shall constitute terms, conditions, and limitations attached to certificates issued pursuant to section 401(d)(3) of the Act. The requirements shall also attach to special operating authorizations issued under section 417 of the Act, and to interim certificates or authorizations issued pursuant to section 7 of Public Law 87-528.

§ 208.2 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

§ 208.3 Definitions.

For the purposes of this part:

(a) "Filing" shall mean filing in compliance with § 302.3(a) of this chapter except that provisions in this part which require filing with Board offices other than the Docket Section shall be controlling.

(b) "Supplemental air carrier" shall mean any air carrier holding a certificate issued under section 401(d)(3) of the Federal Aviation Act of 1958, as amended, or a special operating authorization issued under section 417 of the Federal Aviation Act, or operating authority issued pursuant to section 7 of Public Law 87-528.

(c) "Supplemental air transportation" (other than operations subject to Part 295 of this subchapter) means charter flights in air transportation performed pursuant to (1) an interim certificate or authorization issued under section 7 of Public Law 87-528, or (2) a certificate of public convenience and necessity issued under section 401(d)(3) of the Act authorizing the holder to engage in supplemental air transportation of persons and property between any point in any State of the United States or the District of Columbia, and any other point in any State of the United States or the District of Columbia (exclusive of air transportation within the State of Alaska) or in foreign or overseas supplemental air transportation.

(d) "Agreement" means any oral or written agreement, contract, understanding, or arrangement, and any amendment, revision, modification, renewal, extension, cancellation, or termination thereof.

(e) "Cargo agent" means any person (other than a supplemental air carrier or one of its bona fide regular employees or an indirect air carrier lawfully engaged in air transportation under authority conferred by any applicable part of the economic regulations of the Board) who for compensation or profit (1) solicits, obtains, receives, or furnishes directly or indirectly, property or consolidated shipments of property for transportation upon the aircraft of supplemental air carriers; or (2) procures or arranges for air transportation of property or consolidated shipments of property upon aircraft of a supplemental air

carrier by charter, lease, or any other arrangement.

(f) [Reserved]

(g) "Ticket agent" means any person (other than a supplemental air carrier or one of its bona fide regular employees) who for compensation or profit (1) solicits, obtains, receives, or furnishes directly or indirectly, passengers or groups of passengers for transportation upon the aircraft of a supplemental air carrier; or (2) procures or arranges for air transportation of passengers or groups of passengers upon aircraft of a supplemental air carrier by charter, lease, or any other arrangement.

(h) "Pro rata charter" means a charter, the cost of which is divided among the passengers transported.

(i) "Single entity charter" means a charter, the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

(j) "Mixed charter" means a charter, the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

(k) "Person" means any individual, firm, association, partnership, or corporation.

(l) "Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

(m) "Charter group" means that body of individuals who shall actually participate in the charter flight.

(n) "Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

(o) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

(p) "Solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by an air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (i) of this subparagraph, or only to members of a subgroup thereof. In this con-

text, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (i) of this subparagraph: *Provided*, That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

(q) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a single school, and immediate families thereof, (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof, or (3) participants in a study group. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

(r) "Study group" means a charter group comprised of bona fide participants in a formal academic study course abroad and in which (1) the charterer is an educational institution or (2) such study course is for a period of at least 4 weeks' duration at an educational institution abroad. As used in this paragraph, the term "educational institution" means a bona fide school which (1) is empowered to grant college degrees or secondary school diplomas by the government of one of the 50 states of the United States, the District of Columbia, a U.S. territory or possession or a foreign country and (ii) is operated as a school on a year-round basis. An aircraft may carry a maximum of three study groups: *Provided*, That if more than one group is carried each of the groups shall consist of 40 or more study group participants: *And provided, further*, That the entire aircraft is chartered to a single study group charterer.

(s) "Charter flight" (other than transportation pursuant to authority conferred under section 7 of Public Law 87-528) means—

(1) Air transportation of persons and/or property pursuant to contracts with the Department of Defense where the entire capacity of one or more aircraft has been engaged by the Department, and

(2) Air transportation performed by a direct air carrier on a time, mileage or trip basis where—

(i) The entire capacity of one or more aircraft has been engaged for the movement of persons and property—

(a) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel or company property, or in cases of emergency, of commercial traffic);

(b) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and/or their property, as agent or representative of such group;

(c) By two or more persons acting jointly for the transportation of themselves and/or their property or a group of persons and/or their property;

(d) By an airfreight forwarder or international air freight forwarder holding a currently effective letter of registration under Part 296 or Part 297 of this subchapter for the carriage of property in air transportation, or by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense;

(e) By a tour operator or a foreign tour operator as defined in Part 378 of this chapter; or

(ii) Less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage—

(a) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic);

(b) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and their personal baggage, as agent or representative of such group;

(c) By two or more persons acting jointly for the transportation of themselves and their personal baggage or a group of persons and their personal baggage;

Provided, That, with respect to subdivision (ii), a maximum of three groups may be chartered on one aircraft and each group shall consist of 40 or more passengers; and *Provided, further*, That subdivision (ii) shall not be construed to apply to movements of property and shall not be construed to apply to the charter of less than the entire capacity of an aircraft by an indirect air carrier or a tour operator or a foreign tour operator.

(1) In the case of air carriers authorized pursuant to section 7 of Public Law 87-528, the term "charter flights" means charter trips as defined in such carriers' interim certificates or authorizations.

(2) A supplemental air carrier may utilize any unused space for the transportation of the carrier's own personnel and property, with the consent of the charterer or charterers.

(t) "Substitute service" means the performance by an air carrier of foreign or overseas air transportation, or air transportation between the 48 contiguous States, on the one hand, and the

State of Alaska or Hawaii, on the other hand, in plane-load lots pursuant to an agreement with another air carrier to fulfill such other air carrier's contractual obligation to perform such air transportation for the Department of Defense and when the performance of such air transportation is not to take place during a period longer than 3 weeks.

(u) "Indirect air carrier" means any citizen of the United States who engages indirectly in air transportation including air freight forwarders, persons authorized by the Board to transport by air used household goods of personnel of the Department of Defense, and tour operators.

§ 208.3a Waiver

A waiver of any of the provisions of this part may be granted by the Board upon the submission by an air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

§ 208.4 Passenger names and addresses.

Each supplemental air carrier shall maintain a record of the names and addresses of all passengers transported by it on each pro rata charter trip operated in interstate or overseas air transportation. Such record shall be retained in accordance with Part 249 except that it may be maintained at either the principal office or principal operations base of the carrier.

LIABILITY INSURANCE REQUIREMENTS

§ 208.10 Applicability of liability insurance requirements.

(a) No supplemental air carrier shall engage in air transportation unless such carrier has and maintains in effect liability insurance coverage evidenced by a currently effective certificate of liability insurance filed with and accepted by the Board as complying with the requirements of this part; and no supplemental carrier shall operate in air transportation any aircraft, or perform services within any geographical area, to which such insurance does not apply. "Insurance certificate," as used herein, means one or more than one certificate, evidencing one or more than one policy of aircraft liability insurance properly endorsed, issued by one or more than one insurer, which alone or in combination provides the minimum coverage prescribed in § 208.11. When more than one insurer is involved in providing the minimum coverage prescribed herein, the limits and types of liability assumed by each insurer shall be clearly stated in the certificate of insurance.

(b) The insurance coverage and certificate required by this part shall be obtained from a reputable and financially

responsible insurance company or association which is legally authorized to issue aircraft liability policies in one or more States of the United States or in the District of Columbia.

§ 208.11 Minimum limits of liability.

The minimum limits of liability insurance coverage maintained by a supplemental air carrier shall be as follows:

(a) Liability for bodily injury to or death of aircraft passengers: A limit for any one passenger of at least seventy-five thousand dollars (\$75,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying seventy-five thousand dollars (\$75,000) by seventy-five percent (75%) of the total number of passenger seats installed in the aircraft.

(b) Liability for bodily injury to or death of persons (excluding passengers): A limit of at least seventy-five thousand dollars (\$75,000) for any one person in any one occurrence, and a limit of at least five hundred thousand dollars (\$500,000) for each occurrence.

(c) Liability for loss of or damage to property: A limit of at least five hundred thousand dollars (\$500,000) for each occurrence.

§ 208.12 Terms and conditions of insurance coverage.

With respect to insurance required by this part:

(a) Insurance contracts shall provide for payment by the insurer on behalf of the insured supplemental air carrier, within the specified limits of liability, of all sums which the insured carrier shall become legally obligated to pay as damages for bodily injury to or death of any person, or for loss of or damage to property of others, resulting from the negligent operation, maintenance or use of aircraft in air transportation by the insured carrier.

(b) The liability of the insurer shall apply to all operations by the insured carrier in air transportation. The liability of the insurer shall not be subject to any exclusion by virtue of violations, by the insured carrier, of any applicable safety or economic provision of the Federal Aviation Act of 1958, as amended, or Public Law 87-528; or of any applicable safety or economic rule, regulation, order, or other legally imposed requirement prescribed thereunder by the Federal Aviation Agency or the Civil Aeronautics Board, respectively.

(c) The liability of the insurer shall not be contingent upon the financial condition, solvency, or freedom from bankruptcy of the insured. The limits of the insurer's liability for the amounts prescribed herein shall apply separately to each occurrence, and any payment made under the policy because of any one occurrence shall not reduce the liability of the insurer for payment of other damages resulting from any other occurrence.

(d) Within the limits of liability herein prescribed, the insurer shall not be relieved from liability by any condition in the policy or any endorsement

thereon, or violation thereof by the insured air carrier, other than the exclusions set forth in § 208.13, or such other exclusions as may be individually approved by the Board. Cancellation of an approved policy shall be effected only upon written notice to the Board, in accordance with § 208.14(d).

(e) Except for the geographical exclusions authorized in § 208.13 (g) and (h), the coverage shall be worldwide. For good cause shown, however, the Board may waive this requirement or amend the certificate or other operating authority to describe the geographical areas actually served by the supplemental air carrier. Authority for any general restriction (e.g., North American continent, Western Hemisphere, etc.) shall be recited in any endorsement containing a general restriction.

§ 208.13 Authorized exclusions of liability.

Unless other exclusions are individually approved by the Board, no policy or certificate of insurance required by this part shall contain any exclusion other than the following authorized exclusions:

The insurance afforded under this policy shall not apply to:

(a) Any loss against which the Named Insured has other valid and collectible insurance, except that the limits of liability provided under this policy shall be excess of the limits provided by such other valid and collectible insurance up to the limits certified in a Certificate of Insurance issued to the Civil Aeronautics Board in Washington, D.C., but in no event exceeding the limits of liability expressed elsewhere in this policy;

(b) Any loss arising from the ownership, maintenance, or use of any aircraft not declared to the Insurer in accordance with the terms and conditions of this policy;

(c) Liability assumed by the Named Insured under any contract or agreement, unless such liability would have attached to the Insured even in the absence of such contract or agreement;

(d) Bodily injury, sickness, disease, mental anguish, or death of any employee of the Named Insured while engaged in the duties of his employment, or any obligation for which the Named Insured or any company as his Insurer may be held liable under any workmen's compensation or occupational disease law;

(e) Loss of or damage to property owned, rented, occupied, or used by, or in the care, custody, or control of the Named Insured, or carried in or on any aircraft with respect to which the insurance afforded by this policy applies;

(f) Personal injuries or death, or damage to or destruction of property, caused directly or indirectly, by hostile or warlike action, including action in hindering, combating, or defending against an actual impending or expected attack by any government or sovereign power, de jure or de facto, or military, naval, or air forces, or by an agent of such government, power, authority, or forces; the discharge, explosion, or use

of any weapon of war employing atomic fission or atomic fusion, or radio-active materials; insurrection, rebellion, revolution, civil war, or usurped power, including any action in hindering, combating, or defending against such an occurrence; or confiscation by any government or public authority.

(g) Any loss arising from operations by the Named Insured within any country of the Sino-Soviet bloc or Cuba: *Provided*, That a loss caused by mere misadventure in flying over or landing in such territory shall not be excluded. The "Sino-Soviet bloc" is defined to include Lithuania, Latvia, Estonia, Czechoslovakia, Bulgaria, Rumania, Hungary, Poland, Albania, East Germany (Soviet zone of Germany and Soviet sector of Berlin), Communist China, North Korea, North Vietnam, Outer Mongolia, and the Union of Soviet Socialist Republics;

(h) Any loss arising from operations by the Named Insured to or from installations of the Distant Early Warning System (DEW line) or the Ballistic Missile Early Warning System (BMEWS).

§ 208.14 Filing of certificates, endorsements, and notices.

(a) Certificates of insurance, endorsements, and notices of cancellation shall be filed in duplicate on forms prescribed and furnished by the Board. All documents shall be signed in ink by an authorized officer or agent of the insurer; no facsimile signatures will be accepted.

Note: CAB Forms 606, 607, 608, and 609 are available, upon request, from the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

(b) Endorsements that add previously unlisted aircraft to coverage or that delete listed aircraft from coverage shall be filed with the Board not more than five (5) days after the effective date of such endorsement: *Provided, however*, That aircraft shall not be listed in the carrier's operations specifications with the Federal Aviation Agency and shall not be operated unless liability insurance coverage has attached.

(c) A supplemental carrier which intends to operate a charter flight to or from a country of the Sino-Soviet bloc or Cuba or to or from a DEW line or BMEWS installation and whose approved insurance coverage excludes operations within such areas shall file an endorsement waiving the applicable exclusion, or a separate certificate of insurance expressly applicable to such flight, at least 30 days before the proposed flight date, unless the Board finds that waiver of this requirement is in the public interest.

(d) Certificates of insurance approved by the Board shall not be canceled by the insurer upon less than thirty (30) days' notice to the Board and the insured carrier by registered mail. An insured carrier shall not cancel an approved certificate during the effectiveness of any operating authorization from the Board unless the notice of cancellation is accompanied by a replacement certificate of insurance, complying in all respects with this part and effective upon the date

of cancellation of the approved certificate and policy, or by a notice that the carrier has ceased operations.

(e) If any certificate of insurance endorsement, notice of cancellation, or other document relating to liability insurance required to be filed with the Board does not comply with these regulations, the Board will notify the air carrier and the insurer by registered mail, or by telegram, stating the deficiencies. If the carrier is not notified of objections by the Board within 20 days after filing of any document, such document shall be deemed approved by the Board as complying with the requirements of this part, but such approval may be rescinded by the Board upon reasonable notice.

(f) All documents required to be filed with respect to liability insurance shall be filed with the Civil Aeronautics Board, Attention of Bureau of Accounts and Statistics, B-42b, Washington, D.C. 20428.

§ 208.15 Compliance.

In addition to all other applicable sanctions provided by law or the regulations of the Board, operation in air transportation of any aircraft, or performance of services within any geographical area, to which Board-approved liability insurance does not apply shall be cause for immediate suspension of all operating authority, pursuant to section 401(n)(5) of the Act and Subpart J of Part 302 of this chapter.

MINIMUM EXTENT OF SERVICE

§ 208.25 Minimum service requirements.

Each supplemental air carrier shall perform services authorized by its certificate or authority to engage in supplemental air transportation for at least 500 hours of revenue flight in any two consecutive calendar quarters. Failure to perform such minimum services will be deemed to constitute a prima facie case for suspension of the carrier's operating authority pursuant to the provisions of section 401(n)(5) of the Act: *Provided*, That the carrier may, within 15 days after the end of the two consecutive calendar quarters in which such failure occurred, show unusual circumstances constituting good cause why its operating authority should not be suspended.

OPERATIONS AND TARIFFS

§ 208.30 Prohibited advertising.

(a) No supplemental air carrier shall advertise its services or hold itself out to the public as an air carrier authorized to engage in air transportation unless it includes the words "supplemental air carrier" in such advertising.

(b) No supplemental air carrier shall conduct business in any name other than that set forth in its certificate, except as expressly authorized by the Board.

§ 208.31 Prohibited control of a supplemental air carrier.

Control of a supplemental air carrier shall not, without prior application to and approval by the Board, be transferred, directly or indirectly, by assign-

ment, transfer of voting stock, or otherwise, to any person who controlled, or participated in control of, as a partner, officer, or director, any air carrier theretofore found by the Board to have committed knowing and willful violations of the Civil Aeronautics Act of 1938, as amended, the Federal Aviation Act of 1958, or any order, rule, or regulation issued pursuant to said Acts during the period such person controlled or participated in the control of said air carrier. Any such application may be approved by the Board with or without hearing. No such application shall be denied unless the Board finds, after notice to said supplemental air carrier and the parties to the proposed transfer, and after opportunity for hearing, that, in the event the proposed transfer is consummated, said supplemental air carrier will thereby be rendered unfit, unwilling, or unable to conform to the provisions of the Federal Aviation Act of 1958, and the rules, regulations, and requirements of the Board thereunder. For the purposes of this section, a transfer of 20 percent or more of the voting stock of the supplemental air carrier shall be deemed to constitute prima facie evidence of a transfer of control so as to require the filing of an appropriate application with the Board.

§ 208.31a Written agreements with ticket agents.

Each agreement between a supplemental air carrier and any ticket or cargo agent shall be reduced to writing and signed by all the parties thereto, if it relates to any of the following subjects:

- The furnishing of persons or property for transportation;
- The arranging for flights for the accommodation of persons or property;
- The solicitation or generation of passenger or cargo traffic to be transported;
- The charter or lease of aircraft.

§ 208.31b Written contracts with charterers.

(a) Every agreement to perform a charter trip, except charters for the Department of Defense, shall be in writing and signed by an authorized representative of the supplemental air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include without limitation:

- Date and place of execution of the contract or agreement;
- Signature, printed or typed name of each signatory, and official position of each;
- Dates of flights and points involved;
- Type and capacity of aircraft: Number of passenger seats available or pounds of cargo capacity; and

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges.

(b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

§ 208.32 Tariffs and terms of service.

(a) No air carrier shall perform any supplemental air transportation unless such air carrier shall have on file with the Board, pursuant to Part 221 of this chapter, a currently effective tariff showing all rates, fares, and charges for the use of the entire capacity or less than the entire capacity (as defined in § 208.3(s)) of one or more aircraft in such supplemental air transportation and showing all rules, regulations, practices, and services in connection with such supplemental air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

(b) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight and the contract must be for the entire capacity or for less than the entire capacity (as defined in § 208.3(s)) of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter; *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(c) Reserved.

(d) Each and every contract for a charter to be operated hereunder shall incorporate the provisions of §§ 208.10 through 208.15, inclusive, and 208.32a, 208.33, and 208.33a, where applicable, concerning insurance and substitute transportation.

(e) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation.

(f) In the case of a round-trip passenger charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5 percent limitation aforesaid. In the case of a charter contract calling for two or more round trips, there shall be no intermingling of passengers and each plane-load or each plane-load group shall move as a unit in both directions.

§ 208.32a Flight delays and substitute air transportation (foreign).

Supplemental air carriers shall assume, and publish as part of the rules and regulations of their tariffs applicable to passenger service in foreign air transportation, the following obligations without prejudice, and in addition, to any other rights or remedies of passengers under applicable law:

(a) *Substitute air transportation.* (1) On all charter flights, unless the air carrier causes an aircraft to finally enplane each passenger and commence the take-off procedures at the airport of departure before the 48th hour following the time scheduled for the departure of such flight, it shall provide substitute transportation in accordance with the provisions of this paragraph.

(2) As soon as the air carrier discovers, or should have discovered by the exercise of reasonable prudence and forethought, that the departure of any such charter flight will be delayed more than 48 hours, such air carrier shall arrange for and pay the costs of substitute air transportation for the charter group on another charter flight, operated by any other carrier or foreign air carrier.

(3) When neither the charter transportation contracted for nor substitute transportation has been performed before the expiration of 48 hours following the scheduled departure time of any such charter flight, the charterer, or his duly authorized agent, may arrange for substitute air transportation of the members of the charter group, at economy or tourist class fares, on individually ticketed flights and the chartered air carrier shall pay the cost of such air transportation to the substitute air carrier or foreign air carrier.

(4) In determining the period of time during which the departure of a charter flight has been delayed within the purview of this paragraph, periods of delay caused by the prohibition of flights to or from the airport of departure because of weather or other operational conditions affecting such airport shall be excluded if, and while, the air carrier has available an airworthy aircraft which is capable of transporting the charter group in a condition of operational readiness.

(b) *Incidental expenses.*² (1) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an aircraft to finally enplane each passenger and commence the takeoff procedures at the airport of departure before the 6th hour following the time

² Although the requirements with respect to providing incidental expenses are made expressly applicable only to the return leg of a charter flight, the air carriers are expected, in the case of delay in departure of the originating leg of a flight, to furnish such incidental expenses to charter passengers whose homes are not located within a reasonable distance from the point of origination of the charter.

scheduled for the departure of such flight, it shall pay incidental expenses in accordance with the provisions of this paragraph. Such payments shall be made at the airport of departure as soon as they become due to the charterer, or its duly authorized agent, for the account of each passenger, including infants and children traveling at reduced fares.

(2) Such payments shall be made at the rate of \$16 for each full 24-hour period of delay following the scheduled departure time. However, the sum of \$8 shall be paid for each passenger delayed 6 hours following the scheduled departure time. Thereafter, during the succeeding 18 hours of delay, an additional sum of \$8 shall be paid for each passenger delayed in installments of \$4 for the first and second succeeding 6-hour period of delay, or any fractional part thereof. If the delay continues beyond a period of 24 hours following the scheduled departure time, such payments shall be made in equal installments of \$4 for each further 6-hour period of delay, or any fractional part thereof; *Provided, however*, That the air carrier may, at its option, discharge this obligation by providing free meals and lodging in lieu of making such payments. The obligation of the air carrier to pay incidental expenses or provide free meals and lodging shall cease when substitute air transportation is provided in accordance with the provisions of paragraph (a) of this section.

§ 208.33 Flight delays and substitute air transportation (interstate and overseas).

Supplemental air carriers shall assume, and publish as part of the rules and regulations of their tariffs applicable to passenger service in interstate and overseas air transportation, the following obligations without prejudice, and in addition, to any other rights or remedies of passengers under applicable law:

(a) In case of flight delays of more than 6 hours beyond the departure time stated in the charter contract or 4 hours beyond the time of departure stated on an individual flight ticket, the carrier, upon request and at the passenger's or charterer's option (or in case of the engagement by one charterer of less than the capacity of an aircraft, at the option of any one charterer), must provide alternative air transportation at no additional cost to the passenger or charterer, or immediately refund the full value of the unused ticket or the unperformed charter contract.

(b) In case of additional flight delays en route exceeding 6 hours for charter flights or 2 hours for individually ticketed flights, the carrier must, upon request and at the passenger's or charterer's option (or in case of the engagement by one charterer of less than the capacity of an aircraft, at the option of any one charterer), furnish alternative transportation to the specified destination, or immediately refund the full value of unperformed transportation. The en route

delays shall be calculated without inclusion of any delay at departure but all additional delays at intermediate stops en route shall be added up in determining whether the limit of delay has been reached.

(c) In case of flight cancellations or flight delays, refunds shall be paid immediately upon presentation of an unused flight coupon or upon demand of the charterer or his representative (or in case of the engagement by one charterer of less than the capacity of an aircraft, upon demand of any one charterer or his representative) to the air carrier or its agent.

(d) The rules and regulations in the carrier's tariffs governing immediate refunds or alternative transportation may provide for an exception in case of unavoidable delays due solely to weather.

§ 208.33a Substitution or subcontracting.

Supplemental air carriers may subcontract the performance of services which they have contracted to perform only to air carriers authorized by the Board to perform such services.

§ 208.34 Record retention.

Each carrier operating pursuant to this part shall comply with the applicable record-retention provisions of Part 249 of this subchapter, as amended.

§ 208.35 Payments, gratuities, and donations.

(a) Neither a carrier nor a travel agent shall make any payments or extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise.

(b) Neither a carrier nor a travel agent shall make any donation to a chartering organization or an individual charter participant.

(c) Nothing in this section shall preclude a carrier from paying a commission (within the limits of §§ 208.202 and 208.302) to a member of a chartering organization if such member is its agent, or restrict a carrier or a travel agent from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., canvas traveling bag or a money exchange computer).

Subpart B—Provisions Relating to Military Charters

§ 208.100 Applicability of subpart.

This subpart sets forth the special rules applicable to military charters.

§ 208.101 Minimum rates and compensation for air transportation performed for the military establishment.

The authority conferred upon a supplemental air carrier pursuant to section 7 of Public Law 87-528, and/or a certificate of public convenience and necessity issued under section 401(d)(3) of the Act,

insofar as it encompasses the right to provide air transportation pursuant to contract with the military establishment of the United States or any branch thereof in foreign and overseas air transportation, and air transportation between the 48 contiguous States on the one hand and the States of Alaska and Hawaii on the other hand, shall be subject to the condition that the rate or compensation received by the carrier for any such air transportation is not less than that set forth in § 288.7 of this chapter, irrespective of whether such contract falls within the definition of short notice MATS charter service contained in § 288.1 of this chapter.

§ 208.102 Substitute service.

Supplemental air carriers are authorized to provide "substitute service" as defined in this part, subject to the provisions of Part 288 of this chapter.

§ 208.103 Tariffs and terms of service.

The provisions of § 208.32 shall apply to charters under this subpart except that paragraphs (e) and (f) and the second sentence of paragraph (b) of such section shall not be applicable.

Subpart B1—Provisions Relating to Military Backhaul Charters

§ 208.150 Military backhaul exemption.

Subject to the provisions of this part, Part 295 of this chapter, and all other applicable rules, regulations, conditions, or requirements, supplemental air carriers are hereby exempted from the provisions of section 401 of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to engage in overseas or foreign "supplemental air transportation" and "transatlantic supplemental air transportation" on the reverse leg of a charter performed in the opposite direction under a contract with the Department of Defense calling for one-way service.

Subpart C—Provisions Relating to Pro Rata Charters

§ 208.200 Applicability of subpart.

This subpart sets forth the special rules applicable to pro rata charters, other than those subject to Part 295 of this subchapter.

REQUIREMENTS RELATING TO AIR CARRIERS
§ 208.200a Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight, except after a charter contract has been signed.

§ 208.201 Pretrip notification.

Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 208.⁶ The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in § 208.215.

§ 208.202 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of 5 percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

REQUIREMENTS RELATING TO TRAVEL AGENTS

§ 208.203 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct air carrier and the charter for the same service.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

§ 208.210 Solicitation of charter participants.

As the following terms are defined in § 208.3, members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charterer.

§ 208.211 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 208.212), may participate as passengers on a charter flight. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.⁷ Solicitation of, as well as participation by, members of an organization with respect to charter flights

⁶Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written requests to the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

⁷Where the charter is based on employment in one entity or student status at a college, records of the corporation, agency, or college will suffice to meet the requirement.

shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charterer. Where the charterer is engaging in round-trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 208.32(f). When more than one round trip is contracted for, intermingling between flights or reforming of plane-load or less than plane-load charter groups shall not be permitted and each such group must move as a unit in both directions.

§ 208.212 Participation of immediate families in charter flights.

The immediate family of any bona fide member of a charter organization may participate in a charter flight: *Provided, however,* That this section shall not apply to study group charters as defined herein (§ 208.3(r)).

§ 208.213 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers and no charter passenger shall be allowed free transportation; except that (1) children under 12 years of age may be transported at a charge less than the equally prorated charge; (2) children under 2 years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed \$300 (or \$500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 208.202), or prevent any member of the charter group from accepting such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization,

referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed \$750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers.

§ 208.214 Statements of charges.

Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge for the charter shall clearly identify the portion of the charges to be paid separately for air transportation, for the land tour, and for the administrative expenses of the charterer.

§ 208.215 Passenger manifests.

Prior to each one-way or round-trip flight a manifest shall be filed by the charterer with the air carrier showing the names and addresses of persons to be transported in interstate or overseas air transportation.

Subpart D—Provisions Relating to Single Entity Charters

§ 208.300 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters, other than those subject to Part 295 of this subchapter.

§ 208.301 Tariffs and terms of service.

The provisions of § 208.32 shall apply to charters under this subpart except that paragraphs (e) and (f) and the second sentence of paragraph (b) of such section shall not be so applicable.

§ 208.302 Commissions paid to travel agents.

No direct air carrier shall pay a travel agent any commission in excess of 5 percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

Subpart E—Provisions Relating to Mixed Charters

§ 208.400 Applicable rules.

The rules set forth in Subpart C of this part shall apply in the case of mixed charters, other than those subject to Part 295 of this subchapter.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F.R. Doc. 69-3970; Filed, Apr. 3, 1969; 8:51 a.m.]

[Reg. ER-567]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1969.

Pursuant to authority delegated to the undersigned in § 385.19(f) of the Board's Organization Regulations, Part

214 is hereby reissued, effective April 6, 1969, to incorporate all amendments which were in effect on the date of adoption of this ER-567.

By the Civil Aeronautics Board.

[SEAL] JOSEPH B. GOLDMAN,
General Counsel.

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Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

- 214.60 Advisory opinion.

AUTHORITY: The provisions of this Part 214 issued under secs. 204, 402, 72 Stat. 748, 757; 49 U.S.C. 1324, 1372.

§ 214.1 Applicability.

This part establishes the terms, conditions, and limitations applicable to charter foreign air transportation of persons pursuant to foreign air carrier permits authorizing the holder to engage in charter transportation only.

§ 214.2 Definitions.

(a) "Charter foreign air transportation of persons" means charter flights in air transportation performed pursuant to a permit which is issued under section 402 of the Act (other than permit expressly made subject to Part 212 of this chapter) and which authorizes the holder to engage in charter transportation only.

(b) "Charter flight" means air transportation performed by a direct foreign air carrier on a time, mileage, or trip basis where

(1) The entire capacity of one or more aircraft has been engaged for the movement of persons and their personal baggage

(i) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel or commercial passenger traffic in cases of emergency); or

(ii) By a representative (or representatives acting jointly) of a group for the use of such group (provided no such representative is professionally engaged in the formation of groups for transportation or in the solicitation or sale of transportation services); or

(2) Less than the entire capacity of an aircraft has been engaged:

(i) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and their personal baggage, as agent or representative of such group;

(iii) By two or more persons acting jointly for the transportation of themselves and their personal baggage or a group of persons and their personal baggage;

Provided, That the definition of "charter flight" in subparagraph (2) of this paragraph shall not apply with respect to any foreign air carrier to the extent that its permit authorizes it to engage in "plane-load" charter foreign air transportation of persons: *Provided, also*, That with respect to subparagraph (2) of this paragraph, a maximum of three groups may be chartered on one aircraft and each group shall consist of 40 or more passengers: *And provided further*, That with the consent of the charterer, the direct foreign air carrier may utilize any unused space for the transportation of (i) the carrier's own personnel and property and/or (ii) the directors, officers, and employees of an air carrier or another foreign air carrier traveling pursuant to a pass interchange arrangement.

(c) "Pro rata charter" means a charter the cost of which is divided among the passengers transported.

(d) "Single entity charter" means a charter the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

(e) "Mixed charter" means a charter the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

(f) "Person" means any individual, firm, association, partnership, or corporation.

(g) "Travel agent" means any person engaged in the formation of groups for transportation, or in the solicitation or sale of transportation services.

(h) "Charter group" means that body of individuals who shall actually participate in the charter flight.

(i) "Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

(j) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

(k) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively, persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans and unless they have actually been members for a minimum period of 6 months prior to the starting flight date. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a single school, and immediate families thereof, (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof, or (3) participants in a study group. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

(l) "Solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by a foreign air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations and college newspapers shall not be considered advertising in mass media to the extent that—

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (i) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (i) of this subparagraph:

Provided, That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

(m) "Study group" means a charter group comprised of bona fide participants in a formal academic study course abroad and in which (1) the charterer is an educational institution or (2) such study course is for a period of at least 4 weeks' duration at an educational institution abroad. As used in this paragraph, the term "educational institution" means a bona fide school which (i) is empowered to grant college degrees or secondary school diplomas by the government of one of the 50 States of the United States, the District of Columbia, a U.S. territory or possession or a foreign country and (ii) is operated as a school on a year-round basis. An aircraft may carry a maximum of three study groups: *Provided*, That if more than one group is carried each of the groups shall consist of 40 or more study group participants: *And provided, further*, That the entire aircraft is chartered to a single study group charterers.

§ 214.3 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon the submission by a foreign air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

§ 214.4 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

§ 214.6 Record retention.

(a) Every foreign air carrier operating pursuant to this part shall retain true copies of the following documents for a period of 2 years at its principal or general office and shall make them available in the United States upon request at any proper time by an authorized representative of the Board or the Federal Aviation Agency: Every charter contract, all passenger manifests including those filed by charterers, and proof of the commission paid to any travel agent by the carrier.

(b) Each foreign air carrier operating pursuant to this part shall pursuant to Part 221 of this subchapter, maintain at its principal or general office a complete file of all tariffs issued by it and by its

agents and those issued by other carriers in which it concurs. Each tariff shall be retained until 3 years after the expiration or cancellation thereof.

(c) Each foreign air carrier operating pursuant to this part shall, pursuant to Part 223 of this subchapter, maintain for 3 years in its general offices a record of all passes issued by it and used for free or reduced-rate transportation over its routes.

Subpart A—Provisions Relating to Pro Rata Charters

§ 214.10 Applicability of this subpart.

This subpart sets forth the special rules applicable to pro rata charters.

REQUIREMENTS RELATING TO FOREIGN AIR CARRIERS

§ 214.11 Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight, except after a charter contract has been signed.

§ 214.12 Pretrip notification.

Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 214.¹ The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in § 214.35.

§ 214.13 Tariffs to be on file.

Prior to performing any foreign air transportation governed by this part, a foreign air carrier shall have on file with the Board a currently effective tariff filed in accordance with Part 221 of the economic regulations (Part 221 of this subchapter) showing all rates, fares, and charges for the use of the entire capacity, or less than the entire capacity as defined in § 214.2(b)(2), of one or more aircraft in such foreign air transportation and showing all rules, regulations, practices, and services in connection with such foreign air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

¹ Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written request to the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

§ 214.13a Written contracts with charterers.

(a) Every agreement to perform a charter trip shall be in writing and signed by an authorized representative of the foreign charter air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include, without limitation:

(1) Date and place of execution of the contract or agreement;

(2) Signature, printed or typed name of each signatory, and official position of each;

(3) Dates of flights and points involved;

(4) Type of aircraft and number of passenger seats available; and

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges.

(b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

§ 214.14 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight, and the contract must be for the entire capacity, or less than the entire capacity as defined in § 214.2(b)(2), of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation.

(c) In the case of a round-trip charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5 percent limitation aforesaid. In the case of a charter contract calling for two or more round trips, there shall be no intermingling of passengers and each planeload group, or less than planeload group as defined in § 214.2(b)(2), shall move as a unit in both directions.

§ 214.15 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of 5 percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 214.16 Prohibition against payments or gratuities.

A carrier shall make no payments nor extend gratuities of any kind, directly, or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise. Nothing in this section shall preclude a carrier from paying a commission (within the limits of § 214.15) to a member of a chartering organization if such member is its agent, or restrict a carrier from offering to each member of the charter group such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

REQUIREMENTS RELATING TO TRAVEL AGENTS

§ 214.20 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct foreign air carrier and the charterer for the same service.

§ 214.21 Prohibition against payments or gratuities.

A travel agent shall make no payments nor extend gratuities of any kind, directly, or indirectly, to any member of a chartering organization whether in relation to air transportation or otherwise. Nothing in this section shall restrict a travel agent from offering to each member of the charter group such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

§ 214.30 Solicitation of charter participants.

As the following terms are defined in § 214.2, members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public.

§ 214.31 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 214.32), may participate as passengers on a charter flight. The charterer must maintain a central membership list, available for inspection

by the carrier or Board representative, which shows the date each person became a member.* Where the charterer is engaging round-trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 214.14(c). When more than one trip is contracted for, intermingling between flights or reforming of planeload groups, or less than planeload groups as defined in § 214.2(b)(2), shall not be permitted and each such group must move as a unit in both directions.

§ 214.32 Participation of immediate families in charter flights.

The immediate family of any bona fide member of a charter organization may participate in a charter flight: *Provided, however,* That this section shall not apply to study group charters as defined herein (§ 214.2(m)).

§ 214.33 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers and no charter passenger shall be allowed free transportation; except that (1) children under 12 years of age may be transported at a charge less than the equally prorated charge; (2) children under 2 years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed \$300 (or \$500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 214.15), or prevent any member of the charter group from accepting such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a

* Where the charter is based on employment in one entity or student status at a college, records of the corporation, agency, or college will suffice to meet this requirement.

canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed \$750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers.

§ 214.34 Statements of charges.

Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge for the charter shall clearly identify the portion of the charges to be separately paid for the air transportation, for the land tour, and for the administrative expenses of the charter.

§ 214.35 Passenger manifests.

(a) Prior to each one-way or round-trip flight a manifest shall be filed by the charterer with the foreign air carrier showing the names and addresses of the persons to be transported and specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described). The manifest may include "stand-by" participants (by name, address, and relationship to charterer).

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger manifest as follows:

(1) A bona fide member of the chartering organization at the time the organization first gave notice to its members of firm charter plans and will have been a bona fide member of the chartering organization for at least 6 months prior to the starting flight date. Specify on the passenger manifest as "(1) member."

(2) The spouse, dependent child, or parent of a bona fide member who lives in such member's household. Specify on the passenger manifest as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons from a study group, or a college campus, or employed by a single Government agency, industrial plant, or mercantile company, or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger manifest as "(3) special" or "(3) member" (where participants are from a study or campus group, or from a Government agency, industrial plant, or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the outbound and inbound trips must be explained on the manifest.

(d) Attached to such manifest must be a certification, signed by a duly au-

thorized representative of the charterer, reading:

The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization at the time the chartering organization first gave notice to its members of firm charter plans, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and educational staff of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household, or (5) is a bona fide participant in a study group charter.

(Signature)

Subpart B—Provisions Relating to Single Entity Charters

§ 214.39 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters.

§ 214.40 Tariffs to be on file.

The provisions of § 214.13 shall apply to charters under this subpart.

§ 214.41 Terms of service.

The total charter price and other terms of service shall conform to those set forth in the applicable tariff filed in accordance herewith and the contract shall be for the entire capacity, or less than the entire capacity as defined in § 214.2(b)(2), of one or more aircraft.

§ 214.42 Commissions paid to travel agents.

No direct foreign air carrier shall pay a travel agent any commission in excess of 5 percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

Subpart C—Provisions Relating to Mixed Charters

§ 214.50 Applicable rules.

The rules set forth in Subpart A of this part shall apply in the case of mixed charters.

Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

§ 214.60 Advisory opinion.

A foreign air carrier or prospective charterer may request an advisory opinion from the Bureau of Operating Rights, Civil Aeronautics Board, Washington, D.C. 20428, regarding the eligibility of the prospective charterer to obtain charter service in accordance with this part. The Bureau's opinion will be based on the representations submitted and shall not be binding upon the Board in any proceeding in which the lawfulness of the respective charter may be in issue. Such representations should

include complete information as to the chartering organization (purposes, activities, date founded, membership requirements, and fees); the purpose of the charter trip; the requirements for participation in the charter; how charter participants were solicited; and the anticipated charges to the participants.

NOTE: The reporting and record-retention requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F.R. Doc. 69-3971; Filed, Apr. 3, 1969; 8:51 a.m.]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-36; Amdt. 10]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Dismissal of Applications Upon Applicant's Request

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of April 1969.

Part 385 provides that delegated authority to grant applications for relief carries with it authority to determine any procedural matters that may arise including, inter alia, dismissal of applications upon the applicant's request and moot applications. Occasionally, however, the Board receives requests to dismiss applications with respect to which the Board's function has not been delegated. Thus, requests for permission to withdraw a petition for reconsideration or a petition for rule making must be disposed of at present by Board order rather than by staff action.

It would be impracticable to itemize every type of document that might be subject to dismissal upon request in delegations to specific staff members. Therefore, authority to dismiss such moot applications will be delegated to the heads of the respective bureaus and offices responsible for internal processing of the applications.¹

Certificates of public convenience and necessity provide that the effective date specified therein shall be automatically postponed until further Board order if the appropriate license fee is not paid. The Board is delegating to the Associate General Counsel, Routes Division, authority to issue the Board order effectuating such certificates where he finds that the appropriate license fee has been paid.

Also, delegated authority to issue foreign air carrier permits to reflect changes in the names of carriers or points specified therein is transferred from the Associate General Counsel, Routes Division, to the Associate General Counsel, International and Legislation Division.

¹ The respective staff responsibilities and functions are summarized in § 384.7 of the Organization Regulations and set out in detail in sections 110 through 195 of the CAB Manual.

as a result of organizational changes in the Office of General Counsel.

Since this amendment is a matter relating to agency management, notice and public procedure hereon are not required and the rule may be made effective immediately.

Accordingly, the Board hereby amends Part 385 (14 CFR Part 385), effective April 1, 1969, as follows:

1. Amend the Table of Contents by adding titles for new §§ 385.21a and 385.23 to read as follows:

Sec.
385.21a Delegation to Associate General Counsel, International and Legislation Division.

385.23 Delegation to Heads of Bureaus and Offices.

2. Amend § 385.21 by revising paragraph (a) and by adding new paragraph (e) to read as follows:

§ 385.21 Delegation to Associate General Counsel, Routes Division.

The Board hereby delegates to the Associate General Counsel, Routes Division, the authority to:

(a) Issue Certificates of Public Convenience and Necessity when revisions thereof are necessitated by a change in the name of the carrier or of points specified in the certificate: *Provided*, That no issue of substance concerning the operating authority of a carrier is involved.

(e) Issue orders effectuating certificates of public convenience and necessity which have been issued by the Board but have not become effective on the date specified therein because of recipient's failure to pay the appropriate license fee, where he finds that the license fee has been paid. Such orders shall not be subject to review procedures of this part.

3. Add new § 385.21a, to read as follows:

§ 385.21a Delegation to Associate General Counsel, International and Legislation Division.

The Board hereby delegates to the Associate General Counsel, International and Legislation Division, the authority to:

(a) Issue Foreign Air Carrier Permits when revisions thereof are necessitated by a change in the name of the carrier or of points specified in the permit: *Provided*, That no issue of substance concerning the operating authority of a carrier is involved.

4. Add new § 385.23, to read as follows:

§ 385.23 Delegation to Heads of Bureaus and Offices.

The Board hereby delegates to the Heads of Bureaus and Offices authority to grant requests for permission to withdraw petitions, applications, motions, complaints, or other pleadings or documents which the respective Bureau or Office has responsibility for processing

(as set out in sections 110 through 195 of the CAB Manual), where such authority has not otherwise been delegated in this regulation.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-3972; Filed, Apr. 3, 1969; 8:51 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[11th Gen. Rev. of Export Regs., Amdt. 21]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 372, 373, 379, and 385 of the Code of Federal Regulations are amended as follows:

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

Effective date: March 25, 1969.

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

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

In § 372.12 *Reexport* paragraphs (c) (2) and (d) are hereby revised to read as follows:

§ 372.12 *Reexport*.

(c) *Reexport request subsequent to submission of license application.* * * *

(2) *Additional special requirements.* In addition to the provisions of subparagraph (1) of this paragraph, the request for authority to reexport shall include the following:

(i) If the export was made, or will be made, from the United States to Switzerland or Liechtenstein under a validated export license, and the commodity(ies) or technical data covered are to be re-exported from Switzerland or Liechtenstein, the request shall include the name and address of each person or firm to whom reexport will be made, the quantity and value of the commodities to be reexported to each such person or firm, and the number and date of the Swiss Blue Import Certificate(s) which was submitted in support of the application for license to export the commodities from the United States.

(ii) If the reexport is to be made to a destination specified in (a) of this subdivision, regardless of the country to which the commodities or technical data

were originally shipped from the United States, additional information shall be furnished as set forth in (b) and (c) of this subdivision:

(a) Cambodia, Laos, Lebanon, Liechtenstein, Malaysia, Singapore, South Africa (Republic of), Sweden, Switzerland, Thailand, Vietnam (Republic of), Yugoslavia; or any destination in Country Group S, W, X, Y, or Z (see § 370.1 (g) of this chapter);

(b) The name and address of each person or firm to whom reexport will be made, and the commodity description, quantity, and value of the commodities which will be reexported to each such person or firm; and

(c) Consignee/purchaser statement or other documentation from the new ultimate consignee which would be required by Part 373 of this chapter if the reexport were a direct export from the United States to the new country. Where this document is a Yugoslav End-Use Certificate or a Swiss Blue Import Certificate, and the same document must be furnished to the export control authorities of the country from which reexport will be made, the Office of Export Control will accept a reproduced copy of the document being furnished to the country of reexport. The order requirements of § 372.4(f) also apply to these reexports. If the required documentation or order cannot be obtained, waiver may be requested in accordance with the applicable provisions of the Export Regulations. (See § 373.65(b)(6) of this chapter for waiver of a Consignee/Purchaser Statement; § 373.2(j) for waiver of an Import Certificate; § 373.67(d) of this chapter for a waiver of a Swiss Blue Import Certificate; and § 373.70(d) of this chapter for a waiver of a Yugoslav End-Use Certificate.)

(d) *Permissive reexports.* The following reexports of U.S. origin commodities or technical data may be made without the need for obtaining prior authorization from the Office of Export Control (for reexport of technical data see § 385.6 of this chapter):

(1) Reexports between Switzerland and Liechtenstein.

(2) Reexports between ultimate consignees covered by the terms of a Project License, see § 374.10 of this chapter.

(3) For export control purposes the destination "Italy" includes the area of Trieste under Italian civil administration, and the destination "Yugoslavia" includes the area of Trieste under Yugoslav civil administration. Therefore, a reexport authorization issued by the Office of Export Control which permits reexport to Italy automatically includes the area of Trieste under Italian civil administration. Similarly, an authorization issued by the Office of Export Control which permits reexport to Yugoslavia automatically includes the area of Trieste under Yugoslav civil administration.

(4) Any commodity or technical data which has been exported from the United States may be reexported from any desti-

nation to any other destination; provided that at the time of reexport the commodities or technical data to be reexported may be exported directly from the United States to the new country of destination either (i) under General License G-DEST, GTDA, or GTDR, or (ii) where the value of the reexport, other than the reexport of a commodity exported under the provisions of § 373.3 or § 373.4 of this chapter, does not exceed the GLV dollar-value limit shown on the Commodity Control List with reference to the country of destination.

The permissive reexport provisions set forth above relating to the reexport of commodities within the established GLV dollar value limits do not apply to exports, reexports, or distributions made under the Form FC-43 procedure or the Form FC-243 procedure. (See §§ 373.3(b)(4) and 373.4(c)(5) of this chapter).

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Section 373.20 is hereby revised to read as follows:

§ 373.20 Copper ores, concentrates, matte, and blister copper.

(a) *General policy of denial.* As a general policy, applications for licenses to export any of the following commodities will be denied, except as indicated in paragraph (b) of this section:

Export Control Commodity Number and Commodity Description

28311 Copper ores and concentrates.
28312 Copper matte.
68211 Blister copper and other unrefined copper.

(b) *Exception to general policy of denial.* Consideration will be given to approval of applications covering the proposed export of commodities described in paragraph (a) of this section which, because of technological or economic reasons, cannot be processed commercially in the United States. Such an application shall include:

(1) A statement describing the commodities, an analysis of the mental content, and an explanation of the difficulty in processing the commodity in the United States;

(2) The following certification:

I(We) certify that to my(our) best knowledge and belief the commodities described on this application cannot be commercially processed in the United States;

(3) The identification of the foreign consumer by setting forth one of the following applicable statements in the space on the license application entitled "Additional Information" or on an attachment thereto:

The foreign consumer of the commodities covered by this application is the same as that shown in the "ultimate consignee in foreign country" space on this license application.

or, if the foreign consumer is not the same as that shown in the space on the license application entitled "Ultimate Consignee in Foreign Country":

The name and address of the foreign consumer is _____;

and

(4) A Single Transaction Statement by Consignee and Purchaser, Form FC-842, submitted in accordance with the provisions of § 373.65 and bearing the endorsement of the designated representative of the U.S. Agency for International Development (AID) Mission, Saigon, if the proposed shipment, regardless of value, is destined for the Republic of Vietnam (area not under Communist control). To obtain this endorsement, the consignee and/or purchaser shall submit his Statement, in original and two copies, to the U.S. AID Mission, Saigon, Vietnam. Upon endorsement, the original of the Statement will be returned to the consignee or purchaser, for forwarding to the U.S. exporter; the copies will be retained by the U.S. AID Mission.

Section 373.21 is hereby revised to read as follows:

§ 373.21 Copper and copper-base alloy waste and certain nickel scrap.

(a) *Scope.* The following commodities are subject to the provisions of this § 373.21:

Export Control Commodity Number and Commodity Description

28401 Copper bearing ash and residues.
28402 Copper or copper-base alloy waste and scrap.
28403 Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.

(b) *Shipments to Canada—(1) Basis for exporter's eligibility.* Any of the above commodities or copper-base alloy ingots, Export Control Commodity No. 68212, that are licensed for export to Canada during January-June 1969 will be charged against the quota for Canada. To qualify for a share of this quota, an exporter shall submit to the Office of Export Control no later than February 11, 1969: (i) A written statement setting forth the aggregate quantity of copper base scrap and ingots (in copper content short tons) for which he has outstanding orders for Canada (see subdivision (ii) of subparagraph (2) of this paragraph); and (ii) a copy of each such order. If the exporter did not receive a written order, he may furnish a certification from the Canadian purchaser giving the details of the order, such as quantity, date of order, whether the order is still outstanding, etc.

(2) "Outstanding export order." For purposes of this regulation the copper described on an "outstanding export order" shall not have been exported before midnight January 3, 1969, and such order shall:

(i) Provide for export of copper base scrap or copper-base alloy ingots from the United States to Canada during January 1-June 30, 1969;

(ii) Be dated on or before December 31, 1968; and

(iii) Not have been canceled by either party to the transaction.

(c) *Shipments not commercially processable in the United States.* An application for a license to export any of the commodities described in paragraph (a) of this section that for any technological or economic reason cannot be processed commercially in the United States will be considered for licensing without a charge against the copper export quota. If the reason is technological, the application shall be accompanied by a copy(ies) of a letter(s) received by the applicant from a recognized scrap processor(s) who has declined to process the scrap described on the application as well as by the documentation set forth in § 373.20(b). If the reason is economic, the application shall include a statement detailing such reason.

(d) *Other shipments.* Commodities described in paragraph (a) of this section that cannot be licensed under the provisions of paragraph (b) or (c) of this section will be considered for licensing under the Past Participation in Exports licensing method (see § 373.8). To qualify as a historical exporter, an exporter shall submit a statement of past participation in exports, setting forth the quantity (in copper content pounds) and total dollar value, by country of ultimate destination, that he exported during the calendar year 1964 and during the first three calendar quarters of 1965, i.e., January-March, April-June, and July-September, as well as the grand total for the period January 1, 1964, through September 30, 1965. However, the statement shall not include the types of shipments covered by § 373.8(c)(1), or those not commercially processable in the United States as described above. An application for license to export commodities covered by this § 373.21(d) shall be submitted in accordance with the provisions of subparagraph (1), (2), or (3) of this paragraph.

(1) *Nonhistorical exporter.* An exporter who has not submitted a statement of past participation in exports, or who does not otherwise qualify as a historical exporter shall submit an application and obtain an individual validated license. In addition, the foreign consumer shall be identified on the license application in the manner set forth in § 373.20(b)(3); and if the proposed shipment, regardless of value, is destined for the Republic of Vietnam, the application shall be supported by a Single Transaction Statement, Form FC-842, endorsed by the designated representative of the U.S. Agency for International Development Mission, Saigon, as set forth in § 373.20(b)(4).

(2) *Historical exporter.* An exporter who has been informed, in writing, by the Office of Export Control that he qualifies as a historical exporter may apply for and obtain a Bulk Quota License (see subparagraph (3) of this paragraph).

(3) *Bulk Quota License—(1) Definition.* A Bulk Quota License is a validated license authorizing the export by a historical exporter of his total share of the quota established for a short

supply commodity to approved ultimate consignees.

(ii) *License application.* Each application for a Bulk Quota License, shall include:

(a) Form FC-420, Application Processing Card, prepared in accordance with § 372.5(a)(5) of this chapter except that "Bulk Quota License" shall be entered in the Export Control Commodity Number space.

(b) Form FE-419, Application for Export License, prepared in accordance with § 372.5 of this chapter, except:

(1) Enter "Bulk Quota License," as well as the date, under "Date of Application."

(2) Enter, in copper content pounds, the exporter's total quota for all commodities in paragraph (a) of this section under "Quantity to be Shipped." (The Office of Export Control will inform him of his quota in time for him to complete his application.)

(3) Enter "copper scrap" under "Commodity Description." Thus the application covers any or all of the commodities in paragraph (a) of this section.

(4) Enter only the processing number under "Export Control Commodity Number and Processing Number." Omit the commodity number.

(5) Where there is more than one ultimate consignee, write "see attached list" in the space "Ultimate Consignee in Foreign Country" and attach to the application a list of the names and addresses of all proposed ultimate consignees.

(6) Enter the following certification concerning consignee documentation (see (c) of this paragraph (d)(3)(ii)) in the "Additional Information" space or on an attachment:

I (We) certify that a currently valid (insert name(s) of the supporting consignee document(s) as appropriate in accordance with paragraph (c) below) is on file with the Office of Export Control for each ultimate consignee covered by this application, except (enter either "none" or the names of ultimate consignees for whom new documentation is attached to the application).

(c) Appropriate documentation for each proposed consignee, either currently valid and on file with the Office of Export Control or furnished for approval with the application, as follows:

(1) Except as provided in (2) and (3) of this (c), a Multiple Transactions Statement, Form FC-843.

(2) For a consignee in Switzerland or Yugoslavia, a Swiss Blue Import Certificate or Yugoslav End-Use Certificate. Where a currently valid certificate is on file with the Office of Export Control, the application shall include the certification(s) set forth in §§ 373.67(a)(1) and 373.70(a)(1).

(3) For a consignee in the Republic of Vietnam, a Single Transaction Statement, Form FC-842, endorsed by the designated representative of the U.S. Agency for International Development Mission, Saigon, as set forth in § 373.20(b)(4). Where a currently valid statement is on file with the Office of Export Control, the application shall in-

clude the certification set forth in § 373.65(d)(2).

(iii) *Consignee quantity restrictions.* The total quantity that may be shipped to any consignee in Switzerland, Yugoslavia, or the Republic of Vietnam, is limited to the quantity shown on the Swiss Blue Import Certificate, Yugoslav End-Use Certificate, or Single Transaction Statement from that consignee.

(iv) *Export license.* The license will be validated and bear the identifying words "Bulk Quota License" below the validation stamp. The list of approved ultimate consignees will also be validated, attached to and become a part of the license.

(v) *Validity period.* Each license will be valid for the quota period to which it applies plus three additional calendar months.

(vi) *Export clearance—(a) Notification to Customs Offices.* The Office of Export Control will notify all Customs Offices of the issuance of a Bulk Quota License, including the names and addresses of ultimate consignees, within 15 calendar days after the issuance of license. An exporter should not plan to clear exports earlier unless he verifies that the notification has reached Customs. The license need not be filed with the Customs Office, but the licensee shall, on demand, show to the Customs Officer either the original or a photocopy of the license.

(b) *Tolerance.* In addition to the quantity licensed, a shipping tolerance of 5 percent of the total quantity licensed is allowed as set forth in § 379.2(h)(5) of this chapter.

(c) *Shipper's Export Declaration.* The Shipper's Export Declaration shall be prepared according to standard instructions and presented to the Customs Officer or Postmaster at the place of export. Both the gross weight of the copper scrap and the copper content pounds shall be given. Although the license refers only to "copper scrap," the commodity description on the Declaration shall be specific, conforming to the applicable Commodity Control List description, and incorporating any additional information required by Schedule B, such as type, size, or name of specific commodity. The Schedule B Number shall also be included.

(vii) *Reports.* The exporter shall furnish the Office of Export Control, no later than the 15th of each month, a report on all exports made during the preceding month under his Bulk Quota License. As a minimum, the report shall include the license number and, for each commodity exported, the full description as shown on the Commodity Control List, the Export Control Commodity Number, quantity exported in both copper content pounds and gross amount, date of shipment, and name and address of ultimate consignee. The report shall be sent to the Office of Export Control (Attention: 862), U.S. Department of Commerce, Washington, D.C. 20230.

NOTE: 1. See § 373.43 for special provisions covering other copper commodities.
2. See §§ 373.18 and 373.39 for special provisions covering other nickel commodities.

RULES AND REGULATIONS

Section 373.22 is hereby revised to read as follows:

§ 373.22 Molybdenum commodities.

(a) *Scope.* The following commodities are subject to the provisions of this § 373.22:

Export Control Commodity Number	Commodity Description
28393	Molybdenum ores and concentrates.
51369	Molybdenum oxide.
51470	Molybdenum disulfide, 86 percent content or higher.
51470	Ammonium, calcium, potassium, and sodium molybdates.
67160	Ferromolybdenum.
68942	Molybdenum or molybdenum alloys, unwrought.
68942	Molybdenum or molybdenum alloy waste and scrap.
68942	Molybdenum or molybdenum alloy metal powders.

(b) *Certification by supplier.* An application for a license to export any of the commodities listed in paragraph (a) above shall include or be accompanied by the following certification by the supplier of the commodities, regardless of whether the supplier is the applicant:

I (We) certify that the following molybdenum commodities, which are available to (name of applicant) for export, have not been and will not be supplied from commodities released from the United States National Stockpile:

Export Control Commodity Number	Commodity Description	Quantity
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-----	-----	-----
-----	-----	-----

(Name of supplier)

NOTE: 1. As used in the above certification, a commodity is "available" only if the supplier or the applicant has present legal title to the commodities and has access to such commodities for export purposes.

2. If the applicant is not the producer of the commodities, the certification shall be signed by the supplier shown on the application in the space entitled "If applicant is not the producer of commodity to be exported, give name and address of supplier."

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

In § 379.2 *Presentation and use of validated license* paragraph (h) is hereby revised to read as follows:

§ 379.2 Presentation and use of validated license.

(h) *Shipping tolerance.*—(1) *When tolerance is allowed.* A shipping tolerance is allowed over the quantity specified on a validated export license or on a Customs Office release against the license approved in accordance with paragraph (e) of this section, unless such tolerance is limited or prohibited by the terms of the license or by any of the provisions set forth in subparagraph (2), (3), (4), or (5) of this paragraph.

(2) *Amount of tolerance allowed.*—(i) *Ten percent tolerance.* Except as set forth in subdivision (ii) of this subparagraph, a shipping tolerance of 10 percent is allowed when the quantity called for on the license or a Customs Office release is in the terms set forth below, or if no quantity is specified on the license or release, the tolerance will be allowed on the total price shown for each entry on the license or release:

Avotirdupois ounce.	M (1,000) board feet.
Bale.	Milligram.
Barrel.	Oxford unit.
Bushel.	Pound.
Content pound.	Proof gallon.
Cubic foot.	Short ton (2,000 pounds).
Gallon.	Square foot.
Gram.	Square yard.
Hundredweight (100 pounds).	Troy ounce.
Linear foot.	U.S.P. unit.
Linear yard.	
Long ton (2,240 pounds).	

(ii) *Five percent tolerance.* A shipping tolerance of 5 percent is allowed on the unshipped balance specified on a validated export license for shipments of all of the commodities listed below except 28401 (1st item only), 28402 and 28403 for which the 5 percent applies to the total amount licensed as explained more fully in subparagraph (5) of this paragraph.

Export Control Commodity Number	Commodity Description
28200	Alloy steel scrap containing 5 percent or more nickel by weight.
28311	Copper ores and concentrates.
28312	Copper matte.
28401	Copper bearing ash and residue.
28401	Nickel bearing residues and dross.
28402	Copper or copper-base alloy waste and scrap.
28403	Other nickel or nickel alloy waste and scrap.
51369	Nickel oxide.
51470	Nickel sulphate.
51470	Master alloys of copper containing 8 percent or more phosphor.
67160	Ferromolybdenum containing 90 percent or less nickel.
68211	Blister copper and other unrefined copper.
68212	Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.
68212	Copper-base alloy ingots.
68213	Master alloys of copper.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222	Plates, sheets, and strips of copper or copper-base alloy.
68223	Copper or copper alloy foil, including paper-backed.
68224	Copper and copper alloy powders and flakes.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
68226	Tube and pipe fittings of copper or copper-base alloy.
68310	Nickel based magnetic materials, unwrought.
68310	Other nickel or nickel alloys, unwrought.

Export Control Commodity No. and Commodity Description

68324	Nickel or nickel alloy electroplating anodes.
69892	Copper or copper-base alloy articles: (a) Fabricated anodes, and (b) cores (mold inserts).
69892	Copper or copper-base alloy castings and forgings.
72310	Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.
72310	Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric alred by discs, beads, spiral, screw, or any other means, (d) designed for gas pressurization for the purpose of withstanding external overpressure or for raising the maximum voltage rating of the cable, or (e) intended for submarine laying.
72310	Other coaxial cable.
72310	Communications cable containing more than one pair of conductors as follows: (a) Submarine cable, or (b) cable containing fluorocarbon polymers or copolymers.
72310	Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
72310	Other copper or copper-base alloy insulated wire and cable.

(iii) *Tolerance inapplicable.* The tolerance provisions of this section shall not apply to the following units of quantity:

Carat.	Pencil gross.
Cell.	Piece.
Dozen.	Ream.
Gross.	Roll.
Number.	Round.
Pack.	Square.
Pair.	Set.

(3) *Maximum tolerance allowed.*¹ In all cases, except partial shipments as provided in subparagraph (4) of this paragraph, the tolerance shall be allowed on the basis of the actual quantity (or total price if applicable) stated on the license, or on a Customs Office's release against the license, approved in accordance with paragraph (e) of this section. In no case shall the tolerance exceed 10 percent of the stated quantity (or total price if applicable). For example, if the quantity shown on the license or the release as applicable, is "100,000 bales", not more than 110,000 bales may be exported. Similarly, if no quantity is shown on the license or on the release, as applicable, and the total price for an entry shown thereon is \$50,000, not more than \$55,000 may be exported.

(4) *Partial shipments.*—(i) *Tolerance on unshipped balance.* Whenever one or more partial shipments of the licensed commodity has been made, the 5 or 10 percent tolerance, as applicable, is allowed on only the unshipped balance, except as provided in subdivision (ii) of this subparagraph.

¹See paragraph 375.4(d) for tolerance provisions relating to shipments under Blanket (BLT) License.

(ii) *Tolerance on total quantity.* In the case of shipments of iron and steel products and tin-plate, the tolerance of 10 percent is allowed on the basis of the actual quantity stated on the license or the Customs Office's release.

(iii) *Tolerance inapplicable after total shipped.* Where the quantity (or total price if applicable) stated on the license or the Customs Office's release has been shipped, no further shipment may be made under the license or the Customs Office's release.

(5) *Bulk Quota License.* For shipments under a Bulk Quota License, a shipping tolerance of 5 percent above the actual quantity stated in the license shall be allowed. For example, if the quantity shown on the license is "10,000 copper content pounds" up to 10,500 copper content pounds may be exported. However, once an amount equivalent to the quantity stated on the license has been shipped, no further shipment may be made under the license; that is, the 5 percent tolerance may not be used to make a separate shipment after previous shipments have already totaled 10,000 content pounds.

In § 379.10 *Destination control* paragraph (c) is hereby revised to read as follows:

§ 379.10 *Destination control.*

(c) *Statement regarding ultimate destination on declaration, bill of lading, and commercial invoice—(1) Applicability.* The provisions of this § 379.10(c) apply to:

(i) A shipment made under a validated license; and

(ii) A shipment made under a general license where a Declaration is required to be presented to the Customs Office, except for a shipment: (a) Of any commodity identified by the word "None" in the column of the Commodity Control List titled "Validated License Required for Country Groups Shown Below"; and (b) of any commodity or technical data made under the provisions of General Licenses BAGGAGE, TOOLS OF TRADE, GIT, and GTDA.

NOTE: 1. U.S. Territories and Possessions. While the Bureau of the Census requires Shipper's Export Declarations in order to obtain statistical information regarding shipments to certain territories and possessions of the United States, these shipments are not exports controlled by the office of Export Control. Therefore, the provisions of this § 379.10 (c) are inapplicable to shipments to such territories and possessions of the United States as Puerto Rico or the Panama Canal Zone.

2. Shipments to Canada. The provisions of paragraph (c) of § 379.10 are not applicable to any exports intended for consumption in Canada, except shipments of the technical data described in § 385.2(e)(3) (v) and (vi); since all other exports to Canada require neither a general nor a validated license. However, these provisions are applicable to shipments of any commodities through Canada to other foreign countries.

(2) *Destination control statements.* An appropriate destination control statement¹ shall be entered on all copies of the Declaration presented for au-

thentication to the Customs Office, in accordance with the provisions set forth below, for all shipments subject to the provisions of this § 379.10(c).

(1) The following statement shall be entered on the Declaration covering an export under either a validated or general license, other than the exceptions set forth in subparagraph (1) (ii) of this paragraph, with the blank space filled in with the name of the country of ultimate destination set forth in the Declaration¹; unless, instead of this statement, an appropriate statement as provided in subdivision (ii) or (iii) of this subparagraph has been entered:

These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to United States law prohibited.

NOTE: 1. Notification of permissive reexports. In some instances the destination control statement used by an exporter or his agent for a specific shipment may indicate that the shipment cannot be reexported to a destination to which the ultimate consignee or purchaser wishes to sell or distribute the commodities. The reexport provisions of the Export Regulations (§§ 371.4 and 372.12) may nevertheless permit the reexport.

In this situation the exporter, without obtaining written approval of the Office of Export Control, may inform the foreign importer or other party in possession of the commodities, that distribution or resale may be made in accordance with the reexport provisions where applicable. In all other instances, written approval shall be obtained from the Office of Export Control.

2. Effect of foreign laws. Reexport authority contained in a destination control statement does not relieve any person from complying with foreign laws. See §§ 371.4(d), 372.12(f), and 385.6(d).

(ii) Instead of the statement set forth in paragraph subdivision (i) of this subparagraph, the following statement may be substituted with the blank spaces filled in as instructed below, except where the shipment is made under General License GMS:

These commodities licensed by the United States for ultimate destination (name of country) and for distribution or resale in (name of country or countries). Diversion contrary to United States law prohibited.

(a) If the export is made under a general license other than General License GMS and the exceptions set forth in subparagraph (1) (ii) of this paragraph, insert the name of the country to which the shipment is being made in the first blank space and the following words in the last blank space, "any destination, except Soviet Bloc,² Communist China, North Korea, Macao, Hong Kong, Communist controlled areas of Vietnam,

¹ Where the country of ultimate destination is Vietnam, the destination control statement shall be filled in as required by § 373.68, regardless of the country designation shown on the Shipper's Export Declaration, and regardless of whether the shipment is made under a validated or a general license.

² As used in the destination control statement, the term "Soviet Bloc" means all destinations in Country Group Y (see § 370.1(g)). It will be noted that Poland (including Danzig), Rumania, and Yugoslavia are not included in Country Group Y.

Cuba, or Southern Rhodesia, unless otherwise authorized by the United States".

(1) If the commodity being exported requires a validated license for shipment to Poland (including Danzig), Rumania, or the Republic of South Africa, these countries shall be included in the list of prohibited destinations set forth in the last blank space of the statement.

(2) If the commodity being exported does not require a validated license for shipment to any destination included in the list of prohibited destinations, the destination may be deleted from the list of prohibited destinations set forth in the last blank space of the statement.

(b) If the export is made under a validated license, insert in the first blank space the name of the country shown on the license as country of ultimate destination. In the last blank space, insert the names of the countries shown on the license as approved destinations for distribution or resale. If no country is shown on the license as approved for distribution or resale, insert the word "none" in the last blank space.

NOTE: The Note following the destination control statement set forth in § 379.10(c) (2) (1) of this section is also applicable to requests for permission to distribute or resell where the statement set forth in (c) (2) (ii) of this section is used.

(iii) Where a shipment is made under a general license, other than General License GMS and the exceptions set forth in subparagraph (1) (ii) of this paragraph, the following statement¹ may be entered on the Declaration instead of the statements set forth in subdivisions (i) and (ii) of this subparagraph.

U.S. law prohibits disposition of these commodities to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, Communist controlled areas of Vietnam, Cuba, or Southern Rhodesia, unless otherwise authorized by the United States.

(a) If the commodity being exported requires a validated license for shipment to Poland (including Danzig) and Rumania, these countries shall be included in the list of prohibited destinations set forth in the above statement.

(b) If the commodity being exported does not require a validated license for shipment to a destination(s) included in the list of prohibited destinations, such destination(s) may be deleted from the list of prohibited destinations set forth in the above statement.

NOTE: The Note following the destination control statement set forth in paragraph (c) (2) (1) of this section is also applicable to requests for permission to distribute or

¹ As used in the destination control statement, the term "Soviet Bloc" means all destinations in Country Group Y (see § 370.1(g)). It will be noted that Poland (including Danzig), Rumania, and Yugoslavia are not included in Country Group Y.

The words "and Laos" may be inserted at the exporter's discretion in the destination control statement after the entry of "Vietnam."

resell where the statement set forth in paragraph (c) (2) (iii) of this section is used.

(3) *Statement on Bill of Lading.* (i) No carrier by water, land, or air shall issue (and no licensee, shipper, consignee, exporter or consignee, or their agents, or any other person, shall prepare or procure) a Bill of Lading covering an export of a commodity with respect to which a Declaration has been authenticated by a Customs Office containing the applicable statement set forth in subparagraph (2) of this paragraph; unless all copies of such Bill of Lading, including all nonnegotiable and office copies, except as provided in subdivision (ii) of this subparagraph, shall contain the same statement in clearly legible form. The destination control statement provisions apply to all exports by mail for which a Declaration is required. However, since Bills of Lading are not issued for exports by mail, a destination control statement is required only on the Declaration and the commercial invoice.

(ii) In the case of shipments by air (other than airmail or air parcel post) the provisions of subdivision (i) of this subparagraph are applicable to: (a) Any Air Waybill issued by a consolidator (indirect carrier) for an export included in a consolidated shipment or (b) any Air Waybill issued by a carrier or other person covering an export not included in a consolidated shipment. The provisions of subparagraph (2) of this paragraph do not apply to a "Master" Air Waybill issued by a carrier to cover a consolidated shipment.

(4) *Statement on commercial invoice.* No licensee, shipper, or consignee, exporter, or agent thereof, or any other person, shall prepare or issue any commercial invoice with respect to any shipment of commodities subject to the provisions of this paragraph (c), including shipments by mail, unless such invoice or invoices and all copies thereof shall contain on the face thereof the same destination control statement in clearly legible form. This statement shall be an applicable statement as set forth in subparagraph (2) of this paragraph.

(5) *Release of custody by carrier.* No carrier shall release custody of commodities covered by the provisions of this paragraph (c) to any party (including an agent, on-carrier, or any other person) without surrender by that party, to the carrier, of a copy of the Bill of Lading bearing on its face the applicable destination control statement set forth in subparagraph (2) of this paragraph, unless either:

(i) Simultaneously with the release of the commodities, the carrier delivers to such party a written copy of the destination control statement, contained in the carrier's copy of the Bill of Lading covering the shipment. The written copy shall identify the shipment by Bill of Lading number, name of carrier, voyage or flight number, date, and port of arrival. In addition, the carrier shall secure either a signed receipted copy of the written statement or other equivalent written evidence that the statement has been delivered by the carrier; or,

(ii) The regulations of the importing country require the carrier to deliver the commodities directly into the physical possession and control of Customs or other government agency for delivery to the consignee or his agent. Under these circumstances the carrier need not give to or receive from the Customs or other government agency, or the consignee or his agent, any document bearing the destination control statement.

(6) (i) *Documents not requiring statements.* Shipper's Export Declarations, Bills of Lading, and commercial invoices prepared and issued in the United States to cover exports are the only shipping documents affected by the destination control provisions. Such documents as consular invoices, Inland Bills of Lading covering movements to port, letters of credit, ship's manifests, packing lists, dock receipts, and warehouse receipts do not require the destination control statement.

(ii) The exporter has the primary responsibility for assuring the entry of the destination control statement on the Declaration, the Bill of Lading, and the commercial invoice whether or not he prepares all of these documents. If a forwarder, carrier, or other party prepares or issues these documents he also is responsible for seeing that a correct statement is placed on the documents.

(7) *Determination by agent of appropriate statement.* (i) Where a freight forwarder, carrier, or other agent of the exporter undertakes to prepare a Declaration or a Bill of Lading without having in his possession a copy of the commercial invoice, the determination as to which destination control statement is applicable will depend on whether the shipment is being exported under a validated or a general license. Where the shipment is made under a validated export license, the appropriate statement to be used may be determined from the license.

(ii) For a shipment made under a general license, an understanding must be reached between the exporter and his carrier, forwarder or other agent as to which destination control statement shall be used. While a carrier has no obligation to determine which destination control statement, if any, is required on a Declaration, he must see that the same destination control statement which appears on the latter document also appears on the corresponding Bill of Lading before the contract of carriage is issued. Since the primary purpose of the destination control statement is to provide notice to the importer of the U.S. reexport provisions which apply to a specific transaction, the effectiveness of the regulation will be lessened if one statement appears on the commercial invoice and a different statement appears on the Bill of Lading.

(8) *Preprinted statement.* A destination control statement may be preprinted on Shipper's Export Declarations, Bills of Lading, or commercial invoices. However, only one of the three destination control statements in this paragraph (c) of the Comprehensive Export Schedule may

be preprinted on any one of these documents.

(9) *Two or more statements applicable to a shipment.* If one Bill of Lading is issued for two or more individual shipments and two or more destination control statements are applicable to these shipments, the applicable destination control statement should be entered beneath each shipment or group of shipments to which it applies. However, in some cases a Bill of Lading may use a single freight tariff classification to describe several commodities which, for export control purposes, require the use of more than one form of the destination control statement. If in such a case it is impracticable to attempt to separate the commodities on the Bill of Lading into the different export control groups and enter the appropriate destination control statement below each group, the most restrictive form of statement applicable to any of the groups shall be used on the Bill of Lading for the entire shipment. The commercial invoice and Shipper's Export Declaration should, nevertheless, segregate the commodity groups and contain the proper destination control statement for each group. If the face of the export license indicates that the commodities are licensed only for the country of ultimate destination, the shipper may use the first statement (see subparagraph (2) (i) of this paragraph). If he prefers to do so, however, he may use the second statement (see subparagraph (2) (ii) of this paragraph) with the word "none" inserted in the last blank space. If the face of the export license indicates that the commodities are licensed for country of ultimate destination, and for distribution or resale to other countries, the shipper should use the second statement with the names of the countries to which distribution or resale is authorized inserted in the last blank space. In all cases the countries shown in the last blank space shall include only those authorized on the face of the license.

PART 385—EXPORTS OF TECHNICAL DATA

§ 385.3 [Amended]

The footnote following § 385.3 is revised to read as follows:

¹ The term "early publication country" used in this sentence and in this context only refers to Belgium, Costa Rica, Denmark, Ecuador, Finland, France, Honduras, Iceland, Jamaica, Luxembourg, Netherlands, Nicaragua, Norway, Panama, Portugal, Sweden, Trinidad, Turkey, Republic of South Africa, Uruguay, Venezuela, and West Germany (Federal Republic of Germany).

In § 385.4 *General license GTDR: Technical data under restriction* paragraph (d) is hereby revised and (e) (1) (iii) (z) and (aa) are added to read as follows:

§ 385.4 *General license GTDR: Technical data under restriction.*

(d) *Restrictions applicable to all destinations except Canada. No technical*

data relating to the following, other than data described in paragraph (b) of this section,² may be exported under this General License GTDR, and exports of these technical data to all destinations, except Canada,³ require a validated export license:

(1) Civil aircraft, civil aircraft equipment, parts, accessories, or components; and

(2) The following electronic commodities:

(i) Electrical and electronic instruments, Export Control Commodity Nos. 72952 and 72999, specially designed for testing or calibrating the airborne direction finding, navigational, and radar equipment described in Export Control Commodity Nos. 72499 and 72952;

(ii) Airborne transmitters, receivers, and transceivers, Export Control Commodity No. 72499;

(iii) Airborne direction finding equipment, Export Control Commodity No. 72499; and

(iv) Airborne electronic navigation and radar equipment, Export Control Commodity Nos. 72499 and 72952.

(3) Watercraft of hydrofoil and hovercraft (air bubble) design (Export Control Commodity No. 73550).

(4) Any other commodity under the export control jurisdiction of the Office of Export Control, if such commodity is not covered by an entry on the Commodity Control List.

(e) *Written Assurance Requirements*—

(1) *Requirement of written assurance for certain data, services, and materials.* * * *

(iii) Technical data relating to the following materials and equipment:

(a) Off-shore drilling platforms (except fixed, non-floating types); specially designed parts and components (Export Control Commodity No. 73593).

(aa) Methyl methacrylate, cross-linked, hot stretched, clear, film, sheeting, or laminates (Export Control Commodity No. 58120).

In § 385.5 *Validated license applications* paragraph (e) (2) is hereby revised to read as follows:

§ 385.5 *Validated license applications.*

(e) *Special provisions.* * * *

(2) *Other commodities.* For all applications for licenses to export to any destination other than Country Group W, Y, or Z technical data relating to any of the commodities in subdivision (i), (ii),

¹ Data included in the foreign filing of a patent is also excluded from the restrictions set forth in this paragraph 385.4(d) if such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office.

² Only the restrictions set forth in paragraph 385.4(c) apply to exports of technical data for use in Canada. In all other cases, an export of technical data for use in Canada may be made without either a validated or a general license. For reexport provisions applicable to Canada and other countries, see paragraphs 385.8 (b) and (c).

(iii), (iv), (v), (vi), or (vii) of this subparagraph, an applicant shall attach to the license application a written statement from his foreign importer assuring that unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly reexport the technical data to any destination or export the direct product of the technical data directly or indirectly to Country Group W, Y, or Z. However, if the U.S. exporter is not able to obtain the required statement from his importer the exporter shall attach an explanatory statement to his license application setting forth the reasons why such an assurance cannot be obtained. The special provisions set forth in this paragraph (e) (2) are applicable to technical data concerning the following:

(i) Commodities related to nuclear weapons, nuclear explosive devices, or nuclear tests, as described in § 373.7(b) of this chapter;

(ii) Neutron generators, employing the electrostatic acceleration of ions and designed for operation without an external vacuum system and specially designed parts and accessories for such neutron generators, Export Control Commodity No. 72970;

(iii) Porous nickel;

(iv) Civil aircraft, civil aircraft equipment, parts, accessories, or components not identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1 of this chapter); and

(v) The following electronic commodities:

(a) Electrical and electronic instruments, Export Control Commodity Nos. 72952 and 72999, specially designed for testing or calibrating the airborne direction finding, navigational, and radar equipment described in Export Control Commodity Nos. 72499 and 72952;

(b) Airborne transmitters, receivers and transceivers, Export Control Commodity No. 72499;

(c) Airborne direction finding equipment, Export Control Commodity No. 72499; and

(d) Airborne electronic navigation and radar equipment, Export Control Commodity Nos. 72499 and 72952.

(vi) Watercraft of hydrofoil and hovercraft (air bubble) design (Export Control Commodity No. 73550).

(vii) Any other commodity under the export control jurisdiction of the Office of Export Control, if such commodity is not covered by an entry on the Commodity Control List.

In § 385.6 *Exports under a validated license.* Paragraph (b) (2) is hereby revised to read as follows:

§ 385.6 *Exports under a validated license.*

(b) *Reports on exports.* * * *

(2) *Country Group W or Y.* With respect to a license used to export technical data to Country Group W or Y when the license is returned, the exporter shall submit a statement indicating the following:

(i) When the technical data were exported or when the technical services were rendered;

(ii) Whether the export or service was total or partial;

(iii) The nature of the transaction (e.g., a sale of technical data, performance of technical services, a technical licensing agreement, a technology exchange agreement);

(iv) The nature of the payment received or to be received by the U.S. exporter (e.g., pecuniary or other consideration); and

(v) The actual or estimated price of the technical data exported, or services rendered, or the actual or estimated dollar value of any other consideration received or to be received. (This should include the payment received or to be received for engineering and for any other services when rendered, as well as for the royalty or other payment received or to be received for a design or process authorized to be used.)

[F.R. Doc. 69-3807; Filed, Apr. 3, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 6485]

PART 13—PROHIBITED TRADE PRACTICES

B. F. Goodrich Co. and Texas Co.

Subpart—Cutting off access to customers or market: § 13.535 *Contracts restricting customers' handling of competing products.* Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis:* § 13.670-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, The B. F. Goodrich Co. et al., New York, N.Y., Docket 6485, Mar. 12, 1969]

In the Matter of The B. F. Goodrich Co., a Corporation, and The Texas Co., a Corporation

Order modifying a cease and desist order, dated January 14, 1966, 31 F.R. 5443, pursuant to a decision and remand of the Supreme Court, 393 U.S. 223, by deleting numbered paragraphs 5 and 6 of the order directed against Texaco, Inc.

The modified order to cease and desist, is as follows:

Now, therefore, it is hereby ordered. That the aforesaid order to cease and desist be, and it hereby is, modified by deleting numbered paragraphs 5 and 6 of that portion of the order directed against Texaco.

It is further ordered. That respondents, The B. F. Goodrich Co., a corporation, and The Texas Co., a corporation, shall within sixty (60) days after service upon them of this order, file with the Commission reports in writing, setting

forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 12, 1969.

By the Commission.¹

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 69-3911; Filed, Apr. 3, 1969;
8:45 a.m.]

¹ Chairman Dixon not participating.

[Docket No. C-1057]

PART 13—PROHIBITED TRADE PRACTICES

Broadway-Hale Stores, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpretations or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Modified order to cease and desist, Broadway-Hale Stores, Inc., Los Angeles, Calif., Docket C-1057, Mar. 5, 1969]

In the Matter of Broadway-Hale Stores, Inc., a Corporation

Order modifying an earlier consent order, dated April 14, 1966, 31 F.R. 7056, which prohibited for 5 years any acquisition by the respondent of any department or GMAF (General Merchandise, Apparel and Furniture) store without prior Commission approval, by extending the ban for an additional 3 years.

The modified order to cease and desist, is as follows:

Now, therefore, it is hereby ordered, That Part I of the order of April 14, 1966, be, and it hereby is, modified as follows:

It is ordered, That, for five (5) years from the effective date of this modified order, respondent, Broadway-Hale Stores, Inc., shall cease and desist from acquiring, directly or indirectly, without first notifying the Federal Trade Commission and obtaining its consent, any department store or other GMAF store, or any interest in capital stock or other share capital, or any assets constituting a substantial part of all of the assets, of any concern engaged in the department store or other GMAF store business in the United States, other than The Emporium Capwell Co.

Issued: March 5, 1969.

By the Commission.¹

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 69-3912; Filed, Apr. 3, 1969;
8:45 a.m.]

[Docket No. 8736]

PART 13—PROHIBITED TRADE PRACTICES

Connell Rice & Sugar Co., Inc., et al.

Subpart—Combining or conspiring: § 13.450 *To limit distribution or dealing*

¹ Commissioners Elman and Nicholson not concurring.

to regular, established or acceptable channels or classes; § 13.475 *To restrict competition in buying.* Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.810 *Buyers' corporate or other agent*; § 13.820 *Direct buyers*; Knowingly inducing or receiving discriminating price under 2(f): § 13.855 *Inducing and receiving discriminations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13) [Cease and desist order, Connell Rice & Sugar Co., Inc., Westfield, N.J., Docket 8736, Feb. 20, 1969]

In the Matter of Connell Rice & Sugar Co., Inc., a Corporation, Foremost-McKesson, Inc., a Corporation (Formerly Foremost Dairies, Inc., a Corporation), and Standard Brands Inc., a Corporation

Consent order requiring one of the Nation's largest dealers in corn products, syrups and sweeteners to refrain from a common course of action involving certain full-requirements purchase agreements, accepting illegal brokerage payments, and knowingly inducing or receiving discriminatory prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Connell Rice & Sugar Co., Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the purchase of corn products, sugar or any other commodity in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any agreement, understanding, combination, conspiracy or planned common course of action, between or among any of said respondents named in the caption hereof or between said respondent and others not parties hereto to do or perform any of the following acts or things:

1. Directly or indirectly negotiating as a buyer's agent for the purchase of the buyer's entire requirements of any commodity for unreasonably long periods of time or when based upon the respondent's receipt for itself or receipt by the buyer respondent represents, of direct or indirect price discriminations prohibited by section 2 of the Clayton Act, as amended;

2. Requiring a seller, as a condition precedent to doing business with a buyer for whom respondent is an agent, to patronize sources of supply specified by respondent, or the buyer respondent represents, for commodities to be used in the manufacture or production of goods, wares or merchandise to be sold to said buyer unless such specification of source is based upon factors other than direct or indirect price discriminations prohibited by Section 2 of the Clayton Act, as amended;

3. To violate any of the remaining provisions of this order.

It is further ordered, That respondent Connell Rice & Sugar Co., Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of corn products, sugar or any other commodity, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of said commodities where respondent is the agent, representative, or other intermediary acting for, or in behalf of, or is subject to, the direct or indirect control of, any buyer.

It is further ordered, That respondent Connell Rice & Sugar Co., Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the purchase by any third party buyer of corn products, or any other commodity in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Knowingly inducing any discrimination in price for commodities, by directly or indirectly inducing from any seller, a net price which respondent knows or should know is lower than the net price at which commodities of like grade and quality are being sold by such seller to other purchasers who are in competition with said buyer, where respondent is the agent, representative or other intermediary acting for, or in behalf of, or is subject to the direct or indirect control of, said buyer.

For the purpose of determining "net price" there shall be taken into account all discounts, rebates, allowances, deductions or other terms and conditions of sale by which net prices are affected.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 20, 1969.

By the Commission.¹

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 69-3913; Filed, Apr. 3, 1969;
8:45 a.m.]

[Docket No. 8736]

PART 13—PROHIBITED TRADE PRACTICES

Foremost-McKesson, Inc., et al.

Subpart—Combining or conspiring: § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes*; § 13.475 *To restrict*

¹ Commissioner Elman not concurring.

competition in buying. Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or acceptance of Commission, brokerage or other compensation under 2(c): § 13.810 *Buyers' corporate or other agent*; § 13.820 *Direct buyers*; knowingly inducing or receiving discriminating price under 2(f): § 13.855 *Inducing and receiving discriminations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13) [Cease and desist order, Foremost-McKesson, Inc., San Francisco, Calif., Docket 8736, Feb. 20, 1969]

In the Matter of Connell Rice & Sugar Co., Inc., a Corporation, Foremost-McKesson, Inc., a Corporation (Formerly Foremost Dairies, Inc., a Corporation), and Standard Brands Inc., a Corporation

Consent order requiring one of the Nation's largest dealers in corn products, syrups, and sweeteners to refrain from a common course of action involving certain full-requirements purchase agreements, accepting illegal brokerage payments, and knowingly inducing or receiving discriminatory prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered. That respondent Foremost-McKesson, Inc., a corporation (formerly Foremost Dairies, Inc., a corporation), and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the purchase of commodities as defined herein, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith with cease and desist from entering into, continuing, cooperating in, or carrying out any agreement, understanding, combination, conspiracy, or planned common course of action, between or among any of said respondents named in the caption hereof or between said respondent and others not parties hereto to do or perform any of the following acts or things:

1. Directly or indirectly negotiating for the purchase of respondent's entire requirements of any commodity for unreasonably long periods of time or when based upon the receipt by respondent, or its agent, of direct or indirect price discriminations prohibited by section 2 of the Clayton Act, as amended:

2. Requiring a seller, as a condition precedent to doing business with respondent to patronize sources of supply specified by respondent for commodities to be used in the manufacture or production of goods, wares or merchandise to be sold to respondent unless such specification of source is based upon factors other than direct or indirect price discriminations prohibited by section 2 of the Clayton Act, as amended;

3. To violate any of the remaining provisions of this order.

It is further ordered. That respondent Foremost-McKesson, Inc., a corporation (formerly Foremost Dairies, Inc., a corporation), and its officers, agents, representatives, and employees, directly or through any corporate or other device,

in connection with the offering to purchase or purchase of commodities as defined herein, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of commodities as defined herein for respondent's own account.

It is further ordered. That respondent Foremost-McKesson, Inc., a corporation (formerly Foremost Dairies, Inc., a corporation), and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering to purchase or purchase of commodities as defined herein, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Knowingly inducing and receiving or knowingly receiving or accepting any discrimination in price for commodities, by directly or indirectly inducing and receiving or receiving or accepting, from any seller, a net price which respondent knows or should know, is lower than the net price at which commodities of like grade and quality are being sold by such seller to other purchasers who are in competition with respondent.

For the purpose of determining "net price" there shall be taken into account all discounts, rebates, allowances, deductions or other terms and conditions of sale by which net prices are affected. "Commodities" as defined herein includes tires and all commodities purchased by respondent for resale, with or without further processing, in the form of frozen food products, ice cream or other dairy products, including all components and packaging materials.

It is further ordered. That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 20, 1969.

By the Commission,¹

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 69-3914; Filed, Apr. 3, 1969;
8:46 a.m.]

[Docket No. C-1501]

PART 13—PROHIBITED TRADE PRACTICES

General Mills, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15

¹ Commissioner Elman not concurring.

U.S.C. 18) [Cease and desist order, General Mills, Inc. Minneapolis, Minn., Docket C-1501, Mar. 11, 1969]

In the Matter of General Mills, Inc., a Corporation

Consent order prohibiting a large food processing corporation headquartered in Minneapolis, Minn., from acquiring any manufacturer or wholesaler of potato or corn chips and other food products for the next 10 years without prior approval of the Commission.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. It is ordered. That for a period of ten (10) years from the date this order becomes final, respondent, General Mills, Inc., a corporation, shall cease and desist from entering, without prior approval of the Federal Trade Commission, into any arrangement with another party, corporate or noncorporate as a result of which respondent obtains, directly or indirectly, through subsidiaries or otherwise, the whole or any part of the stock or other share capital, or the assets (other than products purchased or sold in the ordinary course of business), of any concern, corporate or noncorporate (other than respondent's distributors) engaged at the time of such acquisition in the United States in the manufacture or wholesale distribution of wheat or oat flour; ready-to-eat, or hot farina-type, breakfast cereals; hot casseroles or flour-based baking and dessert mixes; potato chips; corn chips; cereal-based or corn-based snacks of the "Bugles", "Whistles" and "Daisy*s" type; peanuts and cashews; salad dressing; tea; pickles; peanut, hard and moulded starch-processed candies; cracker sandwiches with white sugar or butter-based filling; crackers, peanut or cheese filled; cellulose sponges; ready-to-eat popcorn; porkskins; dry condiments; powdered soft drinks and prepared sandwiches of the fruit filled "Toastwitches" type, designed for toaster heating. As used in this paragraph, the acquisition of assets includes any arrangement by respondent with any other party, pursuant to which such other party discontinues manufacturing any of said products under a brand name or label owned by such other party and thereafter distributes any of said products under any of respondent's brand names or labels.

II. It is further ordered. That within sixty (60) days after this Order becomes final, and annually thereafter, respondent shall furnish to the Federal Trade Commission a verified written report setting forth the manner and form in which it intends to comply, is complying, or has complied with paragraph I of this order.

III. It is further ordered. That in the event the Commission issues any order or rule which is less restrictive than the provisions of paragraph I of this order, in any proceeding involving the merger or acquisition of a snack food or milling or cereal company, then the Commission shall, upon the application of General Mills reconsider this order and may reopen this proceeding in order to make

whatever revisions, if any, are necessary to bring the foregoing paragraph into conformity with the less stringent restrictions imposed upon respondent's competitors.

IV. *It is further ordered*, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: March 11, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-3915; Filed, Apr. 3, 1969;
8:41 a.m.]

[Docket No. C-1503]

PART 13—PROHIBITED TRADE PRACTICES

Green & Rothman et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties: 13.1053-35 Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely: 13.1108-45 Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition: 13.1185-30 Fur Products Labeling Act; § 13.1212 Formal regulatory and statutory requirements: 13.1212-30 Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition: 13.1845-30 Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Green & Rothman et al., New York, N.Y., Docket C-1502, Mar. 11, 1969]

In the Matter of Green & Rothman, a Partnership, and William Green and Zoltan Rothman, Individually and as Copartners Trading as Green & Rothman

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing its fur products and furnishing false guaranties that its fur products are not misbranded or falsely invoiced.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Green & Rothman, a partnership, and William Green and Zoltan Rothman, individually and as copartners trading as Green & Rothman or any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the

sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing, directly or by implication, on a label that the fur contained in such fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in an abbreviated form on a label affixed to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondents Green & Rothman, a partnership, and William Green and Zoltan Rothman, individually and as copartners trading as Green & Rothman or any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 11, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-3916; Filed, Apr. 3, 1969;
8:46 a.m.]

PART 13—PROHIBITED TRADE PRACTICES

Wassner Sportswear Mfg., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods: 13.30-75 Textile Fiber Products Identification Act; § 13.73 Formal regulatory and statutory requirements: 13.73-90 Textile Fiber Products Identification Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition: 13.1185-90 Wool Products Labeling Act; § 13.1212 Formal regulatory and statutory requirements: 13.1212-90 Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements: 13.1852-80 Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719 as amended, sec. 2-5, 54 Stat. 1128-1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Wassner Sportswear Mfg., Inc., et al., New York, N.Y., Docket C-1503, Mar. 13, 1969]

In the Matter of Wassner Sportswear Mfg., Inc., Gotham Men's & Boys' Wear, Inc., Olympic Shirts, Inc. and Lustberg, Nast & Co., Inc., Corporations, and Isidor Wassner, David Wassner and Joseph Wassner, Individually and as Officers of Said Corporations

Consent order requiring four affiliated New York City importers and manufacturers of wearing apparel to cease misbranding their wool products and falsely advertising their textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Wassner Sportswear Mfg., Inc., Gotham Men's & Boys' Wear, Inc., Olympic Shirts, Inc., and Lustberg, Nast & Co., Inc., corporations, and their officers, and Isidor Wassner, David Wassner and Joseph Wassner, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the character or amount of constituent fibers contained therein.

2. Failing to securely affix to or place on each such wool product a stamp, tag, label, or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth the generic names of manufactured fibers established in Rule 7 of the regulations promulgated under the Textile Fiber Products Identification Act, in naming such fibers in required informations on stamps, tags, labels, or other means of identification attached to wool products.

It is further ordered, That respondents Wassner Sportswear Mfg., Inc., Gotham Men's & Boys' Wear, Inc., Olympic Shirts, Inc., and Lustberg, Nast & Co., Inc., corporations, and their officers, and Isidor Wassner, David Wassner and Joseph Wassner, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from falsely and deceptively advertising textile fiber products by:

1. Making any representations, directly or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in an advertisement without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of the order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file

with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 13, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-3917; Filed, Apr. 3, 1969; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8556]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Acquisitions, Tender Offers, and Solicitations

The Securities and Exchange Commission has amended its temporary rules under sections 13(d), 13(e), 14(d), and 14(f) of the Securities Exchange Act of 1934 to specify the number of copies of material to be filed with the Commission. Previously, the number of copies to be filed was not specified and the number filed in many cases was not sufficient for the use of the staff in the expeditious examination of the material filed.

The sections of the Act referred to relate to matters such as the acquisition of equity securities by the issuer thereof or other persons, the invitation of tender offers, and changes in the majority of the directors of a company.

Commission action. I. Section 240.13d-1 is amended by adding at the end thereof the following sentence: "Eight copies of the statement shall be filed with the Commission."

II. Section 240.13d-2 is amended by adding at the end thereof the following sentence: "Eight copies of each such amendment shall be filed with the Commission."

III. The introductory clause of paragraph (a) of § 240.13e-1 is amended to read as follows:

(a) The issuer has filed with the Commission eight copies of a statement containing the information specified below with respect to the proposed purchases:

(1) * * *

IV. Section 240.14d-1 is amended by adding thereto a new paragraph (e) reading as follows:

(e) Eight copies of the statement required by paragraph (a), every amendment to such statement, and all other material required by this section, shall be filed with the Commission.

V. Section 240.14f-1 is amended by adding at the end thereof the following sentence: "Eight copies of such information shall be filed with the Commission."

(Secs. 13, 14, 23; 82 Stat. 454, 48 Stat. 901, as amended; 15 U.S.C. 78m, 78n, and 78w)

Effective date: The Commission finds that the foregoing rules relate to procedure rather than matters of substance and that notice and procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553) is not necessary. In view of the nature of the rules, the Commission finds that they may be made effective less than 30 days after publication. Accordingly, the rules shall be effective with respect to material filed with the Commission on or after April 1, 1969.

By the Commission, March 24, 1969.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3929; Filed, Apr. 3, 1969; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

PART 832—REWARDS

Payment of Rewards

The Post Office Department is adding a new Part 832 to Title 39, Code of Federal Regulations, reading as set out below. With this addition present § 201.82, which appears under Subpart I of Subchapter B, of Title 39 CFR, is hereby revoked.

§ 832.1 Postal offenses covered.

Rewards will be paid in the amounts and under the conditions mentioned in Sign 32, *Notice of Reward*, for the arrest and conviction of persons accused of the following postal offenses:

- (a) Robbery or attempted robbery.
- (b) Mailing bombs or poison.
- (c) Post office burglary.
- (d) Stealing or unlawful possession of mail or money or other property of the United States.

NOTE: The text of Sign 32, referred to above, reads as follows:

Subject to the availability of funds, the Post Office Department pays a reward for the arrest and conviction of any person for the following offenses:

ROBBERY

- 1. Not to exceed \$3,000 for robbery or attempted robbery of any custodian of any mail, or money or other property of the United States under the control and jurisdiction of the Post Office Department, if such custodian is wounded or his life jeopardized with a dangerous weapon; but not to exceed \$1,500 if the custodian is not wounded, or his life jeopardized with a dangerous weapon.

MAILING OF BOMBS OR POISON

- 2. Not to exceed \$3,000 for mailing or causing to be mailed any poison, bomb, device, or composition, with the intent to kill or harm another, or injure the mails or other property.
- 3. Not to exceed \$300 for mailing or causing to be mailed any poison, bomb, device, or composition which may kill or harm another, or injure the mails or other property.

BURGLARY OF POST OFFICE

4. Not to exceed \$300 for breaking into or attempting to break into a post office, station, branch, or building used wholly or partially as a post office with intent to commit a larceny or other depredation in that part used as a post office.

THEFT OF MAIL

5. Not to exceed \$300 for the theft of any mail, the contents thereof, or money or any other property of the United States under the custody and control of the Post Office Department, from any custodian, postal vehicle, railroad depot, airport, or other transfer point, post office or station or receptacle or depository established, approved, or designated by the Postmaster General for the receipt of mail.

EMBEZZLEMENT OF MAIL

6. Not to exceed \$300 for embezzlement of mail or the contents thereof by a mail carrier on a mail messenger or star route.

OFFENSES INVOLVING MONEY ORDERS

7. Not to exceed \$300 for the altering, forging, uttering or passing of blank money order forms stolen from a post office, station, branch or postal custody.

GENERAL PROVISIONS

8. The Post Office Department also pays rewards as stated above for the arrest and conviction of any person:

(a) as an accessory to any of the above crimes;

(b) for receiving or having unlawful possession of any mail, money or property secured through the above crimes;

(c) for conspiracy to commit any of the above crimes.

9. When a person has been adjudged a juvenile delinquent for having committed any of the above crimes the same reward may be paid as though such person had been convicted of such crime.

10. The term "custodian" as used herein includes any person having lawful charge, control, or custody of any mail matter, or any money or other property of the United States under the control and jurisdiction of the Post Office Department.

11. A reward may be paid for the conviction of a person for an offense listed above, even though arrested for committing another offense.

12. When an offender is killed while committing a crime listed above or in resisting lawful arrest, the same reward may be paid as though he had been convicted.

13. The amount of the reward to be paid will be based on the importance of services rendered, character of the offender, risks and hazards involved, time spent, and expenses incurred. Maximum rewards will be paid only when services were of the maximum value.

14. The Department will reject a claim where there has been collusion, or improper methods have been used to effect an arrest or to secure a conviction. It has the right to allow only one reward where several persons were convicted of the same offense, or one person was convicted of several offenses.

15. A written claim must be submitted to the Postal Inspector in Charge of the division in which the crime was committed within 6 months from the date of conviction of an offender or the date of his death, if killed in committing a crime or resisting arrest. Applications for the filing of claims may be obtained from the Inspector in Charge.

NOTE: The corresponding Postal Manual Part is Part 932.

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

DAVID A. NELSON,
General Counsel.

MARCH 28, 1969.

[F.R. Doc. 69-3928; Filed, Apr. 3, 1969; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS¹

Motor Vehicle Safety Standard No. 109; New Pneumatic Tires—Passenger Cars; Correction

In 34 F.R. 2252 published on February 15, 1969 (Docket No. 69-5), Table I-B of Appendix A should have inserted between the tire size designation L70-14 and D70-15 the following C70-15 tire size data:

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I-B

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SEE FACTORS AND SECTION WIDTHS FOR "70 SERIES" BIAS PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	20	22	24	26	28	30	32	34	36	38	40			
C70-15.....	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390	5½	32.75	7.50

Issued April 1, 1969.

H. M. JACKLIN, JR.,
Acting Director,

Motor Vehicle Safety Performance Service.

[F.R. Doc. 69-3958; Filed, Apr. 3, 1969; 8:45 a.m.]

¹ Formally contained in 23 CFR 255.

[Docket No. 69-8; Notice No. 1]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS¹

Motor Vehicle Safety Standard No. 110 Tire Selection and Rims—Passenger Cars

Appendix A of Standard No. 110, as amended (34 F.R. 1909), provides an abbreviated rule making procedure for adding alternative rim sizes to Standard No. 110 whereby the requested addition may become effective 30 days from date of publication in the FEDERAL REGISTER if

¹ Formally contained in 23 CFR 255.

no objections to the proposed additions are received. If comments objecting to the amendment warrant, rule making pursuant to the rule making procedures for motor vehicle safety standards (49 CFR 353)² is followed.

The Ford Motor Co. has petitioned for the addition of 4J as an alternative rim size for the 5.60-13 and 6.00-13 tire size designations and 4½J as an alternative rim size for the 165-13 tire size designation; the General Motors Corp. has petitioned for the addition of 5J as an alternative rim size for the 155R13 and 155-13/6.15-13 tire size designations; the American Honda Motor Co., Inc. has petitioned for the addition of 3.50B as an

² Formally contained in 23 CFR 216.

alternative rim size for the 145-10 tire size designation; the Rubber Manufacturers Association has petitioned for the addition of 8JJ as an alternative rim size for the F70-15 tire size designation, the 7JJ as an alternative rim size for the E70-14, G78-14, and E70-15 tire size designations, 6JJ as an alternative rim size for the 8.55-15 and 8.25-15 tire size designations and 5½JJ as an alternative rim size for the 8.25-15 and 9.15-15 tire size designations; the Standard-Triumph Motor Co., Ltd., has petitioned for the addition of the 4½J alternative rim size for the 5.20-13, 145-13, and 185-15 tire size designations and 3½J as an alternative rim size for the 5.60-13 and 145-13 tire size designations; and Volkswagen

Company of America has petitioned for the addition of 5K as an alternative rim size for the 5.60-15 tire size designation.

On the basis of the data submitted by the Ford Motor Co., the General Motors Corp., American Honda Motor Co., Inc., the Rubber Manufacturers Association, the Standard-Triumph Motor Co., Ltd., and Volkswagen Company of America indicating compliance with the requirements of Federal Motor Vehicle Safety Standards No. 109 and No. 110 and other information submitted, Motor Vehicle Safety Standard No. 110 is being amended in accordance with the procedural guidelines set forth in Appendix A of Standard No. 110.

In consideration of the foregoing, § 371.21 of Part 371, Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 110 (33 F.R. 17918) is amended as set forth below effective May 5, 1969.

These amendments are issued under authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), the delegation from the Secretary of Transportation, Part I of the Regulations of the Office of the Secretary (49 CFR 1.4(c)), and the delegation from the Federal Highway Administrator, 49 CFR 371.21, Appendix A of Standard No. 110 (33 F.R. 14969).

Issued on April 1, 1969.

H. M. JACKLIN, JR.,
Acting Director, Motor Vehicle
Safety Performance Service.

1. Table I of Appendix A is deleted and inserted is the following new Table I.

FMVSS No. 110

APPENDIX A, TABLE I
(Alternative Rims)

Tire size	Rim ¹
6.40-15.....	4½-JK, 4½-J, 4½-K, 4.50E, 4-J, 5.00E, 5-J, 5-K, 5-JK, 5½-J.
7.00-15.....	5.00F, 5-K.
8.25-15.....	6-JK, 6-K, 6-L, 6-JJ, 5½-JJ.
8.55-15.....	6-JK, 6-JJ, 6-K, 6-L, 5½-JK, 5½-JJ, 5½-J.
8.90-15.....	6½-L, 6-JK, 6-JJ, 7-L.
9.15-15.....	5½-JJ.
E50C-16.....	3½.
F50C-16.....	3½.
H50C-17.....	3½.
P60-15.....	6½-JJ, 7-JJ.
D70-13.....	5½-JK, 5½-JJ, 5½-J, 5½-K.
E70-14.....	7JJ.
F70-14.....	7JJ.
O70-15.....	5½-JJ.
E70-15.....	7JJ.
F70-15.....	8JJ.
G70-14.....	7JJ.
5.0-15.....	4J, 3.50B, 3.50D, 3½-J, 4.00C.
5.5-15.....	4J, 3½-J, 3.50D, 4½-J.
145-10.....	3.50B.
145-13.....	4½-J, 3½-J.
165-13.....	4½-J.
185-15.....	4½-J.
5.20-13.....	4½-J.
5.60-13.....	4J, 3½-J.
6.00-13.....	4J.
5.60-15.....	5-K.
155R13.....	5-J.
150-13/	
6.15-13.....	5J.

See footnotes at end of table.

Tire size	Rim ¹
B78-14.....	4½-JJ, 4½-J, 4½-K, 5-JJ, 5J, 5-K.
C78-14.....	5-JJ, 5-J, 5-K, 4½-JJ, 4½-J, 5½-J, 6-JJ, 6-JK.
D78-14.....	5-JJ, 5-J, 5-K.
E78-14.....	5½-JK, 5½-JJ, 5½-J, 5½-K, 4½-JJ, 4½-J, 5-JJ, 5-J, 5-K, 6½-JK.
F78-14.....	5½-JJ, 5½-JK, 5½-J, 5½-K, 5-JJ, 5-J, 5-K, 6-JK, 6-JJ, 6-K, 6½-JK, 6½-JJ.
G78-14.....	6-JJ, 6-JK, 6-K, 5-JJ, 5-J, 5½-JK, 5½-JJ, 5½-J, 5½-K, 7-JJ.
H78-14.....	6-JK, 6-JJ, 6-K, 5½-JK, 6½-JK, 6½-JJ, 6½-K.
J78-14.....	6-JK, 6-JJ, 6-K, 6½-JK, 6½-JJ.
C78-15.....	5-JJ, 5-J, 5-K, 4½-JJ, 4½-J, 4½-K.
D78-15.....	5-JJ, 5-J, 5-K.
E78-15.....	5-JJ, 5-J, 5-K, 4½-K, 5½-JK, 5-JJ, 5-J, 5-K, 6-JK, 6-JJ, 6-K, 6-L.
F78-15.....	5½-JK, 5½-JJ, 5½-J, 5½-K, 4½-K, 5-JJ, 5-J, 5-K, 6-JK, 6-JJ.
G78-15.....	5½-JK, 5½-JJ, 5½-J, 5½-K, 5-JJ, 5-J, 5-K, 6-JK, 6-JJ, 6-K, 6-L.
H78-15.....	6-JK, 6-JJ, 6-K, 6-L, 5½-JK, 5½-JJ, 5½-J, 5½-K, 6½-K.
J78-15.....	6-JK, 6-JJ, 6-K, 6-L, 6½-JK, 6½-JJ.
L78-15.....	6-JK, 6-JJ, 6-K, 6-L, 6½-JK, 6½-JJ.

¹ Italicized designations denote Test Rims.

[F.R. Doc. 69-3969; Filed, Apr. 3, 1969; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

DeSoto National Wildlife Refuge, Iowa-Nebr.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

IOWA-NEBRASKA

DESOTO NATIONAL WILDLIFE REFUGE

Public recreational activities are permitted on the DeSoto National Wildlife Refuge subject to the following special conditions:

(1) *Authorized activities.* Public recreational activities are limited to fishing, picnicking, swimming, boating, water skiing, sightseeing, mushroom picking, and nature observation.

(2) *Open season.* The open season for general public recreational use is from May 1, 1969 through September 15, 1969. During this period the public recreational use area is open daily between the hours

of 4:30 a.m. and 10 p.m., c.d.s.t. Two separate mushroom picking areas are open daily to the public during the month of May; hours of use are the same as for the general use area.

(3) *Open area.* The area open for general public use comprises approximately 2,000 acres and the special mushroom areas comprise approximately 1,100 acres. These areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Maps of the open areas are also posted or available for handout at entrance points and at concession buildings on the area.

(4) *Access.* Entry to the open area is permitted only at gates or points of entry specifically posted for this purpose.

(5) *Entrance fees.* Entry to the public use area shall be subject to fee charging for an entrance permit, as required for all designated areas under the Land and Water Conservation Fund Act of 1965. The types of entry permits available and the fees therefor shall be as determined by the Secretary. Permits will be available at refuge headquarters and at fee collection stations located at two entrance points.

(6) *Other provisions.* (a) The use of air mattresses, innertubes, beach balls and all other flotation devices, other than life preservers, is prohibited on refuge waters.

(b) The possession of bottles or cans is prohibited on the designated swimming beach.

(c) The use of fire is permitted in grills only.

(d) Access to refuge waters with air-boats or houseboats is prohibited.

(e) Access to refuge waters with boats that have toilets that flush directly into the water is prohibited, unless such toilets are sealed from use.

(f) The possession of open alcoholic beverages is prohibited on any boat propelled by mechanical power while the craft is in operation.

(g) The lake being long and narrow requires that all boaters keep to the right and maintain a highway-type traffic pattern. Turns shall always be made to the operator's left, except when beaching or docking a boat.

(h) A portion of the refuge lake is posted as a "No Wake Zone." Boaters using this area shall travel at an idling speed sufficiently slow to prevent a wake that would rock another boat.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through September 15, 1969.

KERMIT D. DYBSETTER,
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

MARCH 28, 1969.

[F.R. Doc. 69-3919; Filed, Apr. 3, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Great Meadows National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MASSACHUSETTS

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Sport fishing and entrance on foot for this purpose are permitted on the Great Meadows National Wildlife Refuge, Concord, Mass.

These open areas are delineated on maps available at Refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern sport 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.

RICHARD E. GRIFFITH,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

MARCH 26, 1969.

[F.R. Doc. 69-3920; Filed, Apr. 3, 1969;
8:46 a.m.]

PART 33—SPORT FISHING

Lake Ilo National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, near Dunn Center, N. Dak., is permitted only on the area designated by signs as open to fishing. The open area comprising 400 acres is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Sport fishing shall be in accordance with all applicable State laws and regulations subject to the following special conditions.

(1) The refuge shall be open to the taking of fish from May 3 to September 30, 1969, daylight hours only. The refuge shall then be closed to the taking of fish from October 1 to December 14 and open to fishing from December 15 to December 31, 1969, daylight hours only.

(2) One outboard motor of not more than 10 horsepower can be attached to any floating craft and to be used for fishing purposes only.

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

HOMER L. BRADLEY,
Refuge Manager, Lake Ilo National Wildlife Refuge, Dunn Center, N. Dak.

MARCH 28, 1969.

[F.R. Doc. 69-3921; Filed, Apr. 3, 1969;
8:46 a.m.]

PART 33—SPORT FISHING

Long Lake National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 10,000 acres are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 3, 1969, through September 14, 1969, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 14, 1969.

MARVIN MANSFIELD,
Refuge Manager, Long Lake National Wildlife Refuge, Moffit, N. Dak.

MARCH 28, 1969.

[F.R. Doc. 69-3922; Filed, Apr. 3, 1969;
8:45 a.m.]

PART 33—SPORT FISHING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in Lake Champlain and the Missisquoi River from the Missisquoi National Wildlife Refuge, Vt., in accordance with all applicable State regulations. The refuge is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

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 December 31, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

MARCH 27, 1969.

[F.R. Doc. 69-3923; Filed, Apr. 3, 1969;
8:46 a.m.]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wis., is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 21, 1969, through September 15, 1969, inclusive.

(2) The use of boats is not permitted.

(3) Fishing during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1969.

ROBERT S. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.

MARCH 28, 1969.

[F.R. Doc. 69-3924; Filed, Apr. 3, 1969;
8:47 a.m.]

PART 33—SPORT FISHING

Tewaukon National Wildlife Refuge,
N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing;
for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas are Lake Tewaukon and Mann Lake, comprising 1,164 acres, and are shown on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and

Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 3, 1969, through September 30, 1969, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1969.

HERBERT G. TROESTER,
*Refuge Manager, Tewaukon National Wildlife Refuge,
Cayuga, N. Dak.*

MARCH 27, 1969.

[F.R. Doc. 69-3949; Filed, Apr. 3, 1969;
8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 362]

[Interpretation 18]

ECONOMIC POISONS

Warning, Caution, and Antidote Statements on Labels

Notice is hereby given that pursuant to the authority of § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, as amended; 7 U.S.C. 135-135k) consideration is being given to the revision of Interpretation 18, Revision II, to read as follows:

§ 362.116 Interpretation with respect to criteria for determining warning, caution, and antidote statements required to appear on labels of economic poisons to prevent injury to man.

An economic poison may be hazardous to man because of its toxicity; irritancy; corrosiveness; sensitizing ability; flammability; or because it is under pressure in its container or is capable of generating pressure through decomposition, exposure to heat, or other means; or for other reasons. A review of currently registered labels reveals many differences in the wording by which such hazards are identified and by which instructions are given to avoid injury from them. Such differences arise inevitably where no standard of uniform precautionary labeling exists. The Director believes that the effectiveness of precautionary labeling will be improved and the protection of the public, therefore, enhanced if the same hazards are described in the same terms. Accordingly, this interpretation undertakes to define, to the extent possible, those hazards that are most commonly associated with economic poisons, and to set forth the signal words, statements of hazard, precautionary measures, and first aid statements that are considered acceptable for these hazards insofar as they are likely to cause injury to man. Nothing in this interpretation relieves an applicant of his responsibility under the Act to warn against any other hazards associated with his product.

(a) *Requirements of the Act.* Section 2z(2)(d) of the Act provides that an economic poison is misbranded if its label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals. Section 3(a)(3) of the Act requires that any economic poison which contains any substance or substances in quantities highly toxic to man must bear on the label the skull and crossbones, the word "POISON" (in red) on a contrasting background, and an antidote statement.

(b) *Definitions.*—(1) *Antidote.* Section 2r of the Act (7 U.S.C. 135(k)) defines an antidote as "a practical immediate treatment in case of poisoning and includes first aid treatment." In this Interpretation, when the term "antidote" is used, it has reference only to specific therapeutic measures that may or may not require the services of a physician. When the term "first aid" is used, it has reference to nonspecific, general supportive measures that can be taken by the victim or other nonmedical persons. In general, first aid measures are aimed principally at termination of the exposure.

(2) *Combustible liquid.* A liquid that has a flashpoint above 80° F. to and including 150° F. as determined by Tagliabue's Open Cup Method.

(3) *Corrosive.* A substance that causes destruction or irreversible alteration of living tissue at the site of contact. A test for a corrosive is whether by human experience, such tissue destruction occurs at the site of contact. A substance will be considered to be a corrosive if when tested on the intact skin of the albino rabbit by the method described in paragraph (c) of this section or in the eye of the albino rabbit by the method described in paragraph (d) of this section, the structure of the tissue at the site of contact is destroyed or changed irreversibly in 24 hours or less.

(4) *Dust.* Airborne solid particles generated by handling, crushing, grinding, rapid impact, detonation, or decrepitation of larger aggregates of a substance.

(5) *Extremely flammable liquid.* (i) An extremely flammable liquid is one that has a flash point of 20° F. or less as determined by Tagliabue's Open Cup Method.

(ii) The contents of a self-pressurized container are "extremely flammable" if, when tested by the method described in paragraph (e) of this section, a flashback (a flame extending back to the container) is obtained at any degree of valve opening, and the flash point is 20° F. or less as determined by Tagliabue's Open Cup Method.

(6) *Flammable gas.* A gas that is classified as a "flammable compressed gas" for shipping purposes under regulations of the U.S. Department of Transportation.

(7) *Flammable liquid.* (i) A flammable liquid is one that has a flashpoint above 20° F. to and including 80° F. as determined by Tagliabue's Open Cup Method.

(ii) The contents of a self-pressurized container are "flammable" if, when tested by the method described in paragraph (e) of this section, a flame projection exceeding 18 inches is obtained at full valve opening, or a flashback (a flame extending back to the container) is obtained at any degree of valve opening.

(8) *Gas.* A normally formless fluid that occupies the space of enclosure and that can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

(9) *Highly toxic substance.* Economic poisons (substances) highly toxic to man are defined in § 362.8 of the regulations (§ 362.8 of this chapter).

(10) *Irritant.* A substance that causes inflammation, but not destruction or irreversible alteration, of living tissue at the site of contact. A test for an irritant is whether by human experience, such inflammation occurs at the site of contact. A substance will be considered to be an irritant if when tested on the skin of the albino rabbit by the method described in paragraph (c) of this section a Primary Irritation Score of 5 or more is obtained, or if when tested in the eye of the albino rabbit by the method described in paragraph (d) of this section a positive test is obtained.

(11) *Mist.* Airborne liquid particles generated by condensation of a substance from the gaseous state, or by the breaking up of a liquid into a dispersed state as by splashing, foaming, or atomizing.

(12) *Mixture.* A physical commingling of two or more substances that have not reacted chemically with one another.

(13) *Nonflammable gas.* A gas that is classified as a "nonflammable compressed gas" for shipping purposes under regulations of the U.S. Department of Transportation.

(14) *Slightly toxic substance.* A substance falling within any of the following categories:

(i) A substance or mixture of substances that has a single dose LD₅₀ greater than 500 milligrams per kilogram of body weight when administered orally to both male and female rats which have been fasted for a period of 24 hours.

(ii) A substance or mixture of substances that has an LC₅₀ greater than 5 milligrams per liter when administered by continuous inhalation for 1 hour to both male and female rats, if the Director finds that it is reasonably foreseeable that such concentration will be encountered by man. If the substance is administered to the animals as a dust or mist, more than 90 percent of the particles available for inhalation in the test shall have a diameter of 10 microns or less.

(iii) A substance or mixture of substances that has an LD₅₀ greater than 2 grams per kilogram of body weight when administered by continuous contact for 24 hours with the bare skin of rabbits.

(15) *Strong oxidizer.* A substance that yields oxygen readily to stimulate the combustion of organic matter.

(16) *Strong sensitizer.* A substance that human experience shows to be capable of inducing an allergic or photodynamic reaction in a substantial number of persons who come into contact with it, and which is designated as such by the Director.

(17) *Substance under pressure.* (i) A substance that comprises the contents of a self-pressurized container.

(ii) A substance that decomposes to release gas in its container.

(18) *Toxic substance.* A substance falling within any of the following categories:

(i) A substance or mixture of substances that has a single dose LD₅₀ or more than 50 milligrams per kilogram but not more than 500 milligrams per kilogram of body weight when administered orally to both male and female rats which have been fasted for a period of 24 hours.

(ii) A substance or mixture of substances that has an LC₅₀ or more than 2 milligrams per liter but not more than 5 milligrams per liter when administered by continuous inhalation for 1 hour to both male and female rats, if the Director finds that it is reasonably foreseeable that such concentration will be encountered by man. If the substance is administered to the animals as a dust or mist, more than 90 percent of the particles available for inhalation in the test shall have a diameter of 10 microns or less.

(iii) A substance or mixture of substances that has an LD₅₀ greater than 200 milligrams per kilogram but not more than 2 grams per kilogram of body weight when administered by continuous contact for 24 hours with the bare skin of rabbits.

(19) *Vapor.* The gaseous form of a substance that is normally in the solid or liquid state.

(c) *Method of testing for skin irritants.* Primary irritation to the skin is measured by a patch-test technique on the abraded and intact skin of the albino rabbit, clipped free of hair. A minimum of six subjects is used in abraded and intact skin tests. Introduce under a square patch such as surgical gauze measuring 1 inch x 1 inch, two single layers thick, 0.5 milliliter (in the case of liquids) or 0.5 gram (in the case of solids and semisolids) of the test substance. Dissolve solids in an appropriate solvent and apply the solution as for liquids. The animals are immobilized with patches secured in place with adhesive tape. The entire trunk of the animal is then wrapped with an impervious material such as rubberized cloth for the 24-hour period of exposure. This material aids in maintaining the test patches in position and retards the evaporation of volatile substances. After 24 hours of exposure, the patches are removed and the resulting reactions evaluated on the basis of the designated values in Table 1. Readings are again made at the end of a total of 72 hours (48 hours after the first reading). An equal number of exposures is made on areas of skin that have been previously abraded. The abrasions are minor incisions through the stratum corneum that are not sufficiently deep to disturb the derma or to produce bleeding. The reactions of the abraded skin are evaluated at 24 hours and at 72 hours, as indicated in Table 1. The values for erythema and eschar formation at 24 and at 72 hours for intact skin are added to the values at 24 hours and at 72 hours for abraded skin (four values). Similarly, the values for edema formation at 24 hours and at 72 hours for both intact and abraded skin (four values) are totaled. The total

of the eight values is divided by four to give the Primary Irritation Score.

(d) *Method of testing for eye irritants.* (1) Six albino rabbits are used for each test substance. Animal facilities for this procedure are to be so designed and maintained as to exclude sawdust, wood chips, or other extraneous materials that might produce eye irritation. Both eyes of each animal in the test group are examined before testing, and only those animals without eye defects or irritation are to be used. The animal is held firmly but gently until quiet. The test material is placed in one eye of each animal by gently pulling the lower lid away from the eyeball to form a cup into which the test substance is dropped. The lids are then gently held together for 1 second and the animal is released. The other eye, remaining untreated, serves as a control. For testing liquids, 0.1 milliliter is used. For solids or pastes, 100 milligrams of the test substance is used, except that for substances in flake, granule, powder, or other particulate form the amount that has a volume of 0.1 milliliter (after compacting as much as possible without crushing or altering the individual particles, such as by tapping the measuring container) are to be used whenever this volume weighs less than 100 milligrams. In such a case, the weight of the 0.1 milliliter test dose is recorded. The eyes are not washed following instillation of the test material except as noted below.

(2) The eyes shall be examined and the grade of ocular reaction recorded at 24, 48, and 72 hours. Reading of reactions is facilitated by use of a binocular loupe, hand slit-lamp, or other expert means. After the recording of observations at 24 hours, any or all eyes may be further examined after applying fluorescein. For this optional test, one drop of fluorescein sodium ophthalmic solution U.S.P., or its equivalent, is dropped directly on the cornea. After flushing out the excess fluorescein with sodium chloride solution U.S.P., or its equivalent, injured areas of the cornea appear yellow; this is best visualized in a darkened room under ultraviolet illumination. Any or all eyes may be washed with sodium chloride solution U.S.P., or its equivalent, after the 24-hour reading.

(3) An animal shall be considered as exhibiting a positive reaction if the test substance produces at any of the readings (i) ulceration of the cornea (other than a fine stippling), or (ii) opacity of the cornea (other than a slight dulling of the normal luster), or (iii) inflammation of the iris (other than a slight deepening of the folds (or rugae) or a slight circumcorneal injection of the blood vessels) or (iv) if such substance produces in the conjunctivae (excluding the cornea and iris) an obvious swelling with partial eversion of the lids or a diffuse crimson-red with individual vessels not easily discernible.

(4) The test shall be considered positive if four or more of the animals in the test group exhibit a positive reaction. If only one exhibits a positive reaction, the test shall be regarded as negative. If two or three animals exhibit a positive reaction, the test shall

be repeated using a different group of six animals. The second test shall be considered positive if three or more of the animals exhibit a positive reaction. If only one or two animals in the second test exhibit a positive reaction, the test shall be repeated with a different group of six animals. Should a third test be needed, the substance will be regarded as an irritant if any animal exhibits a positive response.

(e) *Method of testing self-pressurized containers for flame projection.* (1) The test equipment consists of a base 8 inches wide and 2 feet long, marked in 6-inch intervals. A rule 2 feet long and marked in inches is supported horizontally on the side of the base and about 6 inches above it. A paraffin candle 1 inch or more in diameter, and of such height that the top one-third of the flame is at the height of the horizontal rule, is placed at a zero point in the base.

(2) The test is conducted in a draft-free area that can be ventilated and cleared after each test. The self-pressurized container is placed at a distance of 6 inches from the flame. Spray for periods of 15 seconds to 20 seconds (with one observer noting the extension of the flame and the other operating the container) through the top one-third of the flame and at a right angle to the flame. The height of the flame should be approximately 2 inches. Take three readings for each test, and average them. As a precaution, do not spray large quantities in a small, confined space. Free space of previously discharged material.

(f) *Categories of hazard.* (1) Three categories of hazard of economic poisons are recognized on the basis of toxicity. The first is the highly toxic category as defined in paragraph (b)(9) of this section. The second is the toxic category as defined in paragraph (b)(18) of this section. The third is the slightly toxic category as defined in paragraph (b)(14) of this section. A summary of these is given in Table 2.

(2) Three categories of hazard of economic poisons capable of causing local effects on living tissue are recognized. The first is the corrosive category as defined in paragraph (b)(3) of this section. The second is the irritant category as defined in paragraph (b)(10) of this section. The third is the strong sensitizer category as defined in paragraph (b)(16) of this section.

(3) Three categories of hazard of liquid economic poisons are recognized on the basis of flammability. The first is the extremely flammable category as defined in paragraph (b)(5) of this section. The second is the flammable category as defined in paragraph (b)(7) of this section. The third is the combustible category as defined in paragraph (b)(2) of this section.

(4) A category of flammable gases, as defined in paragraph (b)(6) of this section, is recognized as a fourth category of economic poisons constituting a fire hazard.

(5) A category of strong oxidizers, as defined in paragraph (b)(15) of this section, is recognized as a fifth category of

economic poisons constituting a fire hazard.

(6) Three categories of hazard of economic poisons under pressure are recognized. The first is the category of substances which comprise the contents of self-pressurized containers. The second is the category of compressed gases as defined in paragraph (b) (6) and (13) of this section. The third is the category of substances which may decompose to release gas in the container.

(g) *Label language applicable to categories of hazard.* (1) The signal words, statements of hazard, precautionary measures, and first-aid statements required for each of the various categories of hazard enumerated in paragraph (f) of this section are set forth in Table 3 through Table 8. These words and statements are in addition to the statement "Keep out of reach of children" required by § 362.9(a) of the regulations (§ 362.9(a)) on the label of every economic poison.

(2) Section 3a(3) of the Act (7 U.S.C. 135(a)(3)) requires that an economic poison highly toxic to man must bear on the label the skull and crossbones, the word "POISON" (in red) on a contrasting background, and an antidote statement.

(3) The applicant must use any added warning, caution, or antidote statements which any special characteristics or uses of his product indicate are necessary to prevent injury to man.

(h) *Condensation of label information for economic poisons with multiple hazards.* Many economic poisons have more than one hazard. Labels of such products must bear the aggregate of all of the label information that appears in Table 3 through Table 8 for each category of hazard into which the product may be classified. However, some condensation of this information along with the following lines is permissible:

(1) Only one signal word need be used and this shall be the signal word corresponding to the category of greatest hazard.

(2) In the toxicity categories, statements of hazard may be combined where the product is equally toxic by more than one route of exposure. Examples of such combinations are: "Harmful or Fatal If Swallowed or Inhaled," "Harmful or Fatal If Swallowed, Inhaled or Absorbed Through Skin," "Prolonged or Repeated Inhalation or Contact with Skin May be Harmful."

(3) When the same precautionary measure is applicable to more than one category of hazard, it need not be repeated.

(4) When more than one first-aid statement is required, the words "First Aid" and the phrase "Call a Physician" need not be repeated, provided the statements are grouped under a general heading of "First Aid" in boldface type and the phrase "Call a Physician" is printed in boldface type and positioned in such a way as to be clearly applicable to all first-aid statements. Similarly, the instruction "Never give anything by mouth to an unconscious person" may appear in more than one statement, and this

need not be repeated if it is printed in boldface type and positioned in such a way as to be clearly applicable to all of the statements that would otherwise include it.

(i) *Antidotes that may be administered by a nonmedical person.* (1) An antidote, as the term is defined in paragraph (b) (1) of this section, that may be administered by a nonmedical person shall be presented on the label under the heading "Antidote."

(2) Examples of acceptable antidote statements are as follows:

(i) For acid corrosive substances that are not toxic or highly toxic by ingestion:

Antidote. If swallowed, do NOT induce vomiting or pass stomach tube. Give large quantities of water. Give at least 1 ounce of milk of magnesia or aluminum hydroxide gel in an equal amount of water. If these are not available, the whites of two or three eggs may be used. Never give anything by mouth to an unconscious person. Call a physician.

(ii) For alkaline corrosive substances that are not toxic or highly toxic by ingestion:

Antidote. If swallowed, do NOT induce vomiting or pass stomach tube. Give large quantities of water. Give at least 1 ounce of vinegar in an equal amount of water. Never give anything by mouth to an unconscious person. Call a physician.

(iii) For cyanides and cyanide-like substances:

Antidote. Always have on hand a cyanide first-aid kit. Break an amyl nitrite pear in a cloth and hold lightly under nose for 15 seconds. Repeat 5 times at about 15-second intervals. Call a physician.

(iv) For soluble barium salts:

Antidote. If swallowed, give epsom salt or sodium sulfate in water. Never give anything by mouth to an unconscious person. Call a physician.

(j) *Antidotes that must be administered by a physician.* (1) An antidote, as the term is defined in paragraph (c) (1) of this section, that can be administered only by a physician shall be presented on the label under the heading of "Note to Physicians."

(2) Examples of acceptable notes to physicians are as follows:

(i) For anticoagulant substances:

Note to Physicians. If swallowed, this material may reduce the clotting ability of the blood and cause bleeding. In such case, intravenous and oral administration of Vitamin K, combined with blood transfusions, if necessary, are indicated.

(ii) For soluble arsenic compounds:

Note to Physicians. If swallowed, give gastric lavage followed by saline cathartic. Force fluids. In all cases, give dimercaptol (BAL) in recommended dosages.

(iii) For cholinesterase-inhibiting compounds that are highly toxic as defined in paragraph (b) (9) of this section:

Note to Physicians. Warning symptoms include weakness, headache, tightness of chest, blurred vision, nonreactive pinpoint pupils, salivation, sweating, nausea, vomiting, diarrhea, and abdominal cramps. Give atropine intramuscularly or intravenously, 2 to 4 milli-

grams (3 to 6 tablets, 1/100 grain each) at once and every hour as required until pupils dilate. Twenty to 30 milligrams, or more, may be required during the first 24 hours. Never give morphine or phenothiazine tranquilizers. Clear chest by postural drainage. Artificial respiration or oxygen administration may be necessary. Observe patient continuously 48 hours. Repeated exposure to cholinesterase inhibitors may, without warning, cause increasing susceptibility to very small doses of any cholinesterase inhibitor. Allow no further exposure until cholinesterase regeneration has taken place as determined by blood tests.

(iv) For cholinesterase-inhibiting substances that are toxic as defined in paragraph (b) (18) of this section:

Note to Physicians. Prolonged or repeated exposure may cause cholinesterase inhibition. Atropine is antidotal.

(v) For cyanides and cyanide-like substances:

Note to Physicians. If patient has not responded to amyl nitrite, inject intravenously 10 milliliters of a 3 percent solution of sodium nitrite at a rate not greater than 2.5 to 5.0 milliliters per minute. Follow directly with 50 milliliters of a 25 percent solution of sodium thiosulfate at the same rate by the same route. Keep patient under observation. If signs of poisoning persist to reappear, repeat nitrite and thiosulfate injections one hour later in one-half the original doses.

(vi) The methemoglobin-inducing compounds:

Note to Physicians. Absorption of this product into the body leads to the formation of methemoglobin which, in sufficient concentration, causes cyanosis. Since reversion of methemoglobin to hemoglobin occurs spontaneously after termination of exposure, moderate degrees of cyanosis need be treated only by supportive measures such as bed rest and oxygen inhalation. Thorough cleansing of the entire contaminated area of the body including scalp and nails is of utmost importance. If cyanosis is severe, intravenous injection of methylene blue, 1 milligram per kilogram of body weight, may be of value.

(k) *Products presenting special hazards.* (1) Human experience as reported in the scientific literature and to the Poison Control Centers and the National Clearinghouse for Poison Control Centers, together with the opinions of informed medical experts, established that the following substances are more hazardous to man than the results of tests on animals indicate:

(i) Benzene (also known as benzol), toluene (also known as toluol), xylene (also known as xylol), and petroleum distillates such as kerosene, mineral seal oil, naphtha, gasoline, mineral spirits, and stoddard solvent.

(ii) Carbon tetrachloride.

(iii) Diethylene glycol.

(iv) Ethylene glycol.

(v) Inorganic compounds of trivalent arsenic.

(vi) Methyl alcohol.

(vii) Turpentine including gum turpentine, gum spirits of turpentine, steam-distilled wood turpentine, sulfate wood turpentine, and destructive distilled wood turpentine.

(2) These substances present special hazards and the precautionary labeling that might otherwise be required by the

Act and regulations is not adequate to prevent injury to man. Therefore, the following provisions are deemed necessary in the precautionary labeling of economic poisons containing these substances:

(i) Because blood dyscrasias can result from the breathing of vapor of benzene, this compound and mixtures containing 5 percent or more, by weight, of benzene shall bear on the label the signal word "Danger," the statement of hazard "Vapor harmful," and the word "POISON" (in red), and the skull and crossbones in addition to any other precautionary labeling that is called for by this Interpretation. If the product contains 10 percent or more, by weight, of benzene, and is not "highly toxic" or "toxic" as defined in paragraph (b) of this section, the label shall bear the additional statement of hazard "Harmful or fatal if swallowed" and the first-aid statement "First aid. If swallowed, do NOT induce vomiting. Call a physician."

(ii) Because systemic poisoning can result from the ingestion of or breathing of vapor of carbon tetrachloride, this compound and mixtures containing 1 percent or more, by weight, of carbon tetrachloride shall bear on the label the precautionary labeling set forth in Tables 3 and 4 for economic poisons that are highly toxic by ingestion and inhalation, respectively. The label shall also bear the statement "Avoid contact with flame or hot surface."

(iii) Because systemic poisoning can result from the ingestion of ethylene glycol or diethylene glycol and mixtures containing more than 10 percent, by weight, of either ethylene glycol or diethylene glycol or a mixture of the two, such products that are not "highly toxic" or "toxic" as defined in paragraph (b) of this section shall bear on the label the signal word "Warning." The label shall also bear the statement of hazard "Harmful or fatal if swallowed" if ethylene glycol is present, and the statement of hazard "Harmful if swallowed" if only diethylene glycol is present.

(iv) Because products containing 10 percent or more, by weight, of toluene, xylene, or any of the other substances listed in subparagraph (1)(i) of this paragraph, may be aspirated into the lungs with resulting chemical pneumonitis, such products that are not "highly toxic" or "toxic" as defined in paragraph (b) of this section shall bear on the label the signal word "Danger," the statement of hazard "Harmful or fatal if swallowed," and the first-aid statement "First aid. If swallowed, do NOT induce vomiting. Call a physician."

(v) Because systemic poisoning can result from the ingestion of inorganic compounds of trivalent arsenic, products containing more than 1.15 percent of such compounds, calculated as elemental arsenic, shall bear on the label the precautionary labeling set forth in Table 3 for an economic poison that is highly toxic by ingestion. In addition, the label shall bear the precautionary instructions "Do not use or store in or around the home" and "Do not allow domestic ani-

mals to graze treated area" and the note of physicians "Note to Physicians. If swallowed, give gastric lavage followed by saline cathartic. Force fluids. In all cases, give dimercaprol (BAL) in recommended dosages."

(vi) Because blindness or death can result from the ingestion of methyl alcohol, this compound and mixtures containing 4 percent or more, by weight, of methyl alcohol shall bear on the label the precautionary labeling set forth in Table 3 for an economic poison that is highly toxic by ingestion. In addition, the statement of hazard shall include the statement "Vapor harmful" and "May cause blindness if swallowed." The label shall also bear the statement "Cannot be made nonpoisonous."

(vii) Because systemic poisoning can result from the ingestion of turpentine, products containing more than 10 percent, by weight, of turpentine that are not "highly toxic" as defined in paragraph (b) of this section shall bear on the label the signal word "Danger" and the statement of hazard "Harmful or fatal if swallowed."

(1) *Products acceptable for use only by Government personnel or licensed pest control operators.* Some products in certain uses are limited to use only by Government personnel or licensed pest control operators. Government personnel include qualified personnel in Federal, State, or local governments. Labels and other labeling for such products or uses shall bear, in addition to any other precautionary labeling required by this Interpretation, a statement to the effect that the product is for use only by Government agencies or by licensed pest control operators, as the case may be. The label shall also bear a warning against sale to the general public. Products and uses which require these additional statements are as follows:

(1) Products containing thallium compounds and intended for use in or around the home.

(2) Certain indoor fogging operations.

(3) Use of 1080.

(m) *Placement, conspicuousness, and contrast of precautionary labeling.* (1) All items of label information dealt with in this Interpretation shall appear together on the front panel or that part of the label displayed under customary conditions of purchase. Such information shall be placed together and distinctively apart from other wording or designs. The necessary prominence shall be achieved by placement within the borders of a square or rectangle with or without a borderline, and by use of suitable contrasts with the background achieved by distinctive typography or color, and by both color and typography when needed.

(2) If space does not permit the inclusion of all precautionary labeling on the front panel or that part of the label displayed under customary conditions of purchase, all items of such labeling may be placed elsewhere on the label with the exception of the following:

(1) The word "POISON" if the economic poison is one that is highly toxic to

man or if the word is required for special hazards.

(ii) The skull and crossbones in immediate proximity to the word "POISON" when the latter is required.

(iii) The signal word "DANGER," "WARNING," or "CAUTION."

(iv) The statement of principal hazard.

(v) The statement "KEEP OUT OF REACH OF CHILDREN."

(vi) An instruction to read carefully any precautionary information that may be placed elsewhere on the label, such as "See other warnings on (back, side) panel."

(3) The signal word and the word "POISON" when required shall be in boldface capital or upper case letters. The word "POISON" when required shall be in red on a contrasting background, along with the skull and crossbones.

(4) Statements of hazard shall be in all capital or upper case letters.

(5) All words, statements, and symbols required by the Act and regulations to appear on the label must be easily legible by a person with normal vision. The type used for such words and statements as are required on the front panel, or that part of the label displayed under customary conditions of purchase, shall be of a size bearing a reasonable relationship to the other type on that panel. The signal word and principal statement of hazard shall be not less than 18-point type, and the precautionary measures, first-aid and antidote statements, and note to physicians shall be not less than 12-point type unless the label is too small to accommodate such type sizes. When the size of the label necessitates a reduction in type size, the minimum type sizes set forth in Table 9 shall be used.

(6) Letter heights pertain to upper case or capital letters. When the upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(7) The ratio of height to width of a letter shall not exceed a ratio of 3 units to 1 unit, respectively. In other words, the letter shall be no more than 3 times as high as it is wide.

(n) *Testing of mixtures.* The determination of whether a product is hazardous is necessarily based on the physical, chemical, or pharmacological properties of the product itself. A mixture may be less hazardous or more hazardous than any of its components because of synergistic or antagonistic interactions. It may not be possible to reach a satisfactory decision on the toxic, irritant, corrosive, flammable, or sensitizing properties of a mixture from what is known about its components. It is necessary to test the mixture as it is to be marketed.

(o) *Precautionary labeling for cumulative toxic effects.* The precautionary labeling detailed in Table 3 through Table 8 is directed primarily toward the avoidance of injury to man from a single, accidental exposure to an economic poison. Some economic poisons, however,

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produce cumulative effects from repeated exposures. When a knowledge of cumulative effects exists, a statement of the hazard together with suitable instructions for the avoidance of such injury shall be included with the other label information required by this Interpretation.

(p) *Limiting statements appropriate in directions for use.* When an economic poison is to be registered for more than one use, it is possible that the circumstances of use may necessitate one or more precautionary statements that are more appropriately included in the directions for use than in the precautionary text. For example, when an economic poison is intended for use on or around feed or food products and contamination of the food with harmful residues may occur, the label should bear specific statements adequate to avoid the danger of contaminating such feed or foodstuffs. When directions for use of sprays in food-handling establishments are otherwise acceptable, a statement such as "Cover or remove all exposed food, utensils, and containers before spraying" may be required. In order to avoid contamination of milk or meat, certain economic poisons must bear directions against application in dairy barns, to dairy animals or animals being finished for slaughter, or to forage crops to be used as feed for dairy animals or animals being finished for slaughter. Examples of acceptable limiting statements that may be appropriate in directions for use are as follows:

- (1) Do not apply in dairy barns.
- (2) Do not allow livestock to graze treated areas.

(q) *Listing of "strong sensitizers."* The Director, having considered the frequency of occurrence and severity of reactions, finds that the following substances have a significant potential for causing hypersensitivity and, therefore, meet the definition of a strong sensitizer in paragraph (b) (16) of this section.

- (1) Paraphenylenediamine.
- (2) Phenothiazines.
- (3) Formaldehyde.
- (4) Halogenated salicylanilides.
- (5) Tetracyclines.

(r) *Disclosure of hazardous inert ingredients.* When an inert ingredient of an economic poison contributes substantially to a hazard of the product, and the hazard is one other than flammability or generation of pressure, such inert ingredient shall be given by its common or usual name (or by chemical name if it has no common or usual name) in the ingredient statement or as a footnote on the label. The percentage of such ingredient present need not be specified.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director, Pesticides Regulation Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for

public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 25th day of March 1969.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

TABLE 1
SCORING OF SKIN REACTIONS IN TEST FOR IRRITANTS

Skin reaction	Value ¹
Erythema and eschar formation:	
No erythema.....	0
Very slight erythema (barely perceptible).....	1
Well-defined erythema.....	2
Moderate to severe erythema.....	3
Severe erythema (beet redness) to slight eschar formation (injuries in depth).....	4
Edema formation:	
No edema.....	0
Very slight edema (barely perceptible).....	1

TABLE 1—Continued

Skin reaction	Value ¹
Edema formation—Continued	
Slight edema (edges of area well defined by definite raising).....	2
Moderate edema (raised approximately 1 millimeter).....	3
Severe edema (raised more than 1 millimeter and extending beyond the area of exposure).....	4

¹ The value recorded for each reading is the average value of six or more animals subject to the test.

TABLE 2
CATEGORIES OF HAZARD BASED ON TOXICITY OF ECONOMIC POISONS

Category	Route of exposure		
	Ingestion (LD ₅₀ , mg/kg)	Inhalation (LC ₅₀ , mg/l)	Skin contact (LD ₅₀ , mg/kg)
Highly toxic..	<50	<2	<200
Toxic.....	>50	>2	>200
	<500	>5	<2,000
Slightly toxic.	>500	>5	>2,000

TABLE 3

LABEL CLASSIFICATION OF ECONOMIC POISONS HAZARDOUS BY INGESTION

Category of hazard	LD ₅₀ (mg/kg)	Signal word	Statements of hazard	Precautionary measures	First aid
Highly toxic.....	≤50	Danger!	Harmful or fatal if swallowed.	Wash thoroughly after handling. Do not store near food or feed.	O—POISON—O FIRST AID. If swallowed, induce vomiting by sticking finger down throat or by giving soapy or strong salty water to drink. Repeat until vomit is clear. Call a physician. Never give anything by mouth to an unconscious person. Do.
Toxic.....	>50	Warning!	do.....	do.....	Do.
Slightly toxic....	>500	Caution!	Harmful if swallowed.	(?).....	(?).

¹ Instructions of this type may or may not be necessary depending upon the properties of the product.

TABLE 4

LABEL CLASSIFICATION OF ECONOMIC POISONS HAZARDOUS BY INHALATION

Category of hazard	LC ₅₀ (mg/liter)	Signal word	Statements of hazard	Precautionary measures	First aid
Highly toxic.....	≤2	Danger!	Harmful or fatal if inhaled.	Do not breathe (dust, vapor, mist, gas). ¹ Wear an approved respirator. ² Keep container closed. Use with adequate ventilation.	O—POISON—O FIRST AID. If inhaled, remove to fresh air. If not breathing give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen. Call a physician. Do.
Toxic.....	>2 ≤5	Warning!	do.....	Avoid breathing (dust, vapor, mist, gas). ¹ Keep container closed. Use with adequate ventilation.	Do.
Slightly toxic....	>5	Caution!	Prolonged or repeated inhalation of (dust, vapor, mist, gas). ¹ May be harmful.	(?).....	(?).
Strong sensitizer, lungs. ³		Warning!	May cause allergic respiratory reaction.	Avoid breathing (dust, vapor, mist, gas). ¹ Keep container closed. Use with adequate ventilation.	(?).

¹ Select the applicable word or words in parentheses.

² It is the responsibility of the applicant to specify an approved respirator.

³ Instructions of this type may or may not be necessary depending upon the properties of the product.

⁴ These substances are so designated by the Director.

TABLE 7
LABEL CLASSIFICATION OF ECONOMIC POISONS PRESENTING FIRE HAZARDS

Category of hazard	LD ₅₀ (mg/kg)	Signal word	Statements of hazard	Precautionary measures
Extremely flammable liquid	<30	Danger	Extremely flammable	Keep away from heat, sparks, and open flame. Keep container closed. Use with adequate ventilation.
Extremely flammable contents of self-pressurized container	<30 ¹	do	Extremely flammable contents under pressure	Do not use near fire, sparks, or flames. Use with adequate ventilation. Do not puncture or incinerate container. Do not expose to heat or store at temperatures above 130° F.
Flammable liquid	>30 <60	Warning	Flammable	Keep away from heat, sparks, and open flame. Keep container closed. Use with adequate ventilation.
Flammable contents of self-pressurized container	Not applicable	do	Flammable contents under pressure	Do not use near fire, sparks, or flames. Use with adequate ventilation. Do not puncture or incinerate container. Do not expose to heat or store at temperatures above 130° F.
Flammable gas	do	Danger	Extremely flammable (Gas) (Liquid and Gas) under pressure	Keep away from heat, sparks, and open flame. Use with adequate ventilation. Do not puncture or incinerate container. Do not expose to heat or store at temperatures above 130° F.
Combustible liquid	>60 <150	Caution	Combustible	Keep away from heat and open flame.
Strong oxidizer	Not applicable	Danger	Strong oxidizer contact may cause fire	Keep from contact with clothing and other combustible materials. Do not store near combustible materials. Store in tightly closed container. Remove and wash contaminated clothing promptly.

¹ Degrees Fahrenheit, Tagliabone Open Corp.
² Also, provided a "backcheck" is obtained at any degree of valve opening.
³ Use "liquid and gas" when there is a liquid phase in the container.

TABLE 8
LABEL CLASSIFICATION OF ECONOMIC POISONS UNDER PRESSURE

Category of hazard	Signal word	Statements of hazard	Precautionary measures
Nonflammable contents of self-pressurized container	Warning	Contents under pressure	Do not puncture or incinerate container. Do not expose to heat or store at temperatures above 130° F.
Nonflammable gas	do	(Gas) Liquid and Gas under pressure	Do not drop cylinder. Keep out of sun and away from heat.
Substances which may decompose to release gas in the container	do	May contain gas under pressure	Keep out of sun and away from heat. Loosen closure cautiously before opening.

¹ Use "liquid and gas" when there is a liquid phase in the container.

TABLE 5
LABEL CLASSIFICATION OF ECONOMIC POISONS HAZARDOUS BY CONTACT (SYSTEMIC EFFECTS)

Category of hazard	LD ₅₀ (mg/kg)	Signal word	Statements of hazard	Precautionary measures	First aid
Highly toxic	<200	Danger	Harmful or fatal if absorbed through skin	Do not get in eyes, on skin, or on clothing. Wash thoroughly after handling.	0—POISON—0 First Aid. In case of contact, immediately remove contaminated clothing and shoes. Flush eyes or skin with plenty of water for at least 15 minutes. Call a physician. Wash clothing before reuse. (Dissect contaminated shoes.) Do.
Toxic	>200 <3000	Warning	do	do	(1)
Slightly toxic	>3000	Caution	Prolonged or repeated contact with skin may be harmful	do	(2)

¹ Use instruction in parentheses only when shoes cannot be decontaminated.
² Instructions of this type may or may not be necessary depending upon the properties of the product.

TABLE 6
LABEL CLASSIFICATION OF ECONOMIC POISONS HAZARDOUS BY CONTACT (LOCAL EFFECTS)

Category of hazard	Signal word	Statements of hazard	Precautionary measures	First aid
Corrosive, eyes	Danger	Causes (severe) eye burns	Do not get in eyes. Wear goggles. Avoid breathing gas, vapor, mist, or dust. Use with adequate ventilation. Wash thoroughly after handling.	First Aid. In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Call a physician.
Corrosive, skin	do	do	Do not get in eyes, on skin, or on clothing. Wear goggles and rubber gloves. Avoid breathing (dust, vapor, mist). Keep container closed. Use with adequate ventilation. Wash thoroughly after handling.	First Aid. In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes. For eyes, call a physician. Remove and wash contaminated clothing before reuse. (Dissect contaminated shoes.) First Aid. In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Call a physician.
Irritant, eyes	Warning	Causes eye irritation	Avoid contact with eyes. Wash thoroughly after handling.	First Aid. In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Call a physician. Flush skin with water.
Irritant, skin	do	Causes irritation	Avoid contact with eyes, skin, and clothing. Wash thoroughly after handling.	First Aid. In case of contact, immediately wash skin with soap and plenty of water. First Aid. If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Call a physician.
Strong sensitizer, skin	do	May cause allergic skin reaction	Avoid prolonged or repeated contact with skin. Wash thoroughly after handling.	
Irritant gas	do	Gas extremely irritating	Avoid breathing gas. Use with adequate ventilation.	

¹ Select the applicable word or words in parentheses.
² Use instruction in parentheses only when shoes cannot be decontaminated.

TABLE 9

MINIMUM TYPE SIZE FOR PRECAUTIONARY WORDS AND STATEMENTS REQUIRED ON THE FRONT PANEL OF THE LABEL OF AN ECONOMIC POISON, OR ON THAT PART OF THE LABEL DISPLAYED UNDER CUSTOMARY CONDITIONS OF PURCHASE

Size of panel (square inches)	Signal words and statements of hazard	Keep out of reach of children
Less than 5.....	6 point ¹	6 point.
6-10.....	10 point.....	6 point.
11-15.....	12 point.....	8 point.
16-30.....	14 point.....	10 point.
More than 30.....	18 point.....	12 point.

¹There are 72 "points" to 1 inch.

[F.R. Doc. 69-3740; Filed, Apr. 3, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 61, 121]

[Docket No. 9509; Notice 69-14]

TRAINING PROGRAMS, AIRPLANE SIMULATORS, AND CREWMEMBER AND DISPATCHER QUALIFICATIONS; FLIGHT MANEUVERS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 61 and 121 of the Federal Aviation Regulations by revising Subparts N and O of Part 121 and by making certain changes to the required flight maneuvers for the following reasons: To update procedures for the approval and revision of training programs; to provide for more extensive use of airplane simulators in the conduct of this training; to permit improvements in the operation of training programs and the quality of training provided for crewmembers and dispatchers; and generally to update and clarify these requirements.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 2, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In 1954 the first requirements for air carrier training programs became effective under the Civil Air Regulations. Since that time there have been 15 separate amendments to these requirements and the related crewmember qualifications, including recodification in

1965 and a revision of Subpart N later that same year. Eight of those amendments have occurred since that revision. In addition, there have been numerous interpretations of these requirements and, although many of these were reflected in the subsequent amendments, a number were not. This period has also seen radical changes in both the size and complexity of aircraft and in the technology of airplane simulators and other training devices. The FAA believes that the industry is on the threshold of even greater changes in these respects.

During the next few years the jumbo jets, the SST, the air buses, and a number of large VTOL and STOL aircraft can be expected to be placed in commercial service. These aircraft are larger and more complex and improved methods of training are essential to maintain crewmember proficiency. Many technological advances are being made in the construction and use of airplane simulators, particularly with respect to the addition of a visual capability, and the FAA has been studying the use of these newer simulation devices in air carrier training programs. It appears that a combination of simulator/airplane training results in a pilot who is better trained than one trained in the airplane alone. Simulators permit more concentrated training without waste of time and effort and the trainees can be allowed to see and correct their mistakes without any detrimental effect on safety of flight. Therefore, it becomes more and more worthwhile to utilize ground training devices, particularly aircraft simulators, for training purposes.

For these reasons, i.e., the number of amendments and interpretations, the increased practicability of using simulation devices, and also to provide for improved administration and operation of training programs, the FAA is proposing to substantially revise the training requirements and associated regulations of Parts 61 and 121.

In general, the major substantive changes are as follows:

1. Approval of training programs or revisions thereto would become a two step process. Initial approval would be granted for an indefinite interim period while the program or revision was evaluated. After adjustments to correct deficiencies, if any, and improve the effectiveness, final approval would be granted. There would be greater flexibility permitted in the reduction of training time for proven and effective training programs.

2. Appendix E would be eliminated and the number of hours required would be set forth in those sections pertaining to each category of crewmember. A grouping of airplanes based on the number and kinds of powerplants would be established.

3. The present standards for check airmen and flight instructors would be spelled out and they would also have to complete specified training requirements.

4. In addition to the existing requirements, airplane simulators, and other training devices as well, would have to

be specifically approved for the certificate holder, the airplane, and the particular procedure, maneuver, or function involved.

5. The training program requirements and the crewmember qualification requirements would be completely separated into appropriate subparts. Subpart N would contain only those requirements applicable to the certificate holder for establishing and operating the training program. Subpart O would contain all crewmember qualifications (including those for flight attendants) such as the requirements and time periods for completion of checks and various types of training. Dispatchers would be handled similarly in Subpart P.

6. Some additional subjects are added for ground training, but requirements are essentially unchanged. However, flight training has been broken down into three basic categories which would permit greater utilization of simulators and training devices. These categories are:

(a) Training that must be performed inflight, i.e., during actual flight or ground operations of an airplane.

(b) Training that may be performed inflight or in an airplane simulator.

(c) Training that may be performed inflight, in a static airplane, in an airplane simulator, or in another training device.

7. Differences, transition, and upgrade training would be specifically provided for in the regulations.

8. The initial line assignment would be redesignated as initial operating experience (or initial operating familiarization in the case of dispatchers) and placed in Subpart O.

9. A type rating flight test under Part 61 would satisfy the proficiency check requirements.

10. Appendix A to Part 61 and Appendix F to Part 121 would be amended to clarify the requirements and to provide greater flexibility in the conduct of flight tests and checks. Additional authority would be included for using airplane simulators and for the waiver of certain maneuvers. The additional use of simulators in Part 61 ATPC checks would also require successful completion of a line evaluation program subsequent to the flight test. During line evaluation, a check airman would observe the applicant in line operations for eight flight legs with at least two of these flight legs also being observed by the Administrator. If the applicant's performance of pilot in command duties was satisfactory, he would be issued his certificate or additional type rating. The FAA is also considering a proposal to require the line evaluation whether or not airplane simulators are used as proposed herein.

Some of the proposed sections are discussed in more detail below. The section numbers in the paragraph headings refer to the sections as they appear in the proposed regulations.

Section 121.400. This section is derived from present § 121.410 and also contains the definitions of airplane groups which are based on present Appendix E.

Section 121.401. Based primarily on present § 121.411, this section also includes present §§ 121.413 and 121.414(c) (1) and a new provision to avoid unnecessary repetition of ground training subjects.

Section 121.403. This section contains specific requirements for training program curricula in order to clarify present §§ 121.412 and 121.414 which provide very little detail as to the contents of a curriculum.

Section 121.405. The existing provisions on approval of training programs are contained in § 121.412. This proposed section would add to these the two step approval procedure discussed above. It would also contain the provisions for reductions in hours now contained in § 121.414 with some specific criteria for such reductions.

Section 121.407. This section is based on present § 121.442(a) with the addition of a requirement for specific approval of the simulator for the certificate holder, the airplane, and the maneuver. It would also require approval of training devices other than simulators. These requirements would be applicable to all simulators and training devices that are used in training programs and checks.

Section 121.409. The simulator training courses that are presently covered by §§ 121.414(c) (2) and 121.442(b) would be placed in this section without substantive change. The qualifications for a simulator instructor would be found in § 121.411.

Sections 121.411 and 121.413. These proposed sections would contain qualifications and training requirements for instructors and check airmen. These standards are essentially the same as those now in use and would be set forth in detail in the regulations to provide more uniform application for approval of check airmen and the qualification of flight and simulator instructors. The additional training requirements will not be applicable to persons designated as instructors or check airmen before the date of issuance of this notice except for check airmen who supervise the line evaluation program.

Section 121.415. This section would establish the basic requirements for the training of crewmembers and dispatchers that must be provided in each training program, including in paragraphs (a) initial ground training, (b) initial flight training, (c) recurrent ground and flight training, (d) differences training, (e) additional training as necessary, (f) transition training, and (g) upgrade training. Paragraphs (a), (b), and (c) are amplified considerably in subsequent sections.

Sections 121.417 through 121.427. These sections would have the same general coverage as present §§ 121.416 through 121.424 although they would be substantially rearranged. The material to be covered during the various types of training for crewmembers and dispatchers is set forth in specific detail.

Section 121.432. Paragraphs (a) and (b) of this new section are found in present § 121.433. Paragraph (c) is designed to remove the present repetitious

stating of requirements for the second in command of a crew of three or more pilots. Paragraph (d) would be added to the regulations to specifically set forth the flight training and flight checks that may be accomplished during Part 121 operations and to state when the person being checked can be used as a required crewmember. This paragraph is derived from several provisions now contained in §§ 121.421(d), 121.422(c), 121.451(b), and 121.453(a).

Section 121.433. The requirements for recurrent training and differences training which are presently contained in Subpart N would be added to this section in new paragraphs (b) and (c).

Section 121.434. The initial line assignment as required by § 121.424 would be renamed "initial operating experience" and included in this new section. While acquiring initial operating experience all crewmembers except pilots in command could serve as crewmembers in the position for which they have been trained. Pilots in command could serve only as second in command although they would actually perform the duties of a pilot in command. Flight time acquired during a line evaluation program, as proposed for § 61.147, could be credited towards meeting this requirement.

Section 121.440. The provisions for line checks would be separated from § 121.441 and placed in this new section without substantive change.

Section 121.441. Paragraphs (a), (b), (c), and (d) would be substantially rewritten to clarify the proficiency check requirements and incorporate several interpretations. The existing provisions relating to pilots who do not make take-offs or landings would be deleted as unnecessary.

Section 121.442. This section would be deleted since all of its provisions would be incorporated in other regulations.

Section 121.451. The flight check for navigators that is required as a part of recurrent training makes this section unnecessary and it would be deleted.

Appendix A to Part 61. Since item VIII-JUDGMENT is not really a maneuver or procedure, it is inappropriate to place it in the body of the appendix. Therefore it would be deleted and its substance incorporated in the foreword. The index would also be deleted and the asterisks denoting simulated instrument maneuvers would be placed in the body of the appendix. Most of the other changes involve rewriting to clarify the requirements for certain maneuvers. However, some substantive changes are proposed. Due to the number of accidents involving nonprecision approaches which have occurred recently, it is proposed to require the performance of at least one such approach in an airplane instead of a synthetic trainer. Other significant changes proposed would involve allowing the performance of the rejected take-off in a nonvisual simulator and giving the examiner discretion as to a simulated engine failure during a missed approach. The additional authority to use simulators in the conduct of ATPC or additional type rating checks, as mentioned

above, would not be stated in the appendix but would be placed in § 61.147 in order to relate to the proposed line evaluation program.

Appendix F. This appendix would generally have the same changes as Appendix A except that the additional authority to use a simulator in the conduct of a proficiency check would be stated in the appendix itself. The foreword of Appendix F contains blanket authority to perform all maneuvers and procedures in a simulator except those specifically required to be performed in flight. Therefore, a number of repetitious references to simulators would be deleted and they would be mentioned in Appendix F only when a visual simulator is required.

Although this notice sets forth a number of specific steps to provide increased flexibility in the conduct of Part 121 training programs, the FAA is also considering even further steps in this direction which are not specifically delineated in the proposed rules. One such step would involve not requiring a fixed number of flight training hours for a pilot in command but rather establishing an overall flight time requirement in the particular type airplane, together with a certain minimum number of landings and instrument approaches. For example, a pilot who is transitioning from pilot in command of one Group VI airplane to pilot in command of another Group VI airplane might be required to have 35 hours actual flight time and a minimum of 35 landings in the new type airplane. Up to 20 percent of the flight time could be acquired as a copilot and the balance would be derived from the flight training, flight check, line evaluation, and initial operating experience. The only requirement for the landings would be that they were actually made by the transition pilot. A minimum of 20 instrument approaches would also be required, with at least 10 in the airplane. The balance could be accomplished in an approved airplane simulator. In the case of upgrading a pilot in a Group VI airplane, the requirements would be similar except that the flight time would be about 50 hours. The amendments that result from this notice may contain a requirement to this effect in lieu of the required flight training hours in proposed §§ 121.424 and 121.425. Therefore, all interested persons are requested to address their comments to such a requirement in addition to the specific amendments proposed hereinafter.

In consideration of the foregoing it is proposed to amend Parts 61 and 121 of the Federal Aviation Regulations as follows:

1. By revising Subpart N of Part 121 to read as follows:

SUBPART N—CREWMEMBER AND AIRCRAFT DISPATCHER TRAINING PROGRAM

Sec.	
121.400	Applicability and terms used.
121.401	Training program: General.
121.403	Training program: Curriculum.
121.405	Training program: Approval and revisions.
121.407	Training program: Approval of airplane simulators and other training devices.

Sec.	
121.409	Training courses using airplane simulators and synthetic trainers.
121.411	Training program: Check airmen and instructor qualifications.
121.413	Check airmen and flight instructors: Initial training.
121.415	Crewmember and dispatcher training requirements.
121.417	Crewmember emergency training.
121.419	Pilots and flight engineers: Initial ground training.
121.420	Flight navigators: Initial ground training.
121.421	Flight attendants: Initial ground training.
121.422	Aircraft dispatchers: Initial ground training.
121.424	Pilots: Initial flight training.
121.425	Flight engineers: Initial flight training.
121.427	Recurrent training.

§ 121.400 Applicability and terms used.

(a) This subpart prescribes requirements applicable to each certificate holder for establishing and maintaining a training program for crewmembers and aircraft dispatchers and for approval and use of training devices in the conduct of the program.

(b) As used in this subpart, airplane groups are as follows:

(1) *Group I.* Airplanes with two reciprocating powerplants.

(2) *Group II.* Airplanes with three or more reciprocating powerplants.

(3) *Group III.* Airplanes with two turboprop powerplants.

(4) *Group IV.* Airplanes with three or more turboprop powerplants.

(5) *Group V.* Airplanes with two turbojet powerplants.

(6) *Group VI.* Airplanes with three or more turbojet powerplants.

§ 121.401 Training program: General.

(a) Each certificate holder shall—

(1) Establish, obtain the appropriate initial and final approval of, and provide, a training program that meets the requirements of this subpart and Appendix F and that ensures that each crewmember, aircraft dispatcher, flight instructor and check airman is adequately trained to perform his assigned duties;

(2) Provide adequate ground and flight training facilities and properly qualified ground instructors for the training required by this subpart;

(3) Provide and keep current with respect to each airplane, appropriate training material, examinations, forms, instructions, and procedures for use in conducting the training and checks required by this part; and

(4) Provide enough flight instructors, check airmen, and simulator instructors to conduct the flight training, flight checks, and simulator training courses required under this part.

(b) Whenever a crewmember or aircraft dispatcher who is required to take recurrent training, a flight check, or a competence check, takes the check or completes the training in the calendar month before or after the calendar month in which that training or check is required, he is considered to have taken

or completed it in the calendar month in which it was required.

(c) Each instructor, supervisor, or check airman who is responsible for a particular ground training subject, segment of flight training, course of training, flight check, or competence check under this part shall certify as to the proficiency and knowledge of the crewmember, aircraft dispatcher, flight instructor, or check airman concerned upon completion of that training or check. That certification shall be made a part of the crewmember or dispatcher's record.

(d) Training subjects that are applicable to more than one airplane or crewmember position and that have been satisfactorily completed in connection with prior training for another airplane or another crewmember position, need not be repeated during subsequent training other than recurrent training.

(e) A person who progresses successfully through flight training, is recommended by his instructor or a check airman, and successfully completes the appropriate flight check for a check airman or the Administrator, need not complete the required hours of flight training for the particular airplane. However, whenever the Administrator finds that 20 percent of the flight checks given at a particular base of operation during the past 6 months under this paragraph are unsuccessful, this paragraph may not be used by the certificate holder at that base until the Administrator finds that the effectiveness of the flight training there has improved.

§ 121.403 Training program: Curriculum.

(a) Each certificate holder must prepare and keep current a written training program curriculum for each type airplane with respect to dispatchers and each crewmember required for that type airplane. The curriculum must include ground and flight training required by this subpart.

(b) Each training program curriculum must include:

(1) A list of principal ground training subjects, including emergency training subjects, that are provided.

(2) A list of devices, mock-ups, systems trainers, or other training aids that will be used in ground training.

(3) Detailed descriptions or pictorial displays of the approved normal, abnormal, and emergency maneuvers, procedures and functions that will be performed during each flight training phase or flight check, indicating those maneuvers, procedures and functions that are to be performed during the inflight portions of flight training and flight checks.

(4) A list of approved airplane simulators or other training devices that will be used for flight training or flight checks, including approvals for particular maneuvers, procedures and functions.

(5) The minimum hours of training that will be applied to each phase of training.

(6) A copy of each statement issued by the Administrator under § 121.405(d) for reduction of minimum hours of training.

§ 121.405 Training program: Approval and revisions.

(a) The Administrator grants final approval of a training program or a revision to an approved training program if the certificate holder shows that the proposed training program or revision thereto complies with this subpart and ensures that each person who successfully completes the program is adequately trained to perform his assigned duties. In determining whether the training program is adequate, the Administrator considers recommendations for particular type airplanes developed by the FAA with participation by representatives of industry.

(b) To obtain approval set forth in paragraph (a) of this section, each certificate holder must submit—

(1) An outline of the proposed program or revision, including a curriculum, that provides enough information for a preliminary evaluation of the proposed training program or revision thereto; and

(2) Additional information, training records, or other relevant material as may be requested by the Administrator.

(c) If the proposed program or revision complies with this subpart, the Administrator grants initial approval in writing after which the certificate holder may conduct training in accordance with the program. The Administrator then evaluates the effectiveness of that training and advises the certificate holder of deficiencies, if any, that must be corrected. Upon correction of deficiencies, the Administrator grants final approval of the training program or revision.

(d) The Administrator may, in granting initial and final approval, permit reductions (in addition to reductions permitted under § 121.409(c)) in the hours of training required by this subpart, based on the following:

(1) The experience with, and effectiveness of, the certificate holder's previously approved training programs.

(2) Training requirements for the particular airplane.

(3) Training aids, devices, methods, and procedures that increase the effectiveness of the teaching-learning process. However, airplane simulators may not be considered if the hours of flight training have been reduced under § 121.409(c).

(4) Previous training and experience in similar airplanes.

If approval of reduced hours of training is granted, the Administrator provides the certificate holder with a statement of the basis for the approval.

(e) Whenever the Administrator finds that revisions are necessary for the continued adequacy of a training program that has been granted final approval the certificate holder shall, after notification by the Administrator, make any changes in the program that are found necessary by the Administrator. Within 30 days after the certificate holder receives such notice, it may file a petition to reconsider the notice with the FAA Air Carrier District Office charged with the overall inspection of the certificate holder's op-

erations. The filing of a petition to reconsider stays the notice pending a decision by the Administrator. However, if the Administrator finds that there is an emergency that requires immediate action in the interest of safety in air transportation, he may, upon a statement of the reasons, require a change effective without stay.

§ 121.407 Training program: Approval of airplane simulators and other training devices.

(a) Each airplane simulator that is used in a training program approved under this subpart, in checks required under Subpart O of this part, or as permitted in Appendix F to this part, must—

- (1) Meet the requirements of Appendix B to this part;
- (2) Be specifically approved for—
 - (i) The certificate holder;
 - (ii) The type airplane and, if applicable, the particular variation within type, for which the training or check is being conducted; and
 - (iii) The particular maneuver, procedure, or crewmember function involved;
- (3) Maintain the performance, functional, and other characteristics that are required for approval;
- (4) Be modified to conform with any modification to the airplane being simulated that resulted in changes to performance, functional, or other characteristics required for approval;
- (5) Be given a daily functional pre-flight check before being used; and
- (6) Have a daily discrepancy log kept with each discrepancy entered in that log by the appropriate instructor or check airman at the end of each training or check flight.

(b) Each training device (other than an airplane simulator), that is used in a training program approved under this subpart, in checks required under Subpart O of this part, or as permitted in Appendix F to this part, must be approved as provided in paragraph (a) (2) of this section.

(c) An airplane simulator or other training device that is approved for some but not all of the required maneuvers, procedures, and crewmember functions, or an approved airplane simulator or other approved training device that has malfunctioned, may be used in connection with a simulator course of training or a proficiency check if the maneuvers, procedures and crewmember functions affected by the malfunction are conducted inflight in the appropriate airplane (or in another approved device if available).

(d) A particular airplane simulator or other training device may be approved for use by more than one certificate holder.

§ 121.409 Training courses using airplane simulators and synthetic trainers.

(a) Training courses utilizing airplane simulators and synthetic trainers may be included in the certificate holder's ap-

proved training program for use as provided in this section.

(b) A course of training in an airplane simulator may be included for use as provided in § 121.441 if that course—

- (1) Provides at least 4 hours of training at the pilot controls of an airplane simulator as well as a proper briefing before and after the training;
- (2) Provides training in at least the procedures and maneuvers set forth in Appendix F to this Part; and
- (3) Is given by an instructor who meets the appropriate requirements of § 121.411.

The satisfactory completion of the course of training must be certified by either the Administrator or a check airman.

(c) The hours of initial inflight training may be reduced by up to 25 percent if the training program includes a course of training in an airplane simulator or a synthetic trainer (flight engineers only) to provide at least the following hours of training in the procedures and maneuvers required by §§ 121.424 or 121.425, as appropriate:

- (1) For Group I airplanes, 10 hours.
- (2) For Groups II, III, IV, and V airplanes, 15 hours.
- (3) For Group VI airplanes, 20 hours.

§ 121.411 Training program: Check airman and instructor qualifications.

(a) No certificate holder may use a person nor may any person serve as a flight instructor or check airman in a training program established under this subpart unless, with respect to the particular airplane type involved, that person—

- (1) Holds the airman certificates and ratings that must be held in order to serve as a pilot in command, a flight engineer, or a flight navigator, as appropriate, in operations under this part;
- (2) Has satisfactorily completed the appropriate training phases for the airplane, including recurrent training, that are required in order to serve as a pilot in command, flight engineer, or flight navigator in operations under this part;
- (3) Has satisfactorily completed the appropriate proficiency or competence checks that are required in order to serve as a pilot in command, flight engineer, or flight navigator in operations under this part;
- (4) Has satisfactorily completed the applicable training requirements of § 121.413;
- (5) In the case of a check airman, has been approved for the airplane and the check airman duties involved; and
- (6) Holds at least a Class III medical certificate. However, pilot check airmen who have passed their 60th birthday or check airmen who do not hold an appropriate medical certificate may not serve as a flight crewmember in operations under this part.

(b) No certificate holder may use a person nor may any person serve as a simulator instructor for a course of training given in an airplane simulator as provided in § 121.409(b) unless that person—

- (1) Holds an airline transport pilot certificate; and
- (2) Has satisfactorily completed for a check airman or for the Administrator—
 - (i) Appropriate initial pilot ground training and ground training for a flight instructor as provided in § 121.413; and
 - (ii) A simulator flight training course in the type airplane simulator in which that person instructs as provided by § 121.409(c).
- (c) Notwithstanding paragraphs (a) and (b) of this section, a person who was designated as a check airman, a flight instructor, or a simulator instructor before March 28, 1969, may continue to serve as such without completing the training specified in § 121.413. However, a pilot check airman who continues to serve under this paragraph may not supervise a line evaluation program under § 61.147 of this chapter.

(b) The initial ground training for pilot check airmen must include the following:

- (1) Pilot check airman duties, functions and responsibilities.
- (2) The appropriate Federal Aviation Regulations and the certificate holder's policy and procedures.
- (3) The appropriate methods, procedures and techniques for conducting the required checks.
- (4) Proper evaluation of pilot performance including the detection of—
 - (i) Improper and insufficient training; and
 - (ii) Personal characteristics that could adversely affect safety.
- (5) The appropriate corrective action in the case of unsatisfactory checks.
- (6) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the airplane.

(b) The initial ground training for pilot flight instructors must include—

- (1) The fundamental principles of the teaching-learning process.
- (2) Teaching methods and procedures.
- (3) The instructor-student relationship.
- (4) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the airplane type.

However, subparagraphs (1), (2), and (3) are not required for the holder of a flight instructor certificate.

(c) The initial flight training for pilot check airmen and pilot flight instructors must include—

- (1) Enough inflight training and practice in conducting flight checks from the left and right pilot seats in the required normal, abnormal, and emergency maneuvers to ensure his competence to conduct the pilot flight checks and flight training required by this Part.
- (2) The appropriate safety measures to be taken from either pilot seat for emergency situations that are likely to develop in training.
- (3) The potential results of improper or untimely safety measures during training.

(1) Holds an airline transport pilot certificate; and

(2) Has satisfactorily completed for a check airman or for the Administrator—

- (i) Appropriate initial pilot ground training and ground training for a flight instructor as provided in § 121.413; and
- (ii) A simulator flight training course in the type airplane simulator in which that person instructs as provided by § 121.409(c).

(c) Notwithstanding paragraphs (a) and (b) of this section, a person who was designated as a check airman, a flight instructor, or a simulator instructor before March 28, 1969, may continue to serve as such without completing the training specified in § 121.413. However, a pilot check airman who continues to serve under this paragraph may not supervise a line evaluation program under § 61.147 of this chapter.

§ 121.413 Check airmen and flight instructors: Initial training.

(a) The initial ground training for pilot check airmen must include the following:

- (1) Pilot check airman duties, functions and responsibilities.
- (2) The appropriate Federal Aviation Regulations and the certificate holder's policy and procedures.
- (3) The appropriate methods, procedures and techniques for conducting the required checks.
- (4) Proper evaluation of pilot performance including the detection of—
 - (i) Improper and insufficient training; and
 - (ii) Personal characteristics that could adversely affect safety.
- (5) The appropriate corrective action in the case of unsatisfactory checks.
- (6) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the airplane.

(b) The initial ground training for pilot flight instructors must include—

- (1) The fundamental principles of the teaching-learning process.
- (2) Teaching methods and procedures.
- (3) The instructor-student relationship.
- (4) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the airplane type.

However, subparagraphs (1), (2), and (3) are not required for the holder of a flight instructor certificate.

(c) The initial flight training for pilot check airmen and pilot flight instructors must include—

- (1) Enough inflight training and practice in conducting flight checks from the left and right pilot seats in the required normal, abnormal, and emergency maneuvers to ensure his competence to conduct the pilot flight checks and flight training required by this Part.
- (2) The appropriate safety measures to be taken from either pilot seat for emergency situations that are likely to develop in training.
- (3) The potential results of improper or untimely safety measures during training.

(d) The initial ground and flight training for flight engineer and flight navigator flight instructors and check airmen must be adequate to ensure competence to perform their assigned duties.

§ 121.415 Crewmember and dispatcher training requirements.

(a) Each training program must provide the following initial ground training as appropriate to the crewmember's or dispatcher's particular assignment:

(1) Duties and responsibilities of crewmembers and dispatchers.

(2) Appropriate provisions of the Federal Aviation Regulations.

(3) Contents of the certificate holder's operating certificate and operations specifications (not required for flight attendants).

(4) Appropriate portions of the certificate holder's manual.

(5) Emergency training as specified in § 121.417 (not required for dispatchers).

(6) Ground training specified in §§ 121.419 through 121.422, as applicable.

(b) Each training program must provide initial flight training as follows:

(1) For pilots and flight engineers, the training specified in §§ 121.424 and 121.425, as applicable.

(2) For flight navigators, flight training and a flight check that are adequate to ensure his proficiency in the performance of assigned duties. Both the training and checks may be performed inflight or in a synthetic trainer.

(c) Each training program must provide recurrent ground and flight training as provided in § 121.427.

(d) Each training program must provide differences training for crewmembers and dispatchers if the Administrator finds that, due to differences between airplanes of the same type operated by the certificate holder, additional training is necessary to ensure that each crewmember and dispatcher is adequately trained to perform his assigned duties. The differences training must consist of at least—

(1) Instruction in each appropriate subject or part thereof required for initial ground training in the airplane unless the Administrator finds that particular subjects are not necessary;

(2) Flight training in each appropriate maneuver or procedure required for initial ground training in the airplane unless the Administrator finds that particular maneuvers or procedures are not necessary; and

(3) The number of hours of ground and flight training determined by the Administrator to be necessary for the airplane, the operation, and the crewmember or aircraft dispatcher involved.

Differences training for all variations of a particular type airplane may be included in initial and recurrent training for the airplane.

(e) In addition to initial, recurrent, and differences training, each training program must also provide ground and flight training, instruction and practice as necessary to ensure that each crewmember and dispatcher—

(1) Remains adequately trained and currently proficient with respect to each airplane, crewmember position, and type of operation in which he serves; and

(2) Qualifies in new equipment, facilities, procedures, and techniques, including modifications to airplanes.

(f) Transition training may be included in the training program for crewmembers and dispatchers who have qualified and served in the same capacity on another airplane of the same group. This training must consist of the appropriate initial ground and flight training except to the extent the Administrator finds that—

(1) Particular subjects, procedures, maneuvers, or parts thereof may be omitted; or

(2) The hours of ground instruction or inflight training may be reduced.

(g) Upgrade training for a particular type airplane may be included in the training program for crewmembers who have qualified and served as a second in command pilot or flight engineer on that airplane. Ground and flight training must be provided as follows:

(1) For a second in command pilot who is upgrading to a pilot in command, initial training for a pilot in command, including all required subjects, procedures, and maneuvers and consisting of at least 50 percent of the specified hours of ground and inflight training.

(2) For a flight engineer who is upgrading to a second in command, initial training for a second in command including all required subjects, procedures, and maneuvers and consisting of at least 50 percent of the specified hours of ground and inflight training.

§ 121.417 Crewmember emergency training.

(a) Each training program must provide the emergency training set forth in this section with respect to each airplane type, model, and configuration, each required crewmember, and each kind of operation conducted, insofar as appropriate for the certificate holder.

(b) Emergency training must provide—

(1) Instruction in emergency assignments and procedures, including coordination among crewmembers;

(2) Individual instruction in the location, function, and operation of emergency equipment including—

(i) Equipment used in ditching and evacuation;

(ii) First aid equipment and its proper use; and

(iii) Portable fire extinguishers, with emphasis on the type of extinguisher to be used on different classes of fires; and

(3) Instruction in the handling of emergency situations including—

(i) Rapid decompression;

(ii) Fire in flight or on the surface;

(iii) Ditching and other evacuations;

(iv) Illness, injury, or other abnormal situations involving passengers or crewmembers; and

(v) Hijacking and other unusual situations.

(c) Each crewmember must perform at least the following emergency drills, utilizing the proper equipment and procedures, unless the Administrator finds that, with respect to a particular drill, the crewmember can be adequately trained by demonstration:

(1) Ditching.

(2) Gear up and gear down evacuations.

(3) Fire extinguishing and smoke control.

(4) Operation and use of emergency exits, including deployment and use of evacuation chutes.

(5) Use of crew and passenger oxygen.

(6) Removal of life rafts from the airplane, inflation of the life rafts, use of life lines and boarding of passengers and crew.

(7) Donning and inflation of lifevests and the use of other individual flotation devices.

(d) Crewmembers who serve in operations above 25,000 feet must receive instruction in the following:

(1) Respiration.

(2) Hypoxia.

(3) Duration of consciousness without supplemental oxygen at altitude.

(4) Gas expansion.

(5) Gas bubble formation.

(6) Physical phenomena and incidents of decompression.

§ 121.419 Pilots and flight engineers: Initial ground training.

(a) Initial ground training for pilots and flight engineers must include instruction in at least the following:

(1) General subjects:

(i) The certificate holder's dispatch or flight release procedures.

(ii) Principles and methods for determining weight and balance, and runway limitations for takeoff and landing.

(iii) Enough meteorology to insure a practical knowledge of weather phenomena, including the principles of frontal systems, icing, fog, thunderstorms and high altitude weather situations.

(iv) Air traffic control systems, procedures, and phraseology.

(v) Navigation and the use of navigation aids, including instrument approach procedures.

(vi) Normal and emergency communication procedures.

(vii) Visual cues prior to and during descent below DH or MDA.

(viii) Other instruction as necessary to ensure his competence.

(2) For each airplane type:

(i) General description.

(ii) Performance characteristics.

(iii) Engines and propellers.

(iv) Major components.

(v) Major airplane systems (i.e., flight controls, electrical, hydraulic); other systems as appropriate; principles of normal, abnormal, and emergency operations; appropriate procedures and limitations.

(vi) Procedures for avoiding severe weather situations and for operating in or near thunderstorms (including best penetrating altitudes), turbulent air (including clear air turbulence), icing,

hall, and other potentially hazardous meteorological conditions.

- (vii) Operating limitations.
- (viii) Fuel consumption and cruise control.
- (ix) Flight planning.
- (x) Each normal and emergency procedure.
- (xi) The approved Airplane Flight Manual.

(b) Initial ground training for pilots and flight engineers must consist of at least the following hours of instruction in the required subjects specified in paragraph (a) of this section and in § 121.415(a):

- (1) Group I airplanes, 64 hours.
- (2) Group II and III airplanes, 80 hours.
- (3) Group IV, V, and VI airplanes, 120 hours.

§ 121.420 Flight navigators: Initial ground training.

(a) Initial ground training for flight navigators must include instruction in the subjects specified in § 121.419(a) as appropriate to his assigned duties and responsibilities and in the following with respect to the particular type airplane:

- (1) Limitations on climb, cruise, and descent speeds.
- (2) Each item of navigational equipment installed including appropriate radio, radar, and other electronic equipment.
- (3) Airplane performance.
- (4) Airspeed, temperature, and pressure indicating instruments or systems.
- (5) Compass limitations and methods of compensation.
- (6) Cruise control charts and data, including fuel consumption rates.
- (7) Any other instruction as necessary to ensure his competence.

(b) Initial ground training for flight navigators must consist of at least the following hours of instruction in the subjects specified in paragraph (a) of this section and in § 121.415(a):

- (1) Group I and II airplanes, 16 hours.
- (2) Group III, IV, V, and VI airplanes, 32 hours.

§ 121.421 Flight attendants: Initial ground training.

(a) Initial ground training for flight attendants must include instruction in at least the following:

- (1) General subjects:
 - (i) The authority of the pilot in command.
 - (ii) Passenger handling, including the procedures to be followed in the case of deranged persons or other persons whose conduct might jeopardize safety.
- (2) For each airplane type:
 - (i) A general description of the airplane emphasizing physical characteristics that may have a bearing on ditching, evacuation, and inflight emergency procedures and on other related duties.
 - (ii) The use of both the public address system and the means of communicating with other flight crewmembers, including emergency means in the case of at-

tempted hijacking or other unusual situations.

(iii) Proper use of electrical galley equipment and the controls for cabin heat and ventilation.

(b) Initial ground training for flight attendants must include a competence check to determine ability to perform assigned duties and responsibilities.

(c) Initial ground training for flight attendants must consist of at least the following hours of instruction in the subjects specified in paragraph (a) of this section and in § 121.415(a):

- (1) Group I airplanes, 8 hours.
- (2) Group II, III, IV, and V airplanes, 10 hours.
- (3) Group VI airplanes, 16 hours.

§ 121.422 Aircraft dispatchers: Initial ground training.

(a) Initial ground training for aircraft dispatchers must include instruction in at least the following:

- (1) General subjects:
 - (i) Use of communications systems including the characteristics of those systems and the appropriate normal and emergency procedures.
 - (ii) Meteorology, including various types of meteorological information and forecasts, interpretation of weather data (including forecasting of en route and terminal temperatures and other weather conditions), frontal systems, wind conditions, and use of actual and prognostic weather charts for various altitudes.
 - (iii) The NOTAM system.
 - (iv) Navigational aids and publications.
 - (v) Joint dispatcher-pilot responsibilities.
 - (vi) Characteristics of appropriate airports.
 - (vii) Prevailing weather phenomena and the available sources of weather information.
 - (viii) Air traffic control and instrument approach procedures.
- (2) For each airplane:
 - (i) A general description of the airplane emphasizing operating and performance characteristics, navigation equipment, instrument approach and communication equipment, emergency equipment and procedures, and other subjects that have a bearing on dispatcher duties and responsibilities.
 - (ii) Flight operation procedures including procedures specified in § 121.419(a) (2) (vi).
 - (iii) Weight and balance computations.
 - (iv) Basic airplane performance dispatch requirements and procedures.
 - (v) Flight planning including track selection, flight time analysis, and fuel requirements.
 - (vi) Emergency procedures.

(3) Emergency procedures must be emphasized, including the alerting of proper governmental, company, and private agencies during emergencies to give maximum help to an airplane in distress.

(b) Initial ground training for aircraft dispatchers must include a competence check given by an appropriate

supervisor or ground instructor that demonstrates knowledge and ability with the subjects set forth in paragraph (a) of this section.

(c) Initial ground training for aircraft dispatchers must consist of at least the following hours of instruction in the subjects specified in paragraph (a) of this section and in § 121.415(a):

- (1) Group I airplanes, 30 hours.
- (2) Groups II, III, IV, V, and VI airplanes, 40 hours.

§ 121.424 Pilots: Initial flight training.

(a) Initial flight training for pilots must include at least the following:

(1) Inflight training and practice in the procedures and maneuvers set forth in Appendix F to this part, except that item III(a) and item III(b) may be performed in an airplane simulator.

(2) Training and practice in the procedures and maneuvers set forth in paragraphs (b), (c), and (d) of this section, conducted as specified therein.

(b) Inflight training and practice must be provided in the following:

- (1) Takeoffs and landings during day and night.
- (2) Pretakeoff checks.
- (3) Zero flap approaches.
- (4) For a pilot-in-command, zero flap landings if the Administrator finds that maneuver appropriate for training in the aircraft.
- (5) Turns with and without spoilers.
- (6) Landing and go-around with the horizontal stabilizer out of trim.
- (7) Tuck and Mach buffet.
- (8) Manual reversion (if appropriate).

(c) Training and practice must be provided in the following either inflight or in an airplane simulator:

- (1) Operation of systems and controls at the flight engineer station.
- (2) Procedures for—
 - (i) Runaway and jammed stabilizer; and
 - (ii) Maximum endurance and maximum range.

(d) Training and practice must be provided in the following, either inflight, in a static airplane, in an airplane simulator, or in an appropriate training device:

- (1) As appropriate to the airplane, normal and emergency operation of the following systems:
 - (i) Pressurization.
 - (ii) Pneumatic.
 - (iii) Air conditioning.
 - (iv) Fuel and oil.
 - (v) Electrical.
 - (vi) Hydraulic.
 - (vii) Flight control.
- (2) As appropriate to the airplane, flight emergency procedures, including—
 - (i) Powerplant, heater, cargo compartment, cabin flight deck, wing, and electrical fires;
 - (ii) Smoke control;
 - (iii) Electrical, hydraulic, flight control, and flight instrument system malfunction or failure; and
 - (iv) Fuel jettisoning.

(e) The initial flight training required by this section must include at least the following hours of inflight training and

practice unless reduced under § 121.405 (d) or § 121.409(c):

(1) Group I airplanes, pilot in command 8 hours, second in command 5 hours.

(2) Group II and III airplanes, pilot in command 10 hours, second in command 6 hours.

(3) Group IV and V airplanes, pilot in command 15 hours, second in command 7 hours.

(4) Group VI airplanes, pilot in command 20 hours, second in command 10 hours.

The hours specified for a pilot in command are not required for pilots who satisfactorily complete a line evaluation as set forth in § 61.147(e) of this chapter.

§ 121.425 Flight engineers: Initial flight training.

(a) Initial flight training for flight engineers must include at least the following:

(1) Training and practice in procedures related to the carrying out of flight engineer duties and functions. This training and practice may be accomplished either in flight, in an airplane simulator, or in a training device.

(2) A flight check that includes—

(i) Preflight inspection;

(ii) Inflight performance of assigned duties accomplished from the flight engineer station during taxi, runup, take-off, climb, cruise, descent, approach, and landing;

(iii) Accomplishment of other functions such as fuel management and preparation of fuel consumption records and normal and emergency or alternate operation of all airplane flight systems, performed either inflight, in an airplane simulator, or in a training device.

(b) Initial flight training required by paragraph (a) of this section must include at least the same number of hours of inflight training and practice that are required for a second-in-command pilot under § 121.424(e) unless reduced under § 121.405(d) or § 121.409(c).

§ 121.427 Recurrent training.

(a) Recurrent training must ensure that each crewmember or dispatcher is adequately trained and currently proficient with respect to the type airplane (including differences training, if applicable) and crewmember position involved.

(b) Recurrent ground training for crewmembers and dispatchers must include at least the following:

(1) A quiz or other review to determine the state of the crewmember's or dispatcher's knowledge with respect to the airplane and position involved.

(2) Instruction as necessary in the subjects required for initial ground training by § 121.415(a), as appropriate, including emergency training.

(3) Instruction and practice in the performance of emergency procedures (not required for aircraft dispatchers).

(4) For flight attendants and dispatchers, a competence check as required by §§ 121.421(b) and 121.422(b), respectively.

(c) Recurrent ground training for crewmembers and dispatchers must consist of at least the following number of hours:

(1) For pilots and flight engineers:

(i) Group I airplanes, 16 hours.

(ii) Group II, III, IV, and V airplanes, 20 hours.

(iii) Group VI airplanes, 25 hours.

(2) For flight navigators:

(i) Group II airplanes, 12 hours.

(ii) Group IV airplanes, 16 hours.

(iii) Group VI airplanes, 16 hours.

(3) For flight attendants:

(i) Group I, II, and III airplanes, 4 hours.

(ii) Group IV and V airplanes, 5 hours.

(iii) Group VI airplanes, 12 hours.

(4) For aircraft dispatchers:

(i) Group I airplanes, 8 hours.

(ii) Group II and III airplanes, 10 hours.

(iii) Group IV, V, and VI airplanes, 20 hours.

(d) Recurrent flight training for flight crewmembers must include at least the following:

(1) For pilots, flight training as provided by § 121.424(a) (1), except that the specified number of inflight hours is not required.

(2) For flight engineers, flight training as provided by § 121.425(a) except that the specified number of inflight hours is not required and the flight check, other than the preflight inspection, may be conducted in an airplane simulator or other training device.

(3) For flight navigators, enough inflight training and an inflight check to ensure competency with respect to operating procedures and navigation equipment to be used and familiarity with essential navigation information pertaining to the certificate holder's routes that require a flight navigator.

2. By amending the title of Subpart O and § 121.431 to read as follows:

Subpart O—Crewmember Qualifications

§ 121.431 Applicability.

This subpart prescribes crewmember qualifications for all certificate holders except where otherwise specified.

3. By adding a new section at the end of § 121.431 to read as follows:

§ 121.432 General.

(a) When a flight crewmember completes a check required by this subpart, the check airman who is responsible for the particular check shall certify as to the flight crewmember's proficiency. This certification shall be made a part of the flight crewmember's record.

(b) A flight crewmember who takes a check in the calendar month before, or the calendar month after, the month in which it becomes due, is considered to have taken that check during the month it became due.

(c) A pilot who serves as second in command of an operation that requires three or more pilots must be fully qualified to act as pilot in command of that operation.

(d) No certificate holder may conduct a check or any required training in operations under this Part except for the following:

(1) Line checks for pilots in command.

(2) Flight navigator training conducted under the supervision of a flight navigator flight instructor.

(3) Flight navigator flight checks.

(4) Flight engineer checks (except for emergency procedures), if the person being checked is qualified and current in accordance with § 121.453(a).

(5) Flight attendant training and competence checks. Except for pilot line checks and flight engineer flight checks, the person being trained or checked may not be used as a required crewmember.

(e) As used in this subpart, airplane groups are as follows:

(1) *Group I.* Airplanes with two reciprocating powerplants.

(2) *Group II.* Airplanes with three or more reciprocating powerplants.

(3) *Group III.* Airplanes with two turboprop powerplants.

(4) *Group IV.* Airplanes with three or more turboprop powerplants.

(5) *Group V.* Airplanes with two turbojet powerplants.

(6) *Group VI.* Airplanes with three or more turbojet powerplants.

4. By amending § 121.433 to read as follows:

§ 121.433 Training required.

(a) *Initial training.* No certificate holder may use any person nor may any person serve as a required crewmember on an airplane unless that person has satisfactorily completed, in a training program approved under Subpart N of this part, initial ground and flight training for that type airplane and for the particular crewmember position, except as follows:

(1) A second in command who has satisfactorily completed pilot in command initial ground training may serve as pilot in command if, upon initially serving as such, he is currently qualified and has served as second in command within the past 12 calendar months, and, within the past 30 days, has completed pilot in command recurrent training.

(2) Crewmembers who have qualified and served as second in command or flight engineer on a particular type airplane may serve as pilot in command or second in command, respectively upon completion of upgrade training for that airplane.

(3) Crewmembers who have qualified and served as a crewmember on another type airplane of the same Group may serve in the same crewmember capacity upon completion of transition training as provided in § 121.415(b).

(b) *Differences training.* No certificate holder may use any person nor may any person serve as a required crewmember on an airplane of a type for which differences training is included in the certificate holder's approved training program unless that person has satisfactorily completed, with respect to both the crewmember position and the

particular variation of the airplane in which he serves, either initial ground and flight training or differences training.

(c) *Recurrent training.* No certificate holder may use any person nor may any person serve as a required crewmember on an airplane unless, within the preceding 12 calendar months, he has satisfactorily completed recurrent ground and flight training for that type airplane and crewmember position. In addition, no person may be used nor serve as a pilot in command unless, within the preceding 6 calendar months, he has satisfactorily completed recurrent flight training in an airplane for which he holds a type rating. The requirement for recurrent training may be met by satisfactory completion, within the specified period, of the appropriate initial training. In the case of pilots, a proficiency check as provided in § 121.441 may be substituted for recurrent flight training.

5. By adding a new section at the end of § 121.433 to read as follows:

§ 121.434 Initial operating experience.

(a) No certificate holder may use any person nor may any person serve as a required crewmember on an airplane unless he has completed, on that type airplane and in that crewmember position, the initial operating experience required by this section, except as follows:

(1) Crewmembers other than pilots in command may serve as provided herein for the purpose of meeting the requirements of this section.

(2) Pilots who are meeting the pilot in command requirements of this section or who are performing a line evaluation program under § 61.147(e) of this chapter may serve as a second in command.

(b) In acquiring that initial operating experience crewmembers must comply with the following:

(1) In the case of a flight crewmember, he must hold the appropriate certificate and ratings for the flight crewmember position and the airplane.

(2) The experience must be acquired after satisfactory completion of the appropriate ground and flight training for the airplane and crewmember position.

(3) The experience must be acquired inflight during operations under this part.

However, separate initial operating experience is not required for variations within the same type airplane.

(c) A pilot must perform the duties of a pilot in command or of a second in command, as appropriate, under the supervision of a check airman. Second in command may also observe the performance of these duties on the flight deck in lieu of actual performances of those duties. At least the following number of hours are required for all pilots.

- (1) Group I airplanes, 15 hours.
- (2) Group II and III airplanes, 20 hours.
- (3) Group IV, V, and VI airplanes, 25 hours.

However, the number of hours for a pilot who has qualified and served in the same

crewmember position on another airplane of the same Group is 12 hours in Group I, 16 hours in Groups II and III, or 20 hours in Groups IV, V, or VI. In addition, the flight hours acquired in conducting a line evaluation program under § 61.147(e) of this chapter may be credited towards the hours of initial operating experience required by this paragraph.

(d) A flight engineer must perform the duties of a flight engineer under the supervision of a check airman or a qualified flight engineer for at least the following number of hours:

- (1) Group II airplanes, 10 hours.
- (2) Group IV, V, and VI airplanes, 12 hours.

(e) A flight attendant must, for at least 5 hours, either perform the duties of a flight attendant under the supervision of a flight attendant supervisor or observe the performance of these duties. However, initial operating experience is not required for a flight attendant who has previously acquired such experience on an airplane of greater passenger capacity if the certificate holder shows that he has received sufficient ground training and practice for the airplane in which he is to serve.

(f) The hours of initial operating experience are not subject to reduction other than as provided in this paragraph. The hours of initial operating experience may be reduced to 50 percent of the hours required by this section by the substitution of one additional takeoff and landing for each hour of flight.

6. By adding a new section at the end of § 121.439 to read as follows:

§ 121.440 Line checks.

(a) No certificate holder may use any person as pilot in command of an airplane unless, within the preceding 12 calendar months, that person has passed a line check in which he satisfactorily performs the duties and responsibilities of a pilot in command in one of the types of airplanes he is to fly.

(b) A pilot in command line check for domestic and flag air carrier pilots must—

(1) Be given by a pilot check airman who is qualified on both the route and the airplane; and

(2) Consist of at least a scheduled flight over a typical part of the air carriers route to which the pilot is normally assigned.

(c) A pilot in command line check for supplemental air carriers and commercial operators must—

(1) Be given by a pilot check airman who is qualified on the airplane; and

(2) Consist of at least one flight over a part of a Federal airway, foreign airway, or advisory route over which the pilot may be assigned.

7. By amending § 121.441 to read as follows:

§ 121.441 Proficiency checks.

(a) No certificate holder may use any person nor may any person serve as a required pilot flight crewmember unless that person has satisfactorily completed either a proficiency check, or an ap-

proved simulator course of training under § 121.409, as follows:

(1) For a pilot in command, a proficiency check within the preceding 12 calendar months and, within the preceding 6 calendar months, either a proficiency check or the simulator training.

(2) For all other pilots, a proficiency check within the preceding 24 calendar months and, within the preceding 12 calendar months, either a proficiency check or the simulator training.

The satisfactory completion of a type rating flight check under § 61.147 of this chapter satisfies the requirement for a proficiency check if Item V(d) is performed in accordance with Appendix F to this part.

(b) Except as provided in paragraphs (c) and (d) of this section, a proficiency check must meet the following requirements:

(1) It must include at least the procedures and maneuvers set forth in Appendix F to this part unless otherwise specifically provided in that appendix.

(2) It must be given by the Administrator or a pilot check airman.

(c) An approved airplane simulator or an approved synthetic trainer may be used in the conduct of a proficiency check as provided in Appendix F to this part.

(d) A person giving a proficiency check may, in his discretion, waive any of the maneuvers or procedures for which a specific waiver authority is set forth in Appendix F to this part if—

(1) The Administrator has not specifically required the particular maneuver or procedure to be performed;

(2) The pilot being checked is, at the time of the check, employed by a certificate holder as a pilot; and

(3) The pilot being checked is currently qualified for operations under this part in the particular type airplane and crewmember position (i.e., PIC, SIC) involved.

(e) If the pilot being checked fails any of the required maneuvers, the person giving the proficiency check may give additional training to the pilot during the course of the proficiency check. In addition to repeating the maneuvers failed, the person giving the proficiency check may require the pilot being checked to repeat any other maneuvers he finds are necessary to determine the pilot's proficiency. If the pilot being checked is unable to demonstrate satisfactory performance to the person conducting the check, the certificate holder may not use him nor may he serve in operations under this part until he has satisfactorily completed a proficiency check.

(f) No person may serve as a pilot in command on any airplane unless within the preceding 12 calendar months he has passed either a proficiency check or line check in that type airplane.

§ 121.442 [Deleted]

8. By deleting § 121.442.

§ 121.451 [Deleted]

9. By deleting § 121.451.

10. By amending § 121.453 to read as follows:

§ 121.453 Flight engineer qualification.

(a) No certificate holder may use any person nor may any person serve as a flight engineer on an airplane unless, within the preceding 6 calendar months, he has had at least 50 hours of flight time as a flight engineer on that type airplane or the certificate holder or the Administrator has checked him on that type airplane and determined that he is familiar and competent with all essential current information and operating procedures.

(b) A flight check given in accordance with § 121.425(a)(2) satisfies the requirements of paragraph (a) of this section.

11. By amending § 121.463(a) to read as follows:

§ 121.463 Aircraft dispatcher qualifications.

(a) No domestic or flag air carrier may use any person nor may any person serve as an aircraft dispatcher for a particular type aircraft unless that person has, with respect to that aircraft, satisfactorily completed the following:

(1) Initial dispatcher training, except that a person who has satisfactorily completed such training for another type airplane of the same Group need only complete the appropriate transition training.

(2) Differences training, if applicable.

(3) Within the preceding 12 calendar months, recurrent training unless the requirements of subparagraph (a)(1) of this paragraph have been met during that period.

(4) Operating familiarization consisting of at least 5 hours observing from the flight deck operations under this part, except that a person may serve as an aircraft dispatcher without meeting this requirement for 90 days after completion of initial dispatcher training. In addition, this requirement may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight.

12. By deleting Appendix E to Part 121.

13. By amending Appendix F to Part 121 as follows:

a. By amending the paragraph immediately preceding the index to read as follows:

APPENDIX F

The procedures and maneuvers set forth in this appendix must be performed in a manner that satisfactorily demonstrates knowledge and skill with respect to—

(1) The airplane, its systems and components;

(2) Proper control of airspeed, configuration, direction, altitude, and attitude in accordance with procedures and limitations contained in the approved Airplane Flight Manual, the certificate holder's operation manual, check lists, or other approved material appropriate to the airplane type; and

(3) Compliance with approved en route, instrument approach, missed approach, ATC, or other applicable procedures.

Throughout the maneuvers prescribed in this appendix, good judgment commensurate with a high level of safety must be demonstrated. In determining whether such judgment has been shown the person conducting the check considers adherence to approved

procedures, actions based on analysis of situations for which there is no prescribed procedure or recommended practice, and qualities of prudence and care in selecting a course of action.

The items indicated by an asterisk (*) must be performed under simulated instrument conditions. An airplane simulator (with a visual system where specifically required) that meets the requirements of § 121.407 may be used to conduct all of the maneuvers and procedures of a proficiency check except those items marked below by a double asterisk (**).

b. By deleting the index to Appendix F.

c. By deleting the paragraph between the index to Appendix F and the body of Appendix F.

d. By amending Item I(b) and Item II(d) to read as follows:

I. Preflight.

(b) Preflight inspection. The pilot must—

(1) Conduct an actual visual inspection of the exterior and interior of the airplane, locating each item and explaining briefly the purpose for inspecting it; and

(2) Demonstrate the use of the prestart check list, appropriate control system checks, starting procedures, radio and electronic equipment checks, and the selection of proper navigation and communications radio facilities and frequencies prior to flight.

If a flight engineer is a required crewmember for the particular type airplane, the actual visual inspection may either be waived under § 121.441(d) or it may be replaced by using an approved pictorial means that realistically portrays the location and detail of inspection items.

(d) Powerplant checks. As appropriate to the airplane type.

e. By amending Item II to read as follows:

II. Takeoffs.

(a) Normal. One normal takeoff which, for the purpose of this maneuver, begins when the airplane is taxied into position on the runway to be used.

(b) Instrument. One takeoff with instrument conditions simulated at or before reaching an altitude of 100 feet above the airport elevation.*

(c) Crosswind. One crosswind takeoff, if practicable under the existing meteorological, airport, and traffic conditions.

(d) Powerplant failure. One takeoff with a simulated failure of the most critical powerplant—

(1) At a point after V_1 and before V_2 that in the judgment of the person conducting the check is appropriate to the airplane type under the prevailing conditions;

(2) At a point as close as possible after V_1 when V_1 and V_2 (or V_1 and V_2) are identical or

(3) At the appropriate speed for nontransport category airplanes.

If this maneuver is performed in an airplane simulator, the simulator must have a visual system. At the discretion of the check pilot the maneuver may also be required to be performed in the airplane.

(3) Rejected. A rejected takeoff which may be performed in an airplane during a normal takeoff run after reaching a reasonable speed determined by giving due consideration to aircraft characteristics, runway length, surface conditions, wind direction and velocity, brake heat energy, and any other pertinent factors that may adversely affect safety of the airplane. This maneuver may be waived as provided in § 121.441(d).

f. By amending Item III(a) and Item III(b) by adding an asterisk (*) in the left hand margin and by amending Item III(c), the flush paragraph at the end of Item III(d), and Item III(e) to read as follows:

III. Instrument procedures.

*(a) * * *

*(b) * * *

(c) ILS and other instrument approaches. There must be the following:

(1) At least one normal ILS approach. If this maneuver is performed in an airplane simulator, the simulator must have a visual system.*

(2) At least one manually controlled ILS approach with a simulated failure of one powerplant. The simulated failure should occur before initiating the final approach course and must continue to touchdown or through the missed approach procedure.**

(3) Demonstration of approach and missed approach procedures on each letdown aid in addition to ILS that the applicant is likely to use. At least one nonprecision approach procedure must be performed in an airplane or in an airplane simulator with a visual system. The other instrument approach and missed approach procedures may be accomplished in a synthetic instrument trainer, if observed by a check airman or an approved instructor.*

Each instrument approach must be performed according to any procedures and limitations approved for the approach facility used. The instrument approach begins when the airplane is over the initial approach fix for the approach procedure being used (or turned over to the final approach controller in the case of GOA approach) and ends when the airplane contacts the runway or when transition to a missed approach configuration is completed. Instrument conditions need not be simulated below 100 feet above touchdown zone elevation.

(d) Circling approaches.

If this maneuver is performed in an airplane simulator, the simulator must have a visual system. If local conditions beyond the control of the pilot prohibit the maneuver or prevent it from being performed as required, it may be waived as provided in § 121.441(d): *Provided, however*, that the maneuver may not be waived under this provision for two successive proficiency checks. In addition, this maneuver may be waived for a second in command if the certificate holder's manual prohibits a second in command from performing a circling approach in operations under this Part.

(e) Missed approach.

(1) Each pilot must perform at least one missed approach from an ILS approach.**

(2) Each pilot in command must perform at least one additional missed approach. If this maneuver is performed in an airplane simulator, the simulator must have a visual system.*

A complete approved missed approach procedure must be accomplished at least once. At the discretion of the person conducting the check, a simulated powerplant failure may be required during any of the missed approaches. These maneuvers may be performed either independently or in conjunction with maneuvers required under sections III or V of this appendix.

g. By amending Item IV(a) and (b) by adding an asterisk in the left hand margin as follows:

IV. Inflight maneuvers.

(a) Steep turns. * *

(b) Approaches to stalls. * *

h. By amending Item V(e), Item V(f), and the flush paragraph at the end of Item V to read as follows:

V. Landings and approaches to landings.

(e) If the certificate holder is approved for circling minimums below 1000-3, a landing under simulated circling approach conditions. If this maneuver is performed in an airplane simulator, the simulator must have a visual system. However, when performed in an airplane, if circumstances beyond the control of the pilot prevent a landing, the person conducting the check may accept an approach to a point where in his judgment a landing to a full stop could have been made.

(f) A rejected landing, including a normal missed approach procedure, that is rejected approximately 50 feet over the runway and approximately over the runway threshold. This maneuver may be combined with instrument, circling, or missed approach procedures, but instrument conditions need not be simulated below 100 feet above the runway. If this maneuver is performed in an airplane simulator, the simulator must have a visual system.

Notwithstanding the authorizations for combining and waiving of maneuvers and for the use of a simulator, for the use of a simulator, for all pilot in command and initial second in command proficiency checks at least two actual landings (one to a full stop) must be made.

i. By deleting the flush paragraph at the end of Item VI.

j. By deleting the last sentence of Item VII.

k. By deleting Item VIII.

14. By amending § 61.147 by adding new paragraphs (d) and (e) at the end thereof.

§ 61.147 Airplane rating: aeronautical skill.

(d) In addition to using an airplane simulator as permitted in Appendix A to this part, a simulator may be used as provided in subparagraphs (1) and (2) of this paragraph if the applicant also satisfactorily completes a line evaluation as set forth in paragraph (e) of this section.

(1) The following may be performed in an airplane simulator that meets the requirements of § 121.407 of this chapter:

- (i) Item III(a)—Area arrival and departure.
- (ii) Item III(b)—Holding.
- (iii) Item IV(a)—Steep turns.
- (iv) Item IV(b)—Approaches to stalls.
- (v) Item IV(c)—Specific flight characteristics.

(2) The following may be performed in an airplane simulator with a visual system that meets the requirements of § 121.407 of this chapter.

- (i) Item II(b)—Instrument takeoff.
- (ii) Item II(d)—Takeoff with powerplant failure.
- (iii) Item III(c)(1)—Normal ILS approach.
- (iv) Item III(e)—One missed approach.
- (v) Item V(e)—Circling approach to landing.
- (vi) Item V(f)—Rejected landing.

(vii) Item V(g)—No flap landing.

The FAA inspector or designated examiner may require any of the maneuvers listed in subdivisions (i), (ii), (vi), or (vii) to be performed in the airplane if he feels that this is necessary to determine the applicant's competence with respect to that maneuver.

(e) An applicant for an airline transport pilot certificate or additional type rating who performs part of the practical test in an airplane simulator as permitted by paragraph (d) of this section must, before receiving that certificate or type rating, complete a line evaluation consisting of eight flight legs (each of which includes a takeoff and landing) in operations under Part 121 of this chapter during which the applicant performs the duties of a pilot in command under the supervision of a pilot check airman. At least two of these legs must be observed by the Administrator. This flight time may be credited toward the initial operating experience required by § 121.434 of this chapter.

15. By amending Appendix A to Part 61 as follows:

a. By amending the paragraph immediately preceding the index to read as follows:

APPENDIX A

PRACTICAL TEST REQUIREMENTS FOR AIRLINE TRANSPORT PILOT CERTIFICATES AND ASSOCIATED CLASS AND TYPE RATINGS

The procedures and maneuvers set forth in this appendix must be performed in a manner that satisfactorily demonstrates knowledge and skill with respect to—

- (1) The airplane, its systems and components;
- (2) Proper control of airspeed, configuration, direction, altitude, and attitude in accordance with procedures and limitations contained in the approved Airplane Flight Manual, check lists, or other approved material appropriate to the airplane type; and
- (3) Compliance with approved en route, instrument approach, missed approach, ATC, or other applicable procedures.

Throughout the maneuvers prescribed in this appendix, good judgment commensurate with a high level of safety must be demonstrated. In determining whether such judgment has been shown the FAA inspector or designated examiner who conducts the check considers adherence to approved procedures, actions based on analysis of situations for which there is no prescribed procedure or recommended practice, and qualities of prudence and care in selecting a course of action.

The items indicated by an asterisk (*) must be performed under simulated instrument conditions. All simulators or training devices used in the conduct of the practical test as permitted in this Appendix must meet the requirements of § 121.407 of this chapter.

b. By deleting the index to Appendix A.

c. By deleting the paragraph between the index to Appendix A and the body of Appendix A.

d. By amending Item I(b) to read as follows:

I. Preflight.

(b) Preflight Inspection. The pilot must—

- (1) Conduct an actual visual inspection of the exterior and interior of the airplane,

locating each item and explaining briefly the purpose of inspecting it; and

(2) Demonstrate the use of the prestart check list, appropriate control system checks, starting procedures, radio and electronic equipment checks, and the selection of proper navigation and communications radio facilities and frequencies prior to flight.

If a flight engineer is a required crewmember for the particular type airplane, the actual visual inspection may either be waived under § 61.147(c) or it may be replaced by using an approved pictorial means that realistically portrays the location and detail of inspection items.

e. By amending Item II to read as follows:

II. Takeoffs.

(a) Normal. One normal takeoff which, for the purpose of this maneuver, begins when the airplane is taxied into position on the runway to be used.

(b) Instrument. One takeoff with instrument conditions simulated at or before reaching an altitude of 100 feet above the airport elevation.*

(c) Crosswind. One cross wind takeoff, if practicable under the existing meteorological, airport, and traffic conditions.

(d) Powerplant failure. One takeoff with a simulated failure of the most critical powerplant—

(1) At a point after V_1 and before V_2 that in the judgment of the person conducting the check is appropriate to the airplane type under the prevailing conditions;

(2) At a point as close as possible after V_1 when V_1 and V_2 (or V_1 and V_{LO}) are identical; or

(3) At the appropriate speed for non-transport category airplanes.

(e) Rejected. A rejected takeoff performed in an airplane during a normal takeoff run after reaching a reasonable speed determined by giving due consideration to aircraft characteristics, runway length, surface conditions, wind direction and velocity, brake heat energy, and any other pertinent factors that may adversely affect safety or the airplane. This maneuver may be waived as provided in § 61.147(c) or may be performed in an airplane simulator.

f. By amending Item III(a) and Item III(b) by adding an asterisk in the left hand margin and by amending Item III(c), the flush paragraph at the end of Item III(d), and Item III(e) to read as follows:

III. Instrument procedures.

*(a) * * *

*(b) * * *

(c) ILS and other instrument approaches. There must be the following:

(1) At least one normal ILS approach.*

(2) At least one manually controlled ILS approach with a simulated failure of one powerplant. The simulated failure should occur before initiating the final approach course and must continue to touchdown or through the missed approach procedure.*

(3) Demonstration of approach and missed approach procedures on each letdown aid in addition to ILS that the applicant is likely to use. At least one nonprecision approach procedure must be flown in the airplane or in an airplane simulator with a visual system. The other instrument approach and missed approach procedures may be accomplished in a synthetic instrument trainer, if observed by the person conducting the flight check or if the applicant has completed an approved training course under Part 121 of this chapter for the airplane type involved and is observed by a person qualified to act

as an instructor or check airman under that approved training program.*

Each instrument approach must be performed according to any procedures and limitations approved for the approach facility used. The instrument approach begins when the airplane is over the initial approach fix for the approach procedure being used (or turned over to the final approach controller in the case of GCA approach) and ends when the airplane contacts the runway or when transition to a missed approach configuration is completed. Instrument conditions need not be simulated below 100 feet above touchdown zone elevation.

(d) *Circling approaches.*

This maneuver may be performed in an airplane simulator with a visual system or, if local conditions beyond the control of the pilot prohibit the maneuver or prevent it from being performed as required, it may be waived as provided in § 61.147(c).

(e) *Missed approaches.**

Each applicant must perform at least two missed approaches, with at least one missed approach from an ILS approach. A complete approved missed approach procedure must be accomplished at least once and, at the discretion of the FAA inspector or designated examiner, a simulated powerplant failure may be required during any of the missed approaches. These maneuvers may be performed either independently or in conjunction with maneuvers required under sections III or V of this appendix.

g. By amending Item IV(a) and Item IV(b) by adding an asterisk in the left hand margin as follows:

IV. *Inflight maneuvers.*

- * (a) * * *
- * (b) * * *

h. By amending Item V(f) to read as follows:

V. *Landings and approaches to landings.*

(f) A rejected landing, including a normal missed approach procedure, that is rejected approximately 50 feet over the runway and approximately over the runway threshold. This maneuver may be combined with instrument, circling, or missed approach procedures, but instrument conditions need not be simulated below 100 feet above the runway.

i. By deleting Item VIII.

These amendments are proposed under the authority of sections 313(a), 601, 602, 604, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422, 1424, and 1427), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 28, 1969.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 69-3944; Filed, Apr. 3, 1969;
8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-49]

DESIGNATION OF CONTROL AREA

Withdrawal of Notice of Proposed Rule Making

In a notice of proposed rule making published as Airspace Docket No. 68-WE-

49 on October 19, 1968 (33 F.R. 15558), it was stated that the Federal Aviation Administration proposed to designate an additional control area with a 1,200 foot AGL floor from Baker, Ore., VORTAC via Walla Walla, Wash., VOR to the Ephrata, Wash., VOR.

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

Subsequent to the publication of the notice, the FAA has restudied the control area coverage which presently exists along the alignment of the proposed control area. It has been determined that the area to be served by the proposed control area could be adequately served by minor extensions of existing transition areas.

Accordingly, action is taken herein to withdraw the proposal to designate the additional control area between Baker and Ephrata. The FAA, by separate action, will propose the designation of controlled airspace through the extension of existing transition areas when an adequate level of en route traffic exists.

Withdrawal of a notice of proposed rule making constitutes only such action, and does not preclude the FAA from issuing another notice in the future, nor commit the FAA to any course of action in the future.

In consideration of the foregoing, Airspace Docket No. 68-WE-49 (33 F.R. 15558), is hereby withdrawn.

This withdrawal shall become effective upon publication in the FEDERAL REGISTER.

This withdrawal is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 27, 1969.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 69-3943; Filed, Apr. 3, 1969;
8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 76]

PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION FROM FEDERAL GOVERNMENT ACTIVITIES: PERFORMANCE STANDARDS AND TECHNIQUES OF MEASUREMENT

Sulfur Oxide Emissions and Disposal of Waste

Notice is hereby given that the Secretary, pursuant to section 5 of Executive Order 11282, proposes to amend the standards which implement the Executive Order.

The proposal, in addition to prescribing opacity standards for visible emissions from incinerators operated at Federal facilities, includes measurement techniques for determining whether such incinerators meet the emission standards for particulate matter set forth in this part. The proposal also replaces the term "refuse" with the term "waste" and provide standards for sanitary landfill operation.

It is proposed to delete the requirement that incinerators be equipped with smoke detectors, recorders or alarms, since such devices have been found ineffective and serve no practical purpose on incinerators. Finally, the proposal redefines the geographic areas presently set forth in § 76.5(c), to conform with certain designated interstate air quality control regions and amends the definition section by defining "unit", "particulate matter", "standard conditions" and "waste".

Interested persons may submit written data, views or arguments (in triplicate) regarding the proposal to the Commissioner, National Air Pollution Control Administration, Ballston Center Tower No. 2, 801 North Randolph Street, Arlington, Va. 22203. Federal officials who desire consultation in addition to, or in lieu of, the submission of written data, views, or arguments may arrange for such consultation by filing a written request with the Commissioner not later than 10 days after publication of this notice in the FEDERAL REGISTER. All relevant material received not later than 30 days after publication of this notice will be considered.

Part 76 would be amended as follows:

1. Section 76.1 would be amended by revising paragraph (c) and adding paragraphs (g), (h), (i), and (j), as follows:

§ 76.1 Definitions.

(c) "Ringelmann Scale" means the Ringelmann Scale as published in the latest U.S. Bureau of Mines Information Circular entitled "Ringelmann Smoke Chart".

(g) "Unit" means all indirect heat exchangers connected to a single stack.

(h) "Particulate matter" means any material, except uncombined water, that exists as a solid or liquid at standard conditions.

(i) "Standard conditions" means a temperature of 70° Fahrenheit and a pressure of 14.7 pounds per square inch, absolute.

(j) "Waste" means any solid, liquid, or gaseous substance, the disposal of which may create an air pollution problem.

2. Section 76.5 would be amended by revising paragraph (c) (1) to read:

§ 76.5 Sulfur oxides.

(c) (1) Effective October 1, 1969, combustion units of all Federal facilities or buildings located in the following areas shall comply with applicable emission

limitations and control measures set out below:

(i) In the New Jersey-New York-Connecticut Interstate Air Quality Control Region as defined by 42 CFR Part 81, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed 0.35 pounds per million B.t.u. (gross value) heat input.

(ii) In the Metropolitan Chicago Interstate Air Quality Control Region (Indiana-Illinois) and in the Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware) as defined in 42 CFR Part 81, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed 0.65 pounds per million B.t.u. (gross value) heat input.

3. Section 76.8 would be revised to read as follows:

§ 76.8 Disposal of waste.

(a) (1) Waste shall not be burned in open fires in urban areas.

(2) In nonurban areas, there shall not be burned in open fires, within a 24-hour period, more than 25 pounds of waste at a single site nor more than 500 pounds of waste at any number of sites within a 1-mile radius, except that these quantities may be exceeded in the case of on-site burning of waste produced in connection with operations performed at railroad rights-of-way, interurban highways, irrigation canals, forests, agricultural sites, etc., and provided that care is exercised to prevent creation of localized air pollution which endangers health or welfare. Deteriorated or unused explosives, munitions, rocket propellants, and certain hazardous wastes may be

burned in open fires, in accordance with recognized procedures.

(3) Wastes shall not be left in open dumps.

(4) Wastes that are disposed of in sanitary landfills shall be disposed of in accordance with procedures described in "Sanitary Landfill Facts" (PHS publication No. 1792, 1968) and any amendments or revisions thereof. Said document is available to any interested person, whether or not affected by the provisions of this part, upon request to the National Air Pollution Control Administration, Arlington, Va. 22203, which maintains an official historic file of the document, or to the Public Health Service Information Center as listed in 45 CFR 5.31 (32 F.R. 9316).

(b) (1) Waste shall be burned only in facilities especially designed for that purpose, except as provided in paragraph (a) of this section.

(2) For incinerators acquired on or after June 3, 1966 the density of any emission to the atmosphere shall not exceed number 1 on the Ringelmann Scale or the Smoke Inspection Guide for a period or periods aggregating more than 3 minutes in any 1 hour, or be of such opacity as to obscure an observer's view to an equivalent degree.

(3) For incinerators acquired prior to June 3, 1966 the density of any emission to the atmosphere shall not exceed number 2 on the Ringelmann Scale or the Smoke Inspection Guide for a period or periods aggregating more than 3 minutes in any 1 hour, or be of such opacity as to obscure an observer's view to an equivalent degree.

(c) (1) In addition, for installations burning more than 200 pounds of waste per hour, emissions shall not exceed 0.2 grain of particulate matter per standard cubic foot of dry flue gas corrected to 12 percent carbon dioxide (without the con-

tribution of carbon dioxide from auxiliary fuel), measured in accordance with the test procedures described in "Specifications for Incinerator Testing at Federal Facilities" (PHS publication, October, 1967) and any amendments or revisions thereof. Said document is available to any interested person, whether or not affected by the provisions of this part, upon request to the National Air Pollution Control Administration, Arlington, Va. 22203, which maintains an official historic file of the document, or to the Public Health Service Information Center or Regional Office Information Center as listed in 45 CFR 5.31 (32 F.R. 9316).

(2) For installations burning 200 pounds of waste per hour or less, emissions shall not exceed 0.3 grain of particulate matter per standard cubic foot of dry flue gas corrected to 12 percent carbon dioxide (without the contribution of carbon dioxide from auxiliary fuel), measured in accordance with the test specifications described in "Specifications for Incinerator Testing at Federal Facilities" (PHS publication, October 1967) and any amendments or revisions thereof.

(3) Test procedures which are approved by the Commissioner, National Air Pollution Control Administration, as equivalent to those prescribed by paragraphs (c) (1) and (c) (2) of this section may be used for the purpose of determining an installation's compliance with the emission standards for particulate matter contained in such paragraphs.

Dated: March 28, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air
Pollution Control Administration.

[F.R. Doc. 69-3918; Filed, Apr. 3, 1969;
8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1968 Rev., Supp. No. 11]

CENTURY INDEMNITY COMPANY

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of \$463,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated

Century Indemnity Company
Hartford, Conn.
Connecticut

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 28, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-3952; Filed, Apr. 3, 1969; 8:49 a.m.]

[Dept. Circ. 570, 1968 Rev., Supp. No. 12]

PEKIN INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of \$134,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated

Pekin Insurance Company
Pekin, Ill.
Illinois

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qual-

ified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 28, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-3953; Filed, Apr. 3, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-2404]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management

MARCH 27, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described in paragraph 4 below are classified for multiple use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating all public lands described below in paragraph 4 from appropriation only under the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands described in paragraph 5 from appropriation under the mining laws (30 U.S.C. ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. No adverse comments were received following publication of the notice of proposed classification (34 F.R. 1191, Jan. 24, 1969), or at the public hearing at Minden, Nev., which was held on February 11, 1969. No changes have been made in the list of lands included in this classification. The record showing reaction to the classification made by members of the public attending or interested in the hearing is on file and can be examined in the Folsom District Office, Folsom, Calif.

4. The public lands affected by this classification are located within Alpine and Mono Counties. For the purpose of this classification, the lands have been analyzed in detail and described in docu-

ments and on maps available for inspection at the Folsom District Office, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630, and in the Sacramento Land Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825. The overall descriptions of the lands are as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

All public lands in:

- T. 11 N., R. 19 E.,
Sec. 25.
T. 12 N., R. 19 E.,
Secs. 26 and 35.
T. 10 N., R. 20 E.,
Secs. 3 to 15, inclusive, secs. 17, 20, 22, 23, and secs. 26 to 29, inclusive.
T. 11 N., R. 20 E.,
Secs. 6, 7, 9, 15, 16, 17, secs. 20 to 23, inclusive, sec. 28, and secs. 29 to 32, inclusive.
T. 8 N., R. 21 E.,
Sec. 1.
T. 9 N., R. 21 E.,
Secs. 1, 2, 3, secs. 10 to 14, inclusive, secs. 23 to 26, inclusive, and secs. 34 and 35.
T. 10 N., R. 21 E.,
Secs. 1, 2, and 7.
T. 8 N., R. 22 E.,
Secs. 1, 12, 13, 14, 23, 25, 26, 35, and 36.
T. 9 N., R. 22 E.,
Secs. 1 to 11, inclusive, secs. 14, 15, 17, 18, 19, 22, 23, 25, 26, 27, 30, 31, 34, and 35.
T. 10 N., R. 22 E.,
Secs. 7, 8, 17, 18, 20, 21, 22, 26, 27, 28, 34, 35, and 36.
T. 8 N., R. 23 E.,
Secs. 3, 4, 9, 10, 15, 18, 19, 21, 22, and secs. 28 to 32, inclusive.
T. 9 N., R. 23 E.,
Secs. 21, 28, and 33.
Except the following public lands:
T. 10 N., R. 20 E.,
Sec. 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW diagonal $\frac{1}{2}$ of SE $\frac{1}{4}$;
Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
The public lands proposed to be classified aggregate approximately 38,815 acres.

5. As provided in paragraph 2, the following lands are further segregated from appropriation under the mining laws (totaling approximately 2,735 acres):

MOUNT DIABLO MERIDIAN, CALIFORNIA

All public lands in:

- T. 10 N., R. 20 E.,
Sec. 3, lots 2 and 3, W $\frac{1}{2}$ lot 9, W $\frac{1}{2}$ E $\frac{1}{2}$ lot 9, lots 10 to 14, inclusive, W $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 4, lots 5 to 8, inclusive, E $\frac{1}{2}$ lot 9, E $\frac{1}{2}$ lot 10, E $\frac{1}{2}$ lot 11, lots 17 and 18, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, NE diagonal $\frac{1}{2}$ of SE $\frac{1}{4}$;
Sec. 9, SW $\frac{1}{4}$;
Sec. 10, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 14, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 22, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$.

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (34 F.R. 2330 and 5084) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (34 Stat. 1260, as amended by Public Law 90-201) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to Pioneer Packing Co., establishment 372, and the reference to swine with respect to such establishment are deleted. The reference to calves with respect to DeWitt Packing Corp., establishment 456, is deleted. The reference to cattle with respect to Ridley Packing Co., establishment 2265 is deleted. The reference to Jack Agee & Co., establishment 2281, and the reference to swine with respect to such establishment are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Safford Packing Co.	326	(*)						
Dutterer's of Manchester, Inc.	316-A	(*)				(*)		
State Packing Co., Inc.	344	(*)						
Frederick Packing Co., Inc.	580					(*)		
Broadway Packing Co., Inc.	2264	(*)						
Western Meat Packers, Inc.	7028	(*)				(*)		
Beef Packers of Amarillo, Inc.	7073	(*)						
New establishments reported: 7.								
Bub Davis Packing, Inc.	171			(*)	(*)			
City Custom Packing Co., Inc.	387			(*)	(*)			
Carteret Abattoir, Inc.	639			(*)	(*)			
Joe Doctorman & Son Packing Co., Inc.	949				(*)			
Loughorn Meat Packers, Inc.	976			(*)				
Clayton Packing Co.	2373			(*)				
Johnston Dressed Beef & Veal, Inc.	3300					(*)		
Maple Brook Packing Co.	3301			(*)	(*)			
Species added: 11.								

Done at Washington, D.C., on March 28, 1969.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69-3947; Filed, Apr. 3, 1969; 8:48 a.m.]

Office of the Secretary

MEAT IMPORT LIMITATIONS

Quarterly Estimates

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act the following second quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act be imported during calendar year 1969 is 1,035 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1969 is 988 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1969 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Public Law 88-482 at this time.

Done at Washington, D.C., this 29th day of March 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-3948; Filed, Apr. 3, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

GULF COAST RESEARCH LABORATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c)

- T. 11 N., R. 20 E.,
Sec. 32, W $\frac{1}{2}$ SW $\frac{1}{4}$.
- T. 9 N., R. 23 E.,
Sec. 5, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 6, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 8 N., R. 23 E.,
Sec. 29, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 31, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 32, lots 3, 4, 5, and 12, and W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

6. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2(c).

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 69-3926; Filed, Apr. 3, 1969; 8:47 a.m.]

[New Mexico 8754]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership; Correction

MARCH 27, 1969.

In F.R. Doc. 69-2623 appearing on pages 3859 and 3860 (34 F.R. 3859-3860) of the FEDERAL REGISTER issue of Wednesday, March 5, 1969, the following correction should be made:

The land description "T. 23 S., R. 19 W., Sec. 19, NE $\frac{1}{4}$ SW $\frac{1}{4}$ " should be changed to "T. 23 S., R. 19 W., Sec. 19, NE $\frac{1}{4}$ SE $\frac{1}{4}$."

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-3927; Filed, Apr. 3, 1969; 8:47 a.m.]

Fish and Wildlife Service

[Depredation Order]

DEPREDATING GOLDEN EAGLES

Order Permitting Taking to Seasonally Protect Domestic Livestock in Certain Texas Counties

Pursuant to authority in section 2 of the Act of June 8, 1940 (54 Stat. 251), as amended, 16 U.S.C. 668a, and in accordance with regulations under Part 11, Title 50, Code of Federal Regulations, and in response to the written request from the Governor of Texas, the Secretary of the Interior has authorized the taking of golden eagles without a permit to seasonally protect domesticated livestock during the period from December 20, 1968, through April 30, 1969, in Texas. Subject to the conditions in the October 16, 1968, F.R. Doc. 68-12865; filed October 22, 1968, as published in the FEDERAL REGISTER, Volume 33, Number 207, page 15674, October 23, 1968, item 4 is amended to include Menard County.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

MARCH 27, 1969.

[F.R. Doc. 69-3925; Filed, Apr. 3, 1969; 8:47 a.m.]

of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00267-33-46500. Applicant: Gulf Coast Research Laboratory, Post Office Box AG, Ocean Springs, Miss. 39564. Article: Ultramicrotome, Model LKB 4800A Ultratome I. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies concerning heart tissues from various invertebrate and vertebrate classes. Heart muscle and nerve tissues are sectioned very thin for observation in the electron microscope. They are studied from the viewpoint of comparative ultrastructure. Therefore, the thickness of these sections must be chosen by the operator so as to obtain maximum information from the tissues.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2, manufactured by the Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the better is the resolution attainable with the electron microscope for which the sections are being prepared. Since the applicant requires the best attainable resolution to achieve the research objectives, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) In order to locate the particular ultrastructures and membrane attachments which are of interest to the program, the applicant requires long series of ultrathin sections (less than 100 angstroms), of uniform thickness and consistent accuracy. We are advised by the Department of Health, Education, and Welfare that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." (Memorandum dated February 26, 1969.) The foreign article is equipped with a thermal advance, whereas the Sorvall Model MT-2 employs a gear driven mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of

equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3906; Filed, Apr. 3, 1969; 8:45 a.m.]

NORTH CAROLINA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00234-33-46500. Applicant: North Carolina State University, Post Office Box 5935, Raleigh, N.C. 27607. Article: Ultramicrotome, Model LKB 8800, Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with the fine structure or differentiation in a malaria parasite in its blood and insect host. To search for exoerythrocytic stages of the parasite, thick sections (2 microns) are cut, stained, and examined for a parasitized cell. When one is discovered, serial sections are cut beginning with the first section. Exoerythrocytic forms at various stages of the infection will be examined in an effort to discover structural differences between merozoites that infect tissue cells and merozoites that infect blood cells. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular

ultrastructure of interest to the program. We are advised by the Department of Health, Education, and Welfare (memorandum dated Feb. 26, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT-2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3906; Filed, Apr. 3, 1969; 8:45 a.m.]

STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00257-81-65500. Applicant: State University of New York at Stony Brook, N.Y., Stony Brook, N.Y. 11790. Article: Direct current comparator potentiometer, Model 9930. Manufacturer: Guildline Instruments Ltd., Canada. Intended use of article: The article will be used as an essential potentiometric system required to support the graduate research program in aiding both faculty and students for the College of Engineering. The second important function of this article will be to establish a DC Standard System directly traceable to National Bureau of Standards. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Applicant's research program requires a direct current potentiometer with a range from 0.2 to 2.0 volts, accuracy of 0.05 parts per million, long term drift less than 0.1 part

per million per year, and an overall resolution of one part in 2×10^{-7} of full scale deflection. We are advised by the National Bureau of Standards (NBS) (memorandum dated Feb. 19, 1969) that it knows of no direct current potentiometer being manufactured in the United States, which fulfills the applicant's technical requirements, which NBS further advises are pertinent to the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3907; Filed, Apr. 3, 1969; 8:45 a.m.]

YESHIVA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00357-00-46040. Applicant: Yeshiva University, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: 70mm Roll Film Camera, an accessory to a Siemens electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing Elmiskop IA electron microscope for taking series micrographs of up to 40 exposures on a roll of film with daylight loading cassette. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory to an electron microscope manufactured by the supplier of the foreign article, which is now in the possession of the applicant. We know of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article or can be adapted to the electron microscope with which it is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3908; Filed, Apr. 3, 1969; 8:45 a.m.]

Maritime Administration

[Docket No. S-233]

STATES STEAMSHIP CO.

Notice of Application

Notice is hereby given that States Steamship Co. has applied for the following increase in service in its subsidized freight ship services on Trade Route No. 29 (U.S. Pacific/Far East):

1. An increase in the overall maximum number of subsidized sailings from 74 per annum to an aggregate maximum of 84 sailings per annum for all its services.

2. Flexibility in assigning sailings made in excess of the aggregate minimum of 52 sailings per annum to any of its three services: *Provided*, That at least the minimum sailings are made on each service (annual minimum sailing requirements are: 10 sailings on Service A, 20 sailings on Service B, and 22 sailings on Service C). In the event that all excess sailings were assigned to a single service, the following increases in each service could result:

(A) Between the Pacific Northwest (Washington/Oregon) and the Far East: From present maximum of 16 sailings to new maximum of 42 sailings per annum.

(B) Between the Pacific Northwest, California and the Far East: From present maximum of 30 sailings to new maximum of 52 sailings per annum.

(C) Between California and the Far East: From present maximum of 28 sailings to new maximum of 54 sailings per annum.

3. Eliminate the present limitations on the number of calls permitted at certain specified areas to permit ships operating as described above to call at such areas within the proposed maximum number of sailings permitted. The present restrictions which the applicant seeks to have removed are:

(1) For vessels operating as described under (A) and (B) above, between Washington/Oregon and:

Korea and Okinawa—36 voyages per annum.

Indo-China, Thailand, Hong Kong, and Sarawak—16 voyages per annum.

Philippines—16 outbound and 24 inbound sailings per annum.

(2) For vessels operating as described under (B) and (C) above, between California and:

Korea and Okinawa on not more than 48 outbound and 40 inbound sailings.

The Philippine Islands, Indo-China, Thailand, Hong Kong, and Sarawak on not more than 44 outbound and 40 inbound sailings.

4. Permit vessels operating as described under (A) above to call at Hawaii outbound to load cargo to ports in the Far East; these vessels are presently restricted to calling at Hawaii inbound.

5. Eliminate the restriction that vessels operating as described under (B) above may call at California port(s) inbound on not to exceed a total of 12 inbound sailings.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c), 46 U.S.C. 1175, of the Merchant Marine Act, 1936, as amended (the "Act"), should, by the close of business on April 17, 1969, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board/Maritime Administration (46 CFR Part 201).

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

By order of the Maritime Subsidy Board.

Dated: April 1, 1969.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-3976; Filed, Apr. 3, 1969; 8:50 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ATTESTING OFFICERS

Designation; Delegation of Authority To Cause Department Seal To Be Affixed and To Authenticate Copies of Documents

The designation and delegation of authority published at 33 F.R. 19092, December 21, 1968, is amended by adding at the end of section A, with respect to documents in the files of the Department of Housing and Urban Development, the following:

5. Myrtle R. Hough.

(Sec. 7(d) of Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This document is effective as of April 4, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-3950; Filed, Apr. 3, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-23]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, fire-fighting and miscellaneous equipment, installations, and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted as described in this document during the period from December 30, 1968 to January 9, 1969 (List No. 1-69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in title 46, United States Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the date issued unless sooner canceled or suspended by proper authority.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

NOTE: Approved for use on all vessels and motorboats.

Approval No. 160.002/66/1, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, and 12th and Graham Streets, Emporia, Kans. 90805, effective January 9, 1969. (It is an extension of Approval No. 160.002/66/1 dated March 6, 1964.)

Approval No. 160.002/84/0, Model 3, adult kapok life preserver, U.S.C.G. Spec-

ification Subpart 160.002, manufactured by The Safeguard Corp., Box 14037, Post Office Annex, Cincinnati, Ohio 45214, for Lifo Products Co., 315 East 15th Street, Covington, Ky. 41011, effective January 9, 1969. (It is an extension of Approval No. 160.002/84/0 dated March 12, 1964, and change of address of distributor.)

Approval No. 160.002/85/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by The Safeguard Corp., Box 14037, Post Office Annex, Cincinnati, Ohio 45214, for Lifo Products Co., 315 East 15th Street, Covington, Ky. 41011, effective January 9, 1969. (It is an extension of Approval No. 160.002/85/0 dated March 12, 1964 and change of address of distributor.)

WINCHES, LIFEBOAT

Approval No. 160.015/79/2, Type R55-G lifeboat winch; approval is limited to mechanical components only and for a maximum working load of 11,120 pounds pull at the drums (5,560 pounds per fall); identified by general assembly drawing No. 1013-2R-2 (Sheets 1 and 2) dated October 16, 1967, and drawing list dated November 7, 1967, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective January 3, 1969. (It supersedes Approval No. 160.015/79/1 dated November 17, 1967 to show change in address of manufacturer.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/144/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Miltec Products Corp., 139 Emerson Place, Brooklyn, N.Y. 11205, effective January 9, 1969. (It is an extension of Approval No. 160.048/144/0 dated March 14, 1964.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/79/0, special approval 15" x 15" x 2 1/4" rectangular vinyl-dipped unicellular plastic foam buoyant cushion, Martin Industries dwg. No. BC-2D dated November 6, 1968, manufactured by Martin Industries, Post Office Box 423, Clayton, Ala. 36016, for Hurtsboro Oak Flooring Co., Inc., Hurtsboro, Ala. 36860, effective December 30, 1968.

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/58/0, telephone station identification panel, 2-circuit, manual reset, splashproof, dwg. No. 28-02, Alt. 0 dated June 16, 1958, for use with sound-powered telephone stations to identify visually the station called, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, N.Y. 10011, effective January 3, 1969. (It is an extension of Approval No.

161.005/58/0 dated March 6, 1964 and change of address of manufacturer.)

Approval No. 161.005/59/0, telephone station identification panel, 3-circuit, manual reset, splashproof, dwg. No. 28-03, Alt. 0 dated June 23, 1958, for use with sound-powered telephone stations to identify visually the station called, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, N.Y. 10011, effective January 3, 1969. (It is an extension of Approval No. 161.005/59/0 dated March 6, 1964 and change of address of manufacturer.)

Approval No. 161.005/60/0, sound-powered telephone station, selective ringing, common talking, 11 stations maximum, nonwatertight, with self-contained hand generator bell, Model SHD, bulkhead mounting, dwg. No. 57-01, Alt. 0 dated July 2, 1958, for use in officer's quarters and radio room, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, N.Y. 10011, effective January 3, 1969. (It is an extension of Approval No. 161.005/60/0 dated March 6, 1964 and change of address of manufacturer.)

Approval No. 161.005/61/0, telephone station identification panel, single-circuit, manual reset, splashproof, dwg. No. 28-01, Alt. 0 dated June 11, 1958, for use with sound-powered telephone stations to identify visually the station called, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, N.Y. 10011, effective January 3, 1969. (It is an extension of Approval No. 161.005/61/0 dated March 6, 1964 and change of address of manufacturer.)

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/6/2, figure No. 94300 flame arrester, cast iron or aluminum body, and aluminum, copper, or stainless steel tube bank, dwg. No. ST-10616, dated August 28, 1956, approved for 3", 4", 6", and 8" sizes, for use with inflammable or combustible liquids of Grade A or lower, formerly Shand and Jurs Co., 2630 8th Street, Berkeley, Calif., manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.016/6/2 dated November 30, 1966 to show change of name and address of manufacturer.)

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/68/1, figure No. 240, pressure-vacuum relief valve, enclosed pattern, weight-loaded poppet, nickel cast iron bronze 85-5-5-5 (B62, Grade 4A) or stainless steel (Type 304) bodies, dwg. No. 240-A, Alt. 1 dated January 20, 1959, approved for 4" size, manufactured by Mechanical Marine Co., Inc., 45-15 37th Street, Long Island City, N.Y. 11101, effective January 3, 1969. (It is an extension of Approval No. 162.017/68/1 dated Mar. 3, 1964.)

Approval No. 162.017/70/1, figure No. 260, pressure only relief valve, enclosed pattern, weight-loaded poppet, nickel cast iron bronze 85-5-5-5 (B62, Grade 4A) or stainless steel (Type 304) bodies, dwg. No. 260-A, Alt. 1 dated January 20, 1959, approved for 4" size, manufactured

by Mechanical Marine Co., Inc., 45-15 37th Street, Long Island City, N.Y. 11101, effective January 3, 1969. (It is an extension of Approval No. 162.017/70/1 dated Mar. 3, 1964.)

Approval No. 162.017/91/0, 6" pilot-operated relief valve (pressure only), Fig. 4154-04, for propane, butane, and ammonia, at a minimum temperature of -50° F. and maximum pressure of 4 p.s.i.g., formerly Shand and Jurs Co., 2630 Eighth Street, Berkeley, Calif., manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.017/91/0 dated Nov. 30, 1966 to show change of name and address of manufacturer.)

Approval No. 162.017/92/0, 4" vacuum breather valve, Fig. 4103-05 for propane, butane, and ammonia at a minimum temperature of -50° F. and maximum pressure of 4 p.s.i.g., formerly Shand and Jurs Co., 2630 Eighth Street, Berkeley, Calif., manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.017/92/0 dated Nov. 30, 1966 to show change of name and address of manufacturer.)

Approval No. 162.017/96/0, 6" vacuum relief valve, Fig. 4100-07X, cast steel impact tested for -50° F. service, with aluminum and stainless steel trim, for liquefied inflammable gas and anhydrous ammonia at a minimum temperature of -50° F., S and J Co. dwgs. No. 4100-07X, EM-1036, EM-1037; and Specification Sheet No. 10(6/13/62), formerly Shand and Jurs Co., 2600 Eighth Street, Berkeley, Calif. 94710, manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.017/96/0 dated Dec. 18, 1968 to show change in name and address of manufacturer.)

Approval No. 162.017/97/1, 6" pilot operated relief valve (pressure only), figure 94156-04-3 dated November 15, 1963, for propane, butane, and ammonia, at a minimum temperature of -60° F., a maximum set pressure of 10 p.s.i.g., and a flow capacity as noted on S and J drawings EM-1056-1 dated February 27, 1964, and EM-1038 dated December 10, 1963, modified, increases maximum set pressure to 10 p.s.i.g., formerly Shand and Jurs Co., 2600 Eighth Street, Berkeley, Calif., manufacturer by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.017/97/1 dated Dec. 9, 1965 to show change of name of manufacturer and address.)

VALVES, SAFETY RELIEF LIQUEFIED COMPRESSED GAS

Approval No. 162.018/64/0, general precision Model No. 94610 pilot operated safety relief valve for liquefied compressed gas service, dwg. 9461-10020 dated November 8, 1967, approved for inlet diameter of 6", a maximum set pressure of 20 p.s.i.g. and for temperatures not less than -260° F., formerly General Precision Inc., Industrial Controls Division, manufactured by GPE Controls,

Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.018/64/0 dated April 25, 1968 to show change in name of manufacturer.)

GAUGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

Approval No. 162.019/27/1, Model No. 92014 liquid level gauge for ammonia, propane and butane at a minimum temperature of -50° F. and a maximum pressure of 4 p.s.i.g., formerly General Precision Inc., Industrial Controls Division, manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.019/27/1 dated April 29, 1968 to show change in name of manufacturer.)

Approval No. 162.019/34/0, Model No. 92154-03 liquid level gage for refrigerated ammonia and propane service, Shand and Jurs Co. dwg. No. 92154-03 Rev. B, is approved for use above -50° F. minimum operating temperature, formerly General Precision Inc., Industrial Controls Division, manufactured by GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, effective January 9, 1969. (It supersedes Approval No. 162.019/34/0 dated Nov. 7, 1967, to show change of name of manufacturer.)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/90/0, Model 3 Truscale boiler water level indicator, remote reading, 1500 p.s.i. maximum pressure, dwg. No. T-70, Rev. A dated November 17, 1958; dwg. No. T-51, Rev. D dated July 12, 1956; and dwg. No. GD-1102, Alt. 3 dated February 1, 1957, manufactured by Jerguson Gage and Valve Co., 15 Adams Street, Burlington, Mass. 01803, effective January 3, 1969. (It is an extension of Approval No. 162.025/90/0 dated Mar. 6, 1964.)

Dated: March 28, 1969.

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

[P.R. Doc. 69-3965; Filed, Apr. 3, 1969;
8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20831]

INTERNACIONAL DE AVIACION, S.A.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 9, 1969, at 10 a.m. e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue N.W., Washington, D.C., before Examiner John E. Faulk.

Dated at Washington, D.C., March 28, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[P.R. Doc. 69-3973; Filed, Apr. 3, 1969;
8:50 a.m.]

[Docket No. 20866; Order 69-4-2]

JOYCE EXPEDITING SERVICE, INC.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of April 1969.

By tariff revision filed February 28, 1969, and marked to become effective April 3, 1969, Joyce Expediting Service, Inc. (Joyce), an air freight forwarder, proposes a rule providing for the substitution of other means of transportation for air transportation under any circumstances deemed necessary by the forwarder.¹

Joyce has not submitted any justification for its proposal. By Order E-26605, dated April 2, 1968, the Board instituted an investigation of similar rules in effect for certain air freight forwarders (Docket 19797) on the ground that it may be unjust and inequitable to require a shipper to pay air freight rates when he is receiving surface transportation. By Order E-26929, dated June 17, 1968, the Board denied reconsideration of Order E-26605 and extended the foregoing investigation to the rule filed by another air forwarder and to the rules in effect for all domestic direct certificated air carriers. The evidentiary hearing in this investigation has already been completed.

Upon consideration of all relevant matters, the Board finds that Joyce's proposal may be unjust or unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise unlawful, and should be investigated.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule No. 160 on 5th Revised Page 12 of Joyce Expediting Service, Inc.'s Tariff CAB No. 1, including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

3. A copy of this order be served upon Joyce Expediting Service, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[P.R. Doc. 69-3974; Filed, Apr. 3, 1969;
8:50 a.m.]

¹ Revision to Joyce Expediting Service, Inc.'s Tariff CAB No. 1, Rule No. 160.

FEDERAL POWER COMMISSION

[Docket No. CP69-250]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 1, 1969.

Take notice that on March 25, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-250 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate facilities for the receipt into its system of natural gas from reserves in the Washita Creek Field, Hemphill County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct approximately 6.5 miles of 14-inch pipeline from the Washita Creek Field to Applicant's existing treating facility in the Buffalo Wallow Field, Hemphill County; approximately 5.8 miles of 12-inch pipeline partially looping Applicant's existing 12-inch lateral from the Buffalo Wallow Field to Applicant's 26-inch Oklahoma extension; and miscellaneous measurement and appurtenant facilities.

Applicant estimates cost of the proposed facilities at \$607,000, which Applicant proposes to finance from funds on hand.

Applicant also states that it will construct, at an estimated cost of \$2,723,000 dehydration and acid gas treating facilities which Applicant states will be auxiliary installations within the meaning of § 2.55(a) of the Commission's Statements of General Policy.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest, and, therefore, protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 11, 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 this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is re-

quired, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3967; Filed, Apr. 3, 1969; 8:50 a.m.]

[Docket No. CI69-900]

PHILLIPS PETROLEUM CO.

Notice of Application

APRIL 1, 1969.

Take notice that on March 25, 1969, Phillips Petroleum Co. (Applicant), Bartlesville, Okla. 74003, filed in Docket No. CI69-900 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver to Natural Gas Pipeline Co. of America natural gas produced in the Washita Creek Field, Hemphill County, Tex. The gas will be sold at a price of 19.25 cents per Mcf plus 1 cent per Mcf gathering charge.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest, and, therefore, protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 11, 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 this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3968; Filed, Apr. 3, 1969; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

DENVER U.S. BANCORPORATION, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Denver U.S. Bancorporation, Inc., Denver, Colo., for approval of the acquisition of 80 percent or more of the voting shares of Arkansas Valley Bank, Pueblo, Colo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Denver U.S. Bancorporation, Inc., Denver, Colo., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Arkansas Valley Bank, Pueblo, Colo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Colorado State Banking Board, and requested its views and recommendation. The State Banking Board recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 3, 1968 (33 F.R. 14799), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of the order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 24th day of March 1969.

By order of the Board of Governors:²

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3969; Filed, Apr. 3, 1969; 8:45 a.m.]

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

² Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, and Sherrill. Absent and not voting: Governors Malsel and Brimmer.

**DENVER U.S. BANCORPORATION,
INC.**

**Order Approving Application Under
Bank Holding Company Act**

In the matter of the application of Denver U.S. Bancorporation, Inc., Denver, Colo., for approval of acquisition of 80 percent or more of the voting shares of The Poudre Valley National Bank of Fort Collins, Fort Collins, Colo.

There has come before the Board of Governors, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Denver U.S. Bancorporation, Inc., Denver, Colo., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Poudre Valley National Bank of Fort Collins, Fort Collins, Colo.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 11, 1968 (33 F.R. 9979), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that said application be and hereby is approved, provided that the application so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 24th day of March 1969.

By order of the Board of Governors.²

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3910; Filed, Apr. 3, 1969;
8:45 a.m.]

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

² Voting for this action: Chairman Martin and Governors Mitchell, Daane, and Sherrill. Voting against this action: Governor Robertson. Absent and not voting: Governors Malsel and Brimmer.

**INTERAGENCY TEXTILE
ADMINISTRATIVE COMMITTEE**

**CERTAIN COTTON TEXTILES AND
COTTON TEXTILE PRODUCTS PRO-
DUCED OR MANUFACTURED IN
TRINIDAD AND TOBAGO**

**Entry and Withdrawal From Ware-
house for Consumption**

MARCH 28, 1969.

On December 24, 1968, the U.S. Government requested the Government of Trinidad and Tobago to enter into consultations concerning exports to the United States of cotton textile products in Category 52, produced or manufactured in Trinidad and Tobago. In that request, the U.S. Government indicated a specific level at which it considered that exports in this category from Trinidad and Tobago should be restrained for the 12-month period, beginning December 24, 1968, and extending through December 23, 1969. Since no solution has been mutually agreed upon, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3 and Article 6(c) which relates to nonparticipants, is establishing a restraint at the level indicated in that request. This restraint does not apply to cotton textile products in Category 52, produced or manufactured in Trinidad and Tobago and exported to the United States prior to the beginning of the applicable 12-month period designated above.

There is published below a letter of March 27, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 52, produced or manufactured in Trinidad and Tobago which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning December 24, 1968, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile
Administrative Committee,
and Deputy Assistant
Secretary for Resources.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

MARCH 27, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order

11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning December 24, 1968, and extending through December 23, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 52, produced or manufactured in Trinidad and Tobago, in excess of a level of restraint for the period of 20,000 dozen.¹

In carrying out this directive, entries of cotton textile products in Category 52, produced or manufactured in Trinidad and Tobago and which have been exported to the United States from Trinidad and Tobago prior to December 24, 1968, shall not be subject to this directive. In addition, cotton textile products in Category 52, which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 52, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Trinidad and Tobago and with respect to imports of cotton textiles and cotton textile products from Trinidad and Tobago have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman,
President's Cabinet, Textile Ad-
visory Committee.

[F.R. Doc. 69-3901; Filed, Apr. 3, 1969;
8:45 a.m.]

**SECURITIES AND EXCHANGE
COMMISSION**

BARTEP INDUSTRIES, INC.

Order Suspending Trading

MARCH 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period

¹ This level has not been adjusted to reflect any entries made on or after Dec. 24, 1968.

March 31, 1969, through April 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-3930; Filed, Apr. 3, 1969;
8:47 a.m.]

DUMONT CORP.

Order Suspending Trading

MARCH 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B common stock of Dumont Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 31, 1969, through April 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-3931; Filed, Apr. 3, 1969;
8:47 a.m.]

MAJESTIC CAPITAL CORP.

Order Suspending Trading

MARCH 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Majestic Capital Corp., Encino, Calif., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 31, 1969, through April 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-3932; Filed, Apr. 3, 1969;
8:47 a.m.]

[70-4731]

NEW JERSEY POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

MARCH 28, 1969.

Notice is hereby given that New Jersey Power & Light Co. ("NJP&L"), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public

Utilities Corporation ("GPU"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

NJP&L has outstanding \$2,300,000 principal amount of unsecured promissory notes issued to banks pursuant to the provisions of the first sentence of section 6(b) of the Act. NJP&L proposes to issue and sell, from time to time not later than June 30, 1970, additional notes, the aggregate principal amount of which outstanding at any one time will not exceed \$10,300,000. All the notes will mature not later than 9 months from the respective dates of issue and may be prepaid at any time without premium. The interest rate on the notes will be the prime commercial rate in effect at each bank on the date of issuance.

Although no commitments or agreements for such borrowings have been made, NJP&L expects that, as and to the extent that its cash needs require, borrowings will be effected in the specified maximum amount to be outstanding at any one time from among the following banks:

The Chase Manhattan Bank NA, New York, N.Y.	\$4,000,000
Fidelity Union Trust Company, Newark, N.J.	2,300,000
First Merchants National Bank, Asbury Park, N.J.	600,000
The First National Iron Bank of New Jersey, Morristown, N.J.	800,000
The Hunterdon County National Bank, Lambertville, N.J.	300,000
The National Union Bank of Dover, Dover, N.J.	600,000
New Jersey National Bank & Trust Company, Asbury Park, N.J.	700,000
Trust Company National Bank, Morristown, N.J.	1,000,000
	10,300,000

The proceeds from the sale of the notes will be used by NJP&L for construction expenditures and/or to repay other short-term borrowings, the proceeds from which having been so applied. The company estimates its construction expenditures for 1969 to be \$18 million. NJP&L states that if any permanent debt securities are issued and sold by it prior to the maturity of all the notes proposed to be issued under this filing, the net proceeds thereof will be applied in reduction of or in total payment of such notes, and that the maximum amount of notes authorized to be outstanding hereunder will be reduced by the amount of such net proceeds.

NJP&L estimates that its expenses incident to the proposed transactions will be approximately \$3,000, including counsel fees of \$2,600, and it states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. However, it is also stated that approval by the Board of Public Utility

Commissioners of the State of New Jersey will be required for a renewal, extension, or replacement of any notes issued by NJP&L, if, as a result thereof, the loan evidenced thereby is not repaid within 12 months of the original date of the note or notes.

Notice is further given that any interested person may, not later than April 21, 1969, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, 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 declaration, as filed or as it may be amended, may be permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission 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 request 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 delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-3933; Filed, Apr. 3, 1969;
8:47 a.m.]

OMEGA EQUITIES CORP.

Order Suspending Trading

MARCH 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Omega Equities Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 30, 1969 through April 8, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-3934; Filed, Apr. 3, 1969;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1282]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

MARCH 28, 1969.

The following applications are governed by Special Rule 1.247¹ 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 date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably 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 upon 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 protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests 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 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 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 the application will be dismissed by the Commission.

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, 1966. 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 descriptions, restrictions, or 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 phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 730 (Sub-No. 304), filed March 14, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: Richard N. Coledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alkaline oxidizer solution*, in bulk, in tank vehicles, from Santa Fe Springs, Calif., to Springfield, Mo.; Cedar Rapids, Iowa; and Minneapolis, Minn.; and (2) *spent alkaline oxidizer solution*, in bulk, in tank vehicles, from Springfield, Mo.; Cedar Rapids, Iowa; and Minneapolis, Minn., to Santa Fe Springs, Calif. Note: Applicant has contract carrier authority pending under MC 133094, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 989 (Sub-No. 15) (Correction), filed January 16, 1969, published in FEDERAL REGISTER issue of March 6, 1969, and republished, as corrected this issue. Applicant: IDEAL TRUCK LINES, INC., 912 North State Street, Norton, Kans. 67654. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Kansas City, Kansas/Missouri commercial zone and Ogallala, Nebr., from points in the Kansas City, Mo.-Kans., commercial zone as defined by the Commission over Interstate Highway 29 to its intersection with U.S. Highway 36, thence west over U.S. Highway 36 to its intersection with U.S. Highway 75, thence north over U.S. Highway 75 to its intersection with U.S. Highway 34, thence west over U.S. Highway 34 to its intersection with U.S. Highway 281 thence north via U.S. Highway 281 to its intersection with U.S. Highway 30 thence west over U.S. Highway 30 to Ogallala, Nebr., and return over the same route with service to intermediate points of Lincoln and those on U.S. Highway 30 between Grand Island and Ogallala, Nebr., including Grand Island and Ogallala, Nebr. NOTE: The purpose of this republication is to include portion of highway description in *italic* above, which was inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 1459 (Sub-No. 5), filed March 6, 1969. Applicant: ROYAL MOTOR EXPRESS, INC., 410 West Silver Street, Lebanon, Ohio 45036. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract 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, and those requiring special equipment), between points in Ohio, on the one hand, and, on the other, St. Louis, Mo., and points in Indiana, Illinois, Kentucky, and West Virginia, under contract with The Standard Oil Company of Ohio and its subsidiaries. Note: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 1585 (Sub-No. 8), filed March 10, 1969. Applicant: BARNES TRUCK LINE, a corporation, 1320 Highway 13 North, Columbia, Miss. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of The St. Regis Paper Co. near Monticello, Miss., to Vicksburg, Miss., restricted to shipments having an immediately subsequent movement by water. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 1872 (Sub-No. 71), filed March 13, 1969. Applicant: ASHWORTH TRANSFER, INC., 1526 South 600 West, Salt Lake City, Utah 84104. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require the use of special handling or special equipment; and (2) *ordnance equipment, materials and supplies, and quartermaster supplies*, (a) between military installations or Defense Department establishments in the United States; and (b) between points in (a) above on the one hand, and, on the other, points in the United States. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction if warranted. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Washington, D.C., Boise, Idaho, Denver, Colo., or San Francisco, Calif.

No. MC 5470 (Sub-No. 54), filed March 10, 1969. Applicant: TAJON, INC., Rural Delivery No. 5, Mercer, Pa. 16137.

¹ Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Applicant's representative: Don Cross, Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, metal alloys, minerals, ores, and silicon metals*, in dump vehicles, from Monaca, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, North Carolina, South Carolina, Tennessee, and Vermont. **NOTE:** Applicant states that it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 14252 (Sub-No. 24), filed March 3, 1969. Applicant: COMMERCIAL MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, Ohio 43227. Applicant's representative: R. L. Ratchford, 3400 Refugee Road, Columbus, Ohio 43227. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Wayne, Ind., and Toledo, Ohio, over U.S. Highway 24 as an alternate route for operating convenience only, in connection with applicant's presently authorized regular-route operations, serving no intermediate points and serving Fort Wayne and Toledo for purposes of joinder only. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 15511 (Sub-No. 26), filed March 7, 1969. Applicant: CARSTENSEN FREIGHT LINES, INC., Post Office Box 878, Clinton, Iowa 53732. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), serving the plantsite of Montgomery Elevator Co., in Henry County, Ill., as an off-route point in connection with carriers presently authorized regular route operations to and from Moline, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Moline, Ill.

No. MC 19553 (Sub-No. 31), filed March 7, 1969. Applicant: KNOX MOTOR SERVICE, INC., Post Office Box 359, Rockford, Ill. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), serving the plantsite of Montgomery Elevator Co., in Henry County, Ill., as an off-route point in con-

nection with applicant's regular route operations to and from Moline, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Moline, Ill.

No. MC 27144 (Sub-No. 6), filed March 19, 1969. Applicant: MASSELINK BROTHERS TRUCKING SERVICE, INC., 901 Freeman Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: Milton E. Diehl, 3610 Arlington Boulevard, Arlington, Va. 22204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives), between points in Allegan, Clinton, Eaton, Gratiot, Ingham, Ionia, Isabella, Kent, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, and Van Buren Counties, Mich. Restriction: Proposed service will be limited to shipments having an immediate prior or subsequent movement by Chesapeake & Ohio Railway in trailer on flat car service. (Piggyback) **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Grand Rapids or Lansing, Mich.

No. MC 51146 (Sub-No. 121), filed January 20, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products, and products produced by manufacturers and converters of plastic products*, from Appleton, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *equipment, materials, and supplies*, from the destination States in (1) above, to Appleton, Wis. **NOTE:** Applicant states that the authority sought herein could be tacked with pending Finance Application MC-F 10050 to serve points such as Green Bay, Neenah, Menasha, Oshkosh, and Fond du Lac, Wis. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 122), filed January 24, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as above) also Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products, and materials, equipment, and supplies* used in the manufacture and distribution of the named commodities, between Marshall, Mich., on the one hand and on the other, points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. **NOTE:** Applicant states that it would tack in conjunction with its Sub 32 providing service from Cheboygan, Wis., to destination points beyond that presently held in Sub 32; with its Sub 14 over plantsite of Diana Manufacturing Co., at Green Bay, Wis., to serve North Dakota and South Dakota. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 123), filed January 24, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends and accessories; and materials and supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from Chicago, Ill., to points in Arkansas, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, South Dakota, Tennessee, Virginia, and West Virginia. **NOTE:** Applicant states that tacking would take place in conjunction with its Sub 85 to provide service to points in Arkansas, Iowa, Kansas, Kentucky, Nebraska, North Dakota, and South Dakota; with its pending Sub 101 to provide service to points in Arkansas, Iowa, Kansas, Kentucky, Nebraska, North Dakota, and South Dakota and with its Sub 86 to provide service to all States in instant application. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 124), filed January 24, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: Donald F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Wisconsin to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina,

Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. **NOTE:** Applicant states tacking possibilities with the authority under MC 51146 (Sub-No. 72), wherein service could be conducted from Hoopeston, Ill., via Wisconsin to the destination States involved. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 125) (Amendment), filed February 3, 1969, published in FEDERAL REGISTER issue of March 6, 1969, amended March 17, 1969 and republished as amended, this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends and accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, (1) from Green Bay, Wis., and Rockford, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia, (2) from Green Bay, Wis., to Chicago and Rockford, Ill., and Hopkins, Minn., and (3) from Rockford, Ill., to Green Bay, Janesville, La Crosse, and Madison, Wis. **NOTE:** Applicant states it would tack with its Sub 123 at Chicago, Ill., to enable service to points in Arkansas, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, South Dakota, Tennessee, Virginia, and West Virginia and with its Sub-No. 84 at Cleveland, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island, and Wisconsin. Applicant states no duplicating authority is being sought. The purpose of this republication is to show tacking information. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 126) (Clarification), filed FEDERAL REGISTER issue of March 13, 1969, and republished as clarified this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products produced or distributed by manufacturer and converters of paper and paper products*, from Eau Claire, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota,

Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *materials and supplies*, used in the manufacture and distribution of the above-described commodities, *also returned and rejected shipments*, from the above destination States to Eau Claire, Wis. **NOTE:** Applicant states that tacking would take place in conjunction with its pending Sub 88, wherein service could be performed from Minneapolis, St. Paul, Minn., to point in instant application. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. The purpose of this republication is to clarify tacking information as shown in note above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 128), filed March 7, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products; and materials and supplies* used in the manufacture and distribution of the foregoing commodities (except commodities in bulk and commodities which, because of size or weight, require the use of special equipment): (1) between points in Portage and Wood Counties, Wis., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming; and (2) between points in Little River County, Ark., on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. **NOTE:** Applicant states tacking possibilities with the following authority: MC 51146 to provide service between Peshtigo, Green Bay, De Pere, Kaukauna, Appleton, Menasha, Neenah, and Milwaukee, Wis.; MC 51146 (Sub-No. 15) to provide service from Plymouth, N.C.; MC 51146 (Sub-No. 16) to provide service from Miquon, Pa., and Fitchburg, Mass.; MC 51146 (Sub-No. 32) to provide service from Cheboygan, Mich.; MC 51146 (Sub-No. 42) to provide service from Wilmington, Ill.; and MC 51146 (Sub-No. 74) to provide service from Luke, Md., and Covington, Va. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 59800 (Sub-No. 21), filed March 5, 1969. Applicant: THE WEICKER TRANSFER & STORAGE COMPANY, a corporation, 2900 Brighton Boulevard, Denver, Colo. 80217. Ap-

plicant's representative: Joseph F. Nigro, 400 Hilton Office Building, 1515 Cleveland Place, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starches, edible syrups, sugar and blends thereof*, in bulk, from points in Colorado (exclusive of Rocky Ford and Swink in Otero County, Colo.), to points in Kansas, Oklahoma, and Nebraska. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority under MC-128723, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Chicago, Ill.

No. MC 60987 (Sub-No. 13), filed March 17, 1969. Applicant: ARKIN TRUCK LINE, INCORPORATED, 1600 South Indiana, Chicago, Ill. 60616. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies and equipment* used or useful in the maintenance and operation of printing houses, between the plantsite of R. R. Donnelley & Sons, Inc., at or near Dwight, Ill., on the one hand, and, on the other, points in Indiana, Ohio, and Louisville, Ky., and St. Louis, Mo., under contract with R. R. Donnelley & Sons, Inc., of Chicago, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61403 (Sub-No. 194), filed March 17, 1969. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representatives: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006 and Charles E. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical coatings*, in bulk, from Baltimore, Md., to Lynchburg and Richmond, Va. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82063 (Sub-No. 24), filed March 17, 1969. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Dupu, Ill., to points in Missouri, Illinois, Iowa, Indiana, Kentucky, Tennessee, Arkansas, and Kansas. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 83539 (Sub-No. 243), filed March 19, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222 and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors excavating and trailers, including tractor and trailer parts and attachments therefor*, when moving in connection with the above named commodities, from Perry, Okla., to points in the United States (except Hawaii and Oklahoma). **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 86099 (Sub-No. 3) (Correction), filed January 31, 1969, published in FEDERAL REGISTER issue of February 27, 1969, and republished as corrected this issue. Applicant: CARL VAUGHT, 107 Kansas Avenue, Hiawatha, Kans. 66434. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment) between points in Nemaha, Brown, Doniphan, and Atchison Counties, Kans., and that part of Jackson County on and north of Kansas Highway 16 and that part of Marshall County on and east of Kansas Highway 99. **NOTE:** By this instant application, applicant seeks to convert certain authority from its certificate of registration to a Certificate of Public Convenience and Necessity. The purpose of this republication is to reflect that Nemaha, Brown, Doniphan, and Atchison are Counties, within the State of Kansas. If a hearing is deemed necessary, applicant requests it be held at St. Joseph, Mo.

No. MC 96929 (Sub-No. 2), filed February 24, 1969. Applicant: MAUVERDENE ROBINSON, doing business as K & K TRANSFER CO., 12th and Kansas Streets, Springfield, Colo. 81073. Applicant's representative: Edward C. Hastings, 666 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (a) between Springfield and Lamar, Colo., over U.S. Highway 287 to Lamar, Colo., and return over the same route, serving all intermediate points; (b) between Springfield and Walsh, Colo., over U.S. Highway 160 to Walsh, Colo., and return over the same route, serving all intermediate points; (c) between Springfield and Campo, Colo., over U.S. Highway 287 to Campo, Colo., and return over the same route, serving all intermediate points; and (d) to and from all points described in (a), (b), and (c)

above, and the off-route points of Two Buttes and Stonington, Colo., and Alamo Chemical Co. and Colorado Interstate Gas Co. Plants located in Kansas 2 miles north of Kansas Highway 51 and 6 miles west of Junction of Kansas Highways 27 and 51. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Springfield, Lamar, or Pueblo, Colo.

No. MC 103191 (Sub-No. 25), filed March 13, 1969. Applicant: THE GEO. A. RHEMAN CO., INC., 2019 Elgin Street, Charleston, S.C. 29403. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solution*, from points in Screven County, Ga., to points in South Carolina. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Washington, D.C.

No. MC 103880 (Sub-No. 407), filed March 13, 1969. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from the storage facilities of Central Farmers Fertilizer Co., located at or near Frankfort, Ind., to points in Illinois, Indiana, Michigan, and Ohio; and (2) from Cowden, Ill., to points in Illinois, Indiana, Iowa, and Missouri. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105556 (Sub-No. 51), filed March 14, 1969. Applicant: HOUCK TRANSPORT COMPANY, a corporation, Post Office Box 559, Glendive, Mont. 59330. Applicant's representative: Albert C. Houck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, between points in North Dakota, on the one hand, and, on the other, points in Montana. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Bismarck or Minot, N. Dak.

No. MC 105865 (Sub-No. 2) (Clarification), filed February 12, 1969, published FEDERAL REGISTER issue of March 6, 1969, clarified and republished in part this issue. Applicant: ALVIN SMART, Beattie, Kans. 66406. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. **NOTE:** The purpose of this partial republication is to correctly set forth applicant's address as Beattie, Kans. 66406, in lieu of

Summerfield, Kans. The rest of the application remains as previously published.

No. MC 106117 (Sub-No. 13), filed March 10, 1969. Applicant: RUMPF TRUCK LINE, INC., 424 South Maumee Street, Tecumseh, Mich. 49286. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class 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 points in Michigan: (a) From Ann Arbor over Saline Road to junction with Pleasant Lake Road thence westward on Pleasant Lake Road to junction with Michigan Highway 52, thence over Michigan Highway 52 to junction with Austin Road on the eastern edge of Manchester, Mich., thence over Austin Road to junction with Clinton Road, thence over Clinton Road to Clinton, Mich., thence over Tecumseh-Clinton Road to Tecumseh, and return over the same route, serving all intermediate points; and those off-route points within 5 miles of the routes, and (b) from Ann Arbor over Michigan Highway 17 to Ypsilanti, Mich., thence over U.S. Highway 12 to Clinton, and return over the same route, serving all intermediate points; and those off-route points within 5 miles of the route. Alternate routes for operating convenience only: (1) From Tecumseh, Mich., over Michigan Highway 50 to junction with Michigan Highway 52, thence over Michigan Highway 52 to Manchester, Mich., and return over the same route, serving no intermediate or off-route points not otherwise authorized; (2) from Tecumseh, Mich., over unnumbered Highway (Tecumseh-Clinton Road) to junction with U.S. Highway 12, thence over U.S. Highway 52, thence over Michigan Highway 52, thence over Michigan Highway 52 to Manchester, Mich., and return over the same route, serving no intermediate or off-route points not otherwise authorized; (3) from Toledo, Ohio, to Ann Arbor, Mich., over U.S. Highway 23 and return over the same route, serving no intermediate or off-route points not otherwise authorized; (4) from Toledo, Ohio, over U.S. Highway 23 to junction with Michigan Highway 50 at Dundee, Mich., thence over Michigan Highway 50 to Tecumseh, Mich., and return over the same route, serving no intermediate or off-route points not otherwise authorized. **NOTE:** Applicant states it seeks no duplicating operating authority. The sole purpose of this application is to describe by name and number, roads and highways described as "unnumbered" in its certificate and to provide for alternate route operating convenience only. Applicant further states it intends to continue to interlink and interchange freight with various carriers at common points. If a hearing is deemed necessary, applicant requests it be held at Detroit, Lansing, Mich., or Chicago, Ill.

No. MC 106398 (Sub-No. 393), filed March 14, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Trailers designed to be drawn by passenger automobiles in initial movements, from points in Merrimack County, N.H. and Pottawatomie County, Okla. to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 394), filed March 14, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Trailers designed to be drawn by passenger automobiles; and (2) *buildings* in sections, equipped with hitchball connector, in initial movements, from points in Claiborne Parish, La., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 107002 (Sub-No. 367), filed March 10, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123 (U.S. Highway 80), Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as applicant) and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry pentachlorophenol*, in bulk, in tank vehicles, from Port Neches, Tex., to points in Alabama, Arkansas, Louisiana, and Mississippi. **NOTE:** Applicant states although tacking is not contemplated at this time, the authority sought could be tacked at points in Mississippi, Alabama, and Arkansas with authority presently held, so as to perform through service to points in Georgia, Tennessee, Florida, South Carolina, North Carolina, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 107500 (Sub-No. 105), filed March 10, 1969. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. 61401. Applicant's representative: R. J. Schreiber, 547 West Jackson Boulevard, Chicago, Ill. 60607. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, commodities in bulk, those re-

quiring special equipment, household goods, and those injurious or contaminating to other lading), serving the plantsite of Montgomery Elevator Co., located in Illinois approximately 5 miles east of junction U.S. Highways 6 and 150, as an off-route point in connection with applicant's authorized regular route operations. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Davenport, Iowa, or Moline or Rock Island, Ill.

No. MC 108987 (Sub-No. 13), filed March 7, 1969. Applicant: POOLE TRANSFER, INC., 807 East Fourth Street, Muscatine, Iowa. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), serving the plantsite of Montgomery Elevator Co., in Henry County, Ill., as an off-route point in connection with carrier's presently authorized regular-route operations to and from Moline, Ill. If a hearing is deemed necessary, applicant requests it be held at Moline, Ill.

No. MC 109612 (Sub-No. 23), filed March 10, 1969. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rejected and returned shipments of glass containers*, and (2) *pallets, skids, and cartons*, from Milwaukee, Racine, and Oconomowoc, Wis., to the plant and warehouse sites of Anchor Hocking Glass Corp., at Gurnee, Ill. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 109637 (Sub-No. 357), filed March 3, 1969. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., and West Memphis, Ark., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, Pennsylvania, Tennessee, Texas, and Wisconsin. **NOTE:** Applicant states that it would tack with any of its authorities now held by it, especially in its Sub 165, whereas applicant is authorized to serve points in Kentucky, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin. If a hearing is deemed necessary,

applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 109637 (Sub-No. 358), filed March 10, 1969. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in bulk, in Government-owned trailers, from Speedway, Ind., to Newark (Heath), Ohio. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 893) (Amendment), filed January 21, 1969, published in FEDERAL REGISTER issues of February 20, 1969, and March 13, 1969, and republished, as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above) and Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen peroxide*, in bulk, from the plantsite of the E. I. Du Pont de Nemours & Co., at or near Woodstock, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and Wisconsin. The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MC 110525 (Sub-No. 898), filed March 13, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005 and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, from Bryan and Wapakoneta, Ohio, to points in Illinois and Indiana. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111401 (Sub-No. 275), filed March 5, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, from Granite City, Ill., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states it does not intend to tack, and is

apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, or Kansas City, Mo.

No. MC 111812 (Sub-No. 377), filed February 27, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. 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: (1) Meats, meat products and meat byproducts, and articles distributed by meat packing-houses as described in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except those commodities in bulk and hides), from (A) Huron, S. Dak. to points in North Dakota, Minnesota, Fremont, Nebr., Illinois (with exception of Cook County, Ill.), Indiana, Michigan, Ohio, New York, Pennsylvania, Vermont, District of Columbia, New Hampshire, Maine, Massachusetts, Connecticut, Delaware, New Jersey, Maryland, and Rhode Island. The authority sought to be restricted to traffic originating at the plantsite and/or warehouse facilities of Geo. A. Hormel and Co. and/or Rod Barnes Packing Company and destined to the named States. (2) Meats, meat products and meat byproducts, and articles distributed by meat packinghouses as described in Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except those commodities in bulk and hides) from (a) Austin, Minn. and Fremont, Nebr. to points in New York, west of a line beginning at Oswego and extending along New York Highway 57 to Syracuse, thence along U.S. Highway 11 to the New York-Pennsylvania State line and points in Pennsylvania west of U.S. Highway 15. (b) From Austin, Minn., to points in North Dakota and points in South Dakota west of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 281 through Aberdeen, Redfield, Plankinton, Wheeler, and Fairfax, S. Dak., to the South Dakota-Nebraska State line. (c) (1) From Mitchell, S. Dak., and Fort Dodge, Iowa, to Algona, Iowa.

(2) From Algona, Iowa, to Austin, Minn., (d) from Mitchell, S. Dak., to points in New York, Pennsylvania, Vermont, Maryland, District of Columbia, New Hampshire, Maine, Massachusetts, Connecticut, Delaware, New Jersey, Rhode Island, Iowa, Illinois, Indiana, Michigan, and Ohio. (3) Foodstuffs, except meats and packinghouse products as described in Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 but when moving in the same vehicle at the same time with meats and packinghouse products as described in Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766. (a) From Austin, Minn., to points in Oregon, Washington, Idaho, Montana, California,

Utah, Nevada, New York, Pennsylvania, Vermont, District of Columbia, New Hampshire, Maine, Massachusetts, Connecticut, Delaware, New Jersey, Maryland, and Rhode Island. (b) From Fort Dodge, Iowa, to points in Oregon, Washington, Idaho, Montana, California, Utah, and Nevada. (c) From Fremont, Nebr., to points in Oregon, Washington, Idaho, Montana, New York, Pennsylvania, Vermont, District of Columbia, New Hampshire, Maine, Massachusetts, Connecticut, Delaware, New Jersey, Maryland, and Rhode Island. The authority sought in paragraphs (2) and (3) to be restricted to traffic originating at the plantsite and/or warehouse of Geo. A. Hormel and Co., and destined to the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 111839 (Sub-No. 8), filed March 7, 1969. Applicant: BEE LINE EXPRESS, INC., Post Office Box 388, Albertville, Ala. 35950. Applicant's representative: Drew L. Carraway, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Albertville, and Scottsboro, Ala., from Albertville, over U.S. Highway 431 to Guntersville, Ala., thence over Alabama Highway 79 to Scottsboro, and return over the same route serving all intermediate points. (2) Between Albertville, Ala., and Chattanooga, Tenn., from Albertville over Alabama Highway 75 to junction Alabama Highway 68, thence over Alabama Highway 68 to Collinsville, Ala., thence over Interstate Highway 59 or U.S. Highway 11 to Chattanooga, and return over the same route serving the intermediate points of Collinsville, and Fort Payne, Ala. (3) Between Albertville, Ala., and junction of Alabama Highway 168 with Alabama Highway 68, from Albertville over Alabama Highway 205 to junction with Alabama Highway 168, thence over Alabama Highway 168 to junction with Alabama Highway 68, and return over the same route serving all intermediate points, and also serving the junction of Alabama Highways 168 and 68 for the purpose of joinder with the regular route authority sought over Alabama Highway 68 in No. 2 above. (4) Between Scottsboro, and Ider, Ala., from Scottsboro over Alabama Highway 35 to Section, Ala., thence over Alabama Highway 71 to junction Alabama Highway 117, thence over Alabama Highway 117 to Ider, and return over the same route serving all intermediate points. (5) Authority is sought to serve Albertville, Ala., as an intermediate point on applicant's presently authorized route over Alabama Highway 75 (NOTE: Applicant is presently authorized to serve Albertville, Ala. as such an intermediate point on Alabama Highway 75 with such service at Albertville restricted to shipments mov-

ing from, to, or through Chattanooga, Tenn. Applicant seeks to eliminate that restriction). NOTE: Applicant intends to tack or join the authority sought herein with applicant's existing authority and thereafter perform through service. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Chattanooga, Tenn.

No. MC 113861 (Sub-No. 47), filed March 11, 1969. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Creosote oil, from Memphis, Tenn., to points in Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 113996 (Sub-No. 8), filed March 10, 1969. Applicant: T. C. DUNLEVY, Post Office Box 325, Johnston, S.C. 29832. 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: Used automobile parts, unpackaged, (1) from points in Illinois, Indiana, and Michigan to the Distribution Center N.A.P.A., Chicago, Ill.; (2) from points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin to the Distribution Center N.A.P.A., Minneapolis, Minn.; and (3) from points in Kansas, Oklahoma, and Texas to the Distribution Center N.A.P.A., Little Rock, Ark., under contract with Rayloc Division, Genuine Parts Company, Atlanta, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 114045 (Sub-No. 326), filed March 17, 1969. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Prepared foodstuffs, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of the Pillsbury Co., at or near Denison, Tex., to points in Arkansas, Colorado, Kansas, Mississippi, Nebraska, New Mexico, Oklahoma, and Tennessee. NOTE: Applicant states it does not intend to tack, and is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114087 (Sub-No. 10), filed March 14, 1969. Applicant: DECATUR PETROLEUM HAULERS, INC., 159 First Avenue NE., Decatur, Ala. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Liquid

fertilizer solutions, in bulk, in tank trailers, from Port Birmingham, Ala., to points in Alabama, Georgia, Mississippi, and Tennessee, under contract with Allied Chemical Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 114301 (Sub-No. 56) (Clarification), filed February 26, 1969, published FEDERAL REGISTER issue of March 6, 1969, clarified and republished this issue. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, germicides, fungicides, insecticides, vermifuges, disinfectants, weed-killing compounds and garden sprayers and dusters*, from Wilmington, Del., to points in New Jersey north of U.S. Highway 22 from the New Jersey-Pennsylvania State line to Newark, N.J., excluding Newark, N.J.; and (2) *animal and poultry feed ingredients*, (a) from Allentown and Nazareth, Pa., to points in Delaware, Maryland, New Jersey, Virginia, and the District of Columbia, and (b) from the commercial zone of Camden, N.J. (except points in Pennsylvania in the commercial zone of Philadelphia, Pa.), to Wilmington, Del. NOTE: Applicant states it intends to tack with its presently held authority. The purpose of this republication is to reflect applicant's intention of tacking. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114334 (Sub-No. 18), filed March 10, 1969, Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3265 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points along the Arkansas River, within Arkansas, to points in Arkansas, Oklahoma, Texas, and Louisiana. NOTE: Applicant states it could tack the authority sought with its Sub 4 and provide service through West Memphis, Ark., to points in Tennessee and Mississippi. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114457 (Sub-No. 78), filed March 17, 1969. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and accessories; and materials and supplies used in connection with the manufacture and distribution of metal containers*, from Kankakee, Ill., to points in Minnesota, Iowa, Missouri, Illinois, Kansas, Nebraska, North Dakota, South Dakota, Ohio, Tennessee, Ken-

tucky, Wisconsin, and Indiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 79), filed March 17, 1969. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and accessories; and materials and supplies used in connection with the manufacture and distribution of metal containers*, from Chicago and Rockford, Ill.; Green Bay, Wis.; Minneapolis and Fairbault, Minn.; and St. Louis, Mo., to points in Minnesota, Wisconsin, Iowa, Missouri, Illinois, Indiana, Kentucky, Ohio, West Virginia, Kansas, Nebraska, North Dakota, South Dakota, Texas, Colorado, Louisiana, and Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 115162 (Sub-No. 168), filed March 10, 1969. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Escambia County, Fla., to points in Alabama, Arkansas, Delaware, Georgia, Kentucky, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Michigan, Missouri, Minnesota, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Pensacola or Jacksonville, Fla., or Mobile, Ala.

No. MC 115162 (Sub-No. 169), filed March 10, 1969. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plywood and particleboard*, from the plant-site of Georgia-Pacific Corp., at or near Taylorsville, Miss., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, New Mexico, North Carolina,

North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Vermont, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., Memphis Tenn., or Birmingham, Ala.

No. MC 115311 (Sub-No. 98), filed March 12, 1969. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representatives: T. Baldwin Martin, Home Federal Building, Macon, Ga. 31201, and Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquors, malt: ale, beer, beer tonic, porter, stout, and related advertising matter*, from Pabst, Houston County, Ga., to points in Alabama, Mississippi, North Carolina, South Carolina, Florida, and those in Tennessee on and east of Interstate Highway 65 and empty containers, returned refused and rejected shipments, and returned wooden pallets on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115841 (Sub-No. 344), filed March 3, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago and Deerfield, Ill., to points in Alabama, Georgia, Tennessee, Mississippi, Louisiana, Arkansas, Kentucky, and the Lower Peninsula of Michigan. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by the Kitchens of Sara Lee at Deerfield and Chicago, Ill. NOTE: Applicant states it intends to tack at points in North Carolina, South Carolina, and Florida, if necessary. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Nashville, Tenn., or Atlanta, Ga.

No. MC 115841 (Sub-No. 345), filed March 10, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heasley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foods, food products, and foodstuffs, and advertising equipment, premiums, materials, and supplies* when shipped therewith (except in bulk), from Philadelphia, Pa.; Wilmington, Del.; and

points in Bucks, Montgomery, Delaware, Chester, Lancaster, Dauphin, Lebanon, and Berks Counties, Pa., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, West Virginia, and points in Pennsylvania on and west of U.S. Highway 219. **NOTE:** Applicant states tacking possibilities under its lead certificate and Subs 4, 7, 78, 92, 110, 115, and many others. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 116773 (Sub-No. 114), filed March 10, 1969. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products* (except coal tar chemicals), in bulk, in tank vehicles, from points in the Milwaukee, Wis., commercial zone, as defined by the Commission, to points in the Chicago, Ill., commercial zone as defined by the Commission. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117815 (Sub-No. 143), filed March 10, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. 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: *Foodstuffs*, from Champaign, Ill., to points in Iowa, restricted to traffic originating at Champaign, Ill. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118482 (Sub-No. 8), filed March 7, 1969. Applicant: SMYTH OVERSEAS VAN LINES, INC., 11616 Aurora Avenue N., Seattle, Wash. 98133. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square S., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Alaska. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Anchorage, Alaska.

No. MC 118989 (Sub-No. 26), filed March 6, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and plastic*

containers; container components and ends; and supplies used in the manufacture and distribution of metal and plastic containers and container ends that move with metal and plastic containers and container ends; and *steel plastic, tin and aluminum tops and closures*, from Peoria, and Danville, Ill.; St. Louis, Mo.; Mankato, Minn.; Milwaukee and Racine, Wis.; and Elwood, Ind., and points in Cook, and Kane Counties, Ill., to points in Illinois, Indiana, Ohio, Michigan, Kentucky, Missouri, Iowa, Wisconsin, Minnesota, and to Omaha, Nebr. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 118989 (Sub-No. 27), filed March 6, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and incidental parts thereof*, from Ligonier, Ind., to points in Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 119777 (Sub-No. 144), filed March 12, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe*, (2) *plastic molded and extruded parts*, (3) *parts, attachments and accessories* for (1) and (2) above, and (4) *materials and supplies* used in the manufacture of the commodities in (1), (2) and (3) above (except commodities in bulk in hopper or tank type vehicles), between points in Washington County, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant has contract carrier authority in MC 129670 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 119778 (Sub-No. 121), filed March 12, 1969. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. 35221. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from

points in Alabama to points in Alabama, Georgia, Mississippi, and Tennessee. **NOTE:** Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 119830 (Sub-No. 3), filed March 13, 1969. Applicant: L. A. LAMBRECHT TRUCKING CO., a corporation, Post Office Box 273, Sterling, Ill. 61981. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, from Sterling and Rock Falls, Ill., to points in Kansas, Minnesota, Missouri, and Nebraska. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119974 (Sub-No. 24), filed March 12, 1969. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 520 North Roosevelt Street, Post Office Box 949, Green Bay, Wis. 54305. Applicant's representative: Charles E. Dye (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in sections A, C and D of Appendix I to the report in *Motor Carriers Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from Des Moines, Iowa to Algona, Iowa and (2) between Algona, Iowa and Austin, Minn. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Minneapolis, Minn.

No. MC 121338 (Sub-No. 2), filed March 3, 1969. Applicant: PADRE FREIGHT LINES, a corporation, 1400 East Anaheim Street, Post Office Box 546, Wilmington, Calif. 90744. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, motor vehicles, and livestock) (1) between points in the San Diego, Calif., territory (as described below), on the one hand, and, on the other, points in the Los Angeles, Calif., territory (as described below), and intermediate points located on U.S. Highways 101 and 101 Alternate, Interstate Highway 5 and California Highway 1; (2) between points in the San Diego territory, and Los Angeles territory and points located on

U.S. Highways 101 and 101 Alternate, Interstate Highway 5 and California Highway 1 intermediate to these two territories, on the one hand, and, on the other, points in the Los Angeles, Calif., basin territory (as described below); (3) between points in the Los Angeles basin and San Diego territories, on the one hand, and, on the other, points on and within 15 miles of U.S. Highway 80 and Interstate Highway 8, extending from the eastern boundary of the San Diego territory to the California-Arizona State boundary.

Description of territories: San Diego territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101-E and 101-W (4 miles north of La Jolla); thence easterly to Miramar on U.S. Highway 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway (State Highway 67); thence southerly to Bostonia on U.S. Highway 80; thence southeasterly to Jamul on State Highway 94; thence due south to the international boundary line, west to the Pacific Ocean and north along the coast to point of beginning. Los Angeles territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U.S. Highway No. 101 Alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 through and including the city of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the city of Pasadena; easterly along U.S. Highway No. 66 to State Highway No. 19; southerly along State Highway No. 19 to Lower Azusa Road; easterly on Lower Azusa Road to its intersection with the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue to the City of Whittier; southerly on Painter Avenue to State Highway No. 26; westerly along State Highway No. 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U.S. Highway No. 101, Alternate, at Ximono Street; southerly along Ximono Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway No. 101, Alternate; thence northerly along an imaginary line to a point of beginning.

Los Angeles basin territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately 2 miles west of Chatsworth; easterly along

State Highway No. 118 to Sepulveda Boulevard, northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwestly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Co.; southwestly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 123057 (Sub-No. 7), filed March 14, 1969. Applicant: JAMES RICCIARDI & SONS, INC., 203 Fillmore Street, Staten Island, N.Y. 10301. 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: *General commodities* (except those of unusual value, classes A and B explosives, household goods

as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between points in the New York, N.Y., commercial zone as defined by the Commission, in trailer or containers, on traffic having a prior or subsequent movement by water. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123067 (Sub-No. 77), filed March 13, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Birmingham and Mobile, Ala., to points in Georgia, (2) *rags and cotton waste*, from points in Georgia, to points in Chatham County, Ga., restricted to shipments having a subsequent movement by water, and (3) *animal and poultry feed and animal and poultry feed ingredients* used in the manufacture of animal and poultry feed, from points in Georgia to Fernadina Beach, Fla., and from Fernadina Beach, Fla., to points in Alabama, Arkansas, Georgia, Mississippi, North Carolina, and South Carolina. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 123294 (Sub-No. 16), filed March 13, 1969. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona Avenue, Warsaw, Ind. 46580. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites 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* used in the manufacture and processing of iron and steel articles, from points in the United States on and east of U.S. Highway 85, to the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and further restricted against the transportation of commodities in bulk. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 123407 (Sub-No. 49), filed March 10, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. 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: *Lumber and composition board*, from the plantsite of Georgia-Pacific Corp., at or near Taylorsville, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Shreveport, La.

No. MC 124078 (Sub-No. 367), filed March 12, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats, greases, and tallows*, in bulk, from points in Wisconsin to points in that part of Indiana within the Chicago, Ill., commercial zone, as defined by the Commission and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124221 (Sub-No. 23), filed March 7, 1969. Applicant: HOWARD BAER, 821 East Dunne Street, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between the plantsite and warehouse facilities of The Kroger Co., at or near Hazelwood, Mo., on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Michigan, Nebraska, Ohio, Tennessee, and Wisconsin, restricted to movements under a continuing contract or contracts with The Kroger Co. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Chicago, Ill., or Indianapolis, Ind.

No. MC 124373 (Sub-No. 7), filed March 7, 1969. Applicant: NELMAR TRUCKING CO., a corporation, 735 Rahway Avenue, Union, N.J. 07083. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and beverage preparations*, other than malt, and *equipment, materials, and supplies* used or useful in the sale of beverages and operations of a beverage plant, between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island,

Virginia, the District of Columbia, Vermont, West Virginia, North Carolina, and Kentucky, under contract with Yoo Hoo Beverage Co., Carlstadt, N.J. NOTE: Applicant states it seeks only one operating right for this shipper. If the authority is granted, applicant states it will surrender its present operating rights for this shipper. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124555 (Sub-No. 2), filed March 17, 1969. Applicant: FRANCIS E. REAVER, GEORGE W. REAVER, AND FRANKLIN E. REAVER, doing business as CHARLES B. REAVER & SONS, R.F.D. No. 2, Taneytown, Md. 21787. Applicant's representative: Donald E. Freeman, Post Office Box 806, Westminster, Md. 21157. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from West Providence Township (Bedford County), Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; under contract with Van Hessen & Co., of Baltimore, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124692 (Sub-No. 59), filed March 6, 1969. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except in bulk, in tank vehicles), from Dubuque, Iowa, to points in Colorado, Idaho, Kansas, Montana, Nebraska, Utah, and Wyoming. NOTE: Applicant states it could tack the sought authority with its Sub 25 in Utah for service to Oregon on roofing and related commodities and its Sub 41 could be tacked in Wyoming for service to Washington and Oregon. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 125035 (Sub-No. 17), filed March 12, 1969. Applicant: RAY E. BROWN TRUCKING, INC., 1132 55th Street NE, Canton, Ohio 44721. Applicant's representative: Fred H. Zollinger, 800 Cleve-Tusc. Building, Canton, Ohio 44702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream confections and water ice confections*, from Wheeling, W. Va., to points in Ohio, Pennsylvania, and Detroit, Mich., under contract with The Ziegenfelder Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.; Cleveland, Ohio, or Washington, D.C.

No. MC 127164 (Sub-No. 3), filed March 17, 1969. Applicant: ELMER MILLER, doing business as MILLER TRUCKING CO., 509 Jackson Street, Archbold, Ohio 43502. Applicant's representative: Lewis S. Witherspoon, 85 East Gay Street, Columbus, Ohio 43215.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from points in Lucas and Fulton Counties, Ohio, to points in Indiana and Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus or Toledo, Ohio, or Detroit, Mich.

No. MC-127207 (Amendment) (see special footnote), filed April 23, 1965, published FEDERAL REGISTER, issue of May 19, 1965, amended March 17, 1968, and republished as amended this issue. Applicant: CACHE VALLEY DAIRY ASSOCIATION, a corporation, Smithfield, Utah. Applicant's representative: Harry D. Pugsley, Suite 600 El Paso National Gas Building, 315 East Second S., Salt Lake City, Utah 84111. Authority sought as amended (see special footnote), to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Groceries and articles sold in retail grocery stores*; (2) *floor coverings and related articles* and (3) *packaged chemicals*, from points in Alameda, Los Angeles, San Francisco, San Mateo, and Santa Clara Counties, Calif., to points in Cache, Davis, Salt Lake, and Weber Counties, Utah. Restriction: Service is restricted to back haul of said commodities from California to Utah following the forward transportation of cheese and other dairy products by applicant as a bona fide nonprofit agricultural cooperative association. NOTES: (1) Applicant states that it reserves to itself the right also to continue to transport, on the return from marketing its products in California, commodities for itself, for its members as farmers, and for other bona fide agricultural cooperative associations or federations thereof. (2) Applicant further states that if by reason of the granting of a certificate for the transportation of the commodities from and to the points requested in the application, additional authority would also be necessary for the transportation of the commodities in note (1) above, then applicant seeks that authority also.

SPECIAL FOOTNOTE: The publication of the application immediately above reflects the scope of the application as filed by applicant and attention is directed to the "Special Notice" preceding this publication which states in part that "The publications—may include descriptions, restrictions, or 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 phraseology set forth in the applications as filed, but also will eliminate any restrictions which are not acceptable to the Commission." If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 127210 (Sub-No. 1), filed March 6, 1969. Applicant: T AND R CARTAGE CO., a corporation, 901 West 115th Street, Chicago, Ill. 60643. Applicant's representative: Anthony T.

Thomas, 1811 West 21st Street, Chicago, Ill. 60608. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated furniture*, from Chicago, Ill., to points in Cook, Du Page, Kane, Kankakee, Lake, McHenry, and Will Counties, Ill.; and points in Lake, La Porte, Porter, St. Joseph, and Starke Counties, Ind., under contract with Heady & Connors, Inc., Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127505 (Sub-No. 24), filed March 13, 1969. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam articles*, from Belvidere, Ill., to points in Wisconsin, Illinois, Missouri, Arkansas, Louisiana, and all States east thereof, including the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128196 (Sub-No. 5), filed March 10, 1969. Applicant: KARL ARTHUR WEBER, 2408 North 20th Drive, Phoenix, Ariz. 85009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, forest products, and wood building materials, paper and paper products, fiber, and fiber products, gypsum and gypsum products, and building materials in board, laminated, plywood, roll, sheet or plank form, constructed of one or more, or a combination of the above-named products, and including movement of baled waste products, or damaged materials for salvage or reprocessing*, between points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, and Washington on the one hand, and, on the other, Arizona, Arkansas, California, Colorado, Louisiana, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Eureka, Calif.

No. MC 128696 (Sub-No. 4), filed March 19, 1969. Applicant: GRANTHAM TRUCKING COMPANY, a corporation, 114 Bell Street, Warner Robins, Ga. 31093. Applicant's representative: Carl E. Westmoreland, 713 Bankers Building, Macon, Ga. 31201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pressure tanks*, from Macon, Ga., to points in Nebraska, North Dakota, and South Dakota; under contract with Delta Tank Manufacturing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133075 (Sub-No. 1), filed February 26, 1969. Applicant: BREMERTON TRANSFER AND STORAGE CO., INC., 221 Bruenn Avenue, Bremerton, Wash. 98310. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle,

Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Kitsap, Mason, Pierce, Jefferson, and Grays Harbor Counties, Wash. Restriction: The service sought herein is restricted to the transportation of shipments both (1) moving on the through bill of lading of a freight forwarder operating under the exemption provisions of section 402(b) (2) of the Interstate Commerce Act, as amended, and (2) having an immediately prior or subsequent out-of-State line-haul movement by rail, motor, water, or air. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 133226 (Sub-No. 1) (Republication), filed February 10, 1969, published in the FEDERAL REGISTER issue of March 6, 1969, and republished this issue. Applicant: TENNIS HARROLD, doing business as TENNIS TRANSFER AND STORAGE CO., 1153 Commercial Avenue, Oxnard, Calif. 93030. Applicant's representative: Ernest D. Salm, 3846 Evans Street. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, (1) between points in the Los Angeles harbor, Calif., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Santa Barbara and Ventura Counties, Calif.; (2) between Oxnard, Calif., on the one hand, and, on the other, points in Los Angeles County, Calif.; (3) between points in Santa Barbara and Ventura Counties, Calif.; and (4) between China Lake, Calif., on the one hand, and, on the other, points in Kern and Los Angeles Counties, Calif.; restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic. NOTE: Applicant states that it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. This republication is for the purpose of reflecting the new tacking information. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133341 (Sub-No. 1), filed March 6, 1969. Applicant: WALTER C. STRAUB AND FRANK J. RAMOS, a partnership, doing business as HAYS MOVING & STORAGE, 2750 Adeline Street, Berkeley, Calif. 94700. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Alameda, Contra Costa, San Francisco, Maria, San Mateo, and Santa Clara Counties, Calif., restricted to the transportation of traffic having a prior

or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Berkeley or San Francisco, Calif.

No. MC 133485 (Sub-No. 2), filed March 14, 1969. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02909. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bonds, bullion, jewelry, legal tender, monies, negotiable and non-negotiable instruments and securities, postage or revenue stamps, precious metals, precious stones, rare objects, stocks, and other valuable documents and/or articles*, requiring transportation by armored vehicle, between points in Rhode Island, on the one hand, and, on the other, points in Barnstable, Bristol, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 133531, filed March 7, 1969. Applicant: DENNIS L. SMITH, doing business as SMITH TRANSPORTATION CO., Box 307, Rosalie, Nebr. 68055. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm equipment* (except self-propelled equipment), from the plantsite or warehouse facilities of Campbell Manufacturing Co., Inc., located at or near Walthill, Nebr., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment and supplies used or useful in the manufacture of farm equipment* (except self-propelled), on return, under contract with Campbell Manufacturing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 133532 (Sub-No. 1), filed March 6, 1969. Applicant: BEN RUSH-EFSKY, doing business as BENRUS TRUCKING DIVISION, 58-55 56th Drive, Maspeth, N.Y. 11378. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallet and storage racks, shelving and shelving sections; metal tubing, panels, grating and angles; parts and components of the aforesaid commodities; supplies and equipment used in the erection thereof; and advertising materials and displays*, from Newburgh, N.Y.,

and points in the New York, N.Y., commercial zone as defined by the Commission to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia under contract with Dexion, Inc., and Dexion Manufacturing Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133545, filed March 5, 1969. Applicant: DAVID LEMONS, doing business as LEMONS HOUSE MOVING, 1250 Houston, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses or buildings*, set up or in sections, other than knocked down flat and not including mobile homes or buildings designed for transportation in tow-away service, from points in Idaho south of the Salmon River, to points in Montana and points in Teton, Sublette, Lincoln, Uinta, Sweetwater, Park, and Fremont Counties, Wyo. Note: If a hearing is deemed necessary, applicant requests it be held at Pocatello or Boise, Idaho.

No. MC 133547, filed March 6, 1969. Applicant: WESTERN STORAGE & WAREHOUSE, INC., 2410 Vinewood Street, Detroit, Mich. 48216. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Department store merchandise and supplies* as used in the course of retail business, (1) from Detroit, Mich., to points in the Lower Peninsula of Michigan, Toledo, and Tiffin, Ohio, and *damaged, rejected, or traded-in merchandise* on return, and (2) from Detroit, Mich., to ports of entry on the international boundary line between the United States and Canada at or near Port Huron, Mich., and at or near Detroit, Mich., under contract with Arlan's Department Stores, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 133548, filed March 12, 1969. Applicant: LESLIE GARNETT WARD, doing business as WARD TRUCKING COMPANY, Route 2, Post Office Box 145, Selma, N.C. Applicant's representative: Herman Wolf, Jr., 401 Oberlin Road, Raleigh, N.C. 27605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk and explosives), between points in Johnston County, N.C., and points in North Carolina in an area bounded on the west by U.S. Highway 29 and on the east by U.S. Highway 17, restricted to traffic having a prior or subsequent movement by trailer on flatcar service to or from points on Seaboard Coastline Railroad. Note: If a hearing is deemed necessary,

applicant requests it be held at Raleigh, N.C.

No. MC 133557, filed March 13, 1969. Applicant: BEVERAGE TRUCK LINE, INC., Goodland, Ind. Applicant's representative: James L. Beattley, 130 East Washington Street No. 1021, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from St. Louis, Mo., Milwaukee and LaCrosse, Wis., Peoria and Belleville, Ill., Louisville and Newport, Ky., Cincinnati, Ohio, and St. Paul, Minn., to Hebron, Michigan City, and Fowler, Ind., and (2) from Belleville, Ill., Newport, Ky., and St. Paul, Minn., to Goodland, Rensselaer, Monticello, and Delphi, Ind. Note: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 133559, filed March 14, 1969. Applicant: CHARLOTTE TRUCK SERVICE, INC., 4109 Thrift Road, Charlotte, N.C. 28206. Applicant's representative: J. Ruffin Bailey, Post Office Box 2246, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked vehicles and able vehicles* in replacement thereof, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Note: If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C.

No. MC 133560, filed March 10, 1969. Applicant: RUDZINSKI TRANSPORTATION, INC., 1258 Union Avenue, Lakeport, N.H. 03246. Applicant's representative: Paul L. Normadin, 189 Union Avenue, Laconia, N.H. 03246. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, between Laconia, N.H., on the one hand, and, on the other, points in New Hampshire, Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, and New York, restricted to transportation performed under a continuing contract with Lemay's Garage, Inc., Gilford, N.H. Note: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 133561, filed March 7, 1969. Applicant: BRIGILL TRUCKING CO., INC., 16751 Merriman Road, Romulus, Mich. 48174. Applicant's representative: William B. Elmer, 22544 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk in dump vehicles, from Toledo, Ohio, to Detroit, Mich., under contract with H. H. Dickinson Co. of Detroit, Mich. Note: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 133564, filed March 17, 1969. Applicant: CONRAD CYR, 198 St. Jean-Baptiste Street, St. Guillaume, County of Yamaska, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James West, Suite 1010, Montreal, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles* (no commodities in bulk, in tank vehicle), from ports of entry on the international boundary line between the United States and Canada, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Iowa, Missouri, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Oklahoma, New Mexico, Colorado, Wyoming, Utah, Idaho, Montana, California, Oregon, Washington, and Alaska; under contract with Featherweight Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt. or Albany, N.Y.

No. MC 133566, filed March 17, 1969. Applicant: ROBERT GANGLOFF AND ROBERT DOWNHAM, a partnership, doing business as GANGLOFF AND DOWNHAM, Post Office Box 676, Logansport, Ind. 46947. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at Logansport, Ind., to points in Kentucky, Michigan, and Ohio, restricted to traffic originating at the above named origin and destined to the above named destinations. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133567, filed March 17, 1969. Applicant: ARTHUR JOHN McCASHIN, JR., doing business as CAROLINA HORSE TRANSPORTS, Box 296, Clemmons, N.C. 27012. Applicant's representative: A. W. Flynn, Jr., 1006 Wachovia Building, Post Office Box 127, Greensboro, N.C. 27402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary livestock, and in connection therewith, *personal effects of attendants, and supplies and equipment used in the care of exhibition of such animals*, between points in North Carolina and Georgia. Note: If a hearing is deemed necessary, applicant requests it be held at Charlotte, Greensboro, or Raleigh, N.C.

No. MC 133571, filed March 18, 1969. Applicant: NESTLETRUDE TRUCKING CO., INC., 615 West Walnut Street, Lock Haven, Pa. 17745. Applicant's representatives: Harry H. Frank and S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Cattaraugus and Allegany Counties, N.Y., to points in Cameron, Elk, McKean, and Potter Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 3700 (Sub-No. 60), filed March 7, 1969. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, Route 46, East Paterson, N.J. 07407. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. 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 round-trip, special operations, during the authorized racing seasons at Dover Downs Race Track, Dover, Del., beginning and ending at New York, N.Y., and extending to Dover Downs Race Track, Dover, Del. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 15364 (Sub-No. 13), filed March 5, 1969. Applicant: WISCONSIN-MICHIGAN COACHES, INC., 725 Smith Street, Green Bay, Wis. 54302. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Ashland and Rhinelander, Wis., (1) from Ashland, over U.S. Highway 2 to Hurley, Wis., thence over U.S. Highway 51 to junction with Wisconsin Highway 47 at Woodruff, Wis., thence over Wisconsin Highway 47 to Rhinelander, and return over the same route, serving all intermediate points, and (2) between Hurley, Wis., and Ironwood, Mich., over U.S. Highway 2 and Highway BR2, restricted to the period of the day after Labor Day through May 31 of each year in Nos. (1) and (2) above. NOTE: Applicant states that the purpose of this application is to authorize seasonal operations to replace those authorized to be abandoned by the Chicago & North Western Railway Co. by the Public Service Commission of Wisconsin during the winter months between Ashland and Green Bay, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 133573, filed March 19, 1969. Applicant: CHEETAH CHARTER BUS SERVICE COMPANY, INC., doing business as CHEETAH TOURS, 40 West 135th Street, New York, N.Y. 10037. Applicant's representatives: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, and George Donald Covington, 209 West 125th Street, New York, N.Y. 10027. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at New York, N.Y., and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., and extending to points in Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., and Newark, N.J.

No. MC 133535, filed March 7, 1969. Applicant: KENT FROST CANYONLAND TOURS, a corporation, doing business as KENT FROST CANYONLAND TOURS, INC., 295 Blue Mountain Drive, Monticello, Utah 84535. Applicant's representative: Thomas M. Burton, Suite 300, 141 East First-South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, over off-highway irregular routes of overland travel, between points in Kane, Garfield, San Juan, Grand, Wayne, Emery, Iron, and Washington Counties, Utah; Apache, Greenlee, Graham, Cochise, Navajo, Gila, Pinal, Santa Cruz, Coconino, Yavapai, Pima, Mohave, Maricopa, and Yuma Counties, Ariz.; Hinsdale, San Miguel, Mesa, Archuleta, Ouray, Delta, La Plata, Montezuma, Montrose, Delores, and San Juan Counties, Colo.; Lincoln and Clark Counties, Nev.; Luna, San Juan, Catron, Valencia, Rio Arriba, Hidalgo, McKinley, and Grant Counties, N. Mex. NOTE: Applicant states that operations are conducted to and through off-highway, natural scenic attractions and wilderness areas in specially equipped, high-traction vehicles. Regular highway travel is used only as necessary to reach the areas. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Phoenix, Ariz.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130082, filed February 27, 1969. Applicant: WILLIAM SCHWAMBERT, doing business as UNITED TRAVEL SERVICE, 710 Third Avenue, Seattle, Wash. For a license (BMC-5) to engage in operations as a *broker* at Seattle, Wash., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage* in one-way and round trip charter operations, between points in Washington, Nevada, California, and Alaska.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 107558 (Sub-No. 10), filed March 13, 1969. Applicant: ARROW TRANSPORTATION CO., INC., 288 Kinsley Avenue, Providence, R.I. 02903. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Meats, meat products* (except liquid commodities, in bulk, in tank vehicles), as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Boston, Mass., to Florence, N.J. NOTE: Applicant states it could tack the sought authority with authority presently held, at Boston, Mass.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 60-3892; Filed, Apr. 3, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 1, 1969.

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

LONG-AND-SHORT HAUL

FSA No. 41599—*Cement from Manitowoc, Wis.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2943), for interested rail carriers. Rates on cement, viz.: common, hydraulic, masonry, mortar, natural or Portland, in bulk, in carloads, as described in the application, from Manitowoc, Wis., to points in central territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 93 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-435.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 60-3955; Filed, Apr. 3, 1969; 8:49 a.m.]

[Notice 806]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 1, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can

and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1798 (Sub-No. 5 TA), filed March 21, 1969. Applicant: WILLIAM F. CONRAD, doing business as HUB CITY TRANSFER & STORAGE CO., 200 East Third Street, Centralia, Wash. 98531. Applicant's representative: Maurice H. Greene, Post Office Box 1554, Boise, Idaho 83701. Authority sought 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, and those requiring special equipment), between Centralia and Chehalis, Wash., on the one hand, and, on the other, Centralia Steam Electric Plantsite and the Skookuchuck Damsite of Pacific Power and Light Co., located about 5 miles northeast of Centralia and about 6 miles east of Bucoda respectively, for 180 days. Note: Applicant proposes to tack and interchange at Centralia and Chehalis. Supporting shippers: Pacific Power and Light Co., Public Service Building, Portland, Ore. 97204; Bechtel Corp., 50 Beale Street, San Francisco, Calif. 94119. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Ore. 97204.

No. MC 50069 (Sub-No. 417 TA), filed March 26, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins*, in bulk, in tank vehicles, from Detroit, Mich., to Morganton, N.C., for 180 days. Supporting shipper: Interchemical Corp., 5935 Milford Avenue, Detroit, Mich. 48210. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 51146 (Sub-No. 129 TA), filed March 20, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solid core door blocks, wood products, accessories, materials and supplies* used in connection with the manufacture and distribution of the above-described commodities and *products* manufactured or distributed by manufacturers or distributors of the above-described commodities, (1) from Park Falls, and Marshfield, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois,

Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, (2) from Ridgway, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. *Returned, rejected, and damaged shipments* of the above-described commodities and *materials equipment and supplies* used in the manufacture and distribution of the above-described commodities from the destination points named above to the above named origin points, for 180 days. Supporting shipper: Weyerhaeuser Co., 100 South Wacker Drive, Chicago, Ill. 60606 (Bert M. Fischer, Eastern Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 116077 (Sub-No. 264 TA), filed March 26, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Odessa, Tex., to points in New Mexico, for 180 days. Note: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Diamond Shamrock Chemical Co. (Mr. E. E. Bracken, Manager, Truck Transportation), 610 Euclid Avenue, Cleveland, Ohio 44114. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 126489 (Sub-No. 3 TA), filed March 26, 1969. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth, Post Office Box 1066, Hutchinson, Kans. 67501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Hutchinson, Kans., to points in Oklahoma; points in Colorado on and east of Highway 85, for 150 days. Supporting shipper: Pay Way Feed Mills, Inc., Third and Broadway, Kansas City, Mo. 64105. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 127689 (Sub-No. 26 TA), filed March 26, 1969. Applicant: PASCAGOU-

LA DRAYAGE COMPANY, INC., Post Office Box 1326, 705 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottles, carboys, demijohns or jars, and closures*, between the plantsite of Gulfport Glass Corp., Gulfport, Miss., and points in Alabama, Arkansas, Florida, Georgia, Louisiana, Tennessee, and Texas, for 180 days. Supporting shipper: The Gulfport Glass Corp., Bottle Manufacturers, Post Office Box 2365, Gulfport, Miss., 39501. Send protests to: District Supervisor Alan C. Tarrant, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 128909 (Sub-No. 10 TA), filed March 21, 1969. Applicant: COMMODORE CONTRACT CARRIERS, INC., 8712 West Dodge Road, Suite 4000, Omaha, Nebr. 68114. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mobile homes, tent campers, and motor homes*; and (2) *Parts, appliances, furniture and accessories when moving in the commodities described in (1) above*, between Corsicana, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) and ports of entry on the international boundary line between the United States and Canada, in Michigan, Minnesota, Montana, New York, North Dakota, and Washington; service restricted to traffic originating or terminating at plantsites of The Commodore Corp. of Texas, a Texas corporation, for 150 days. Supporting shipper: Commodore Corp. of Texas, Corsicana, Tex. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

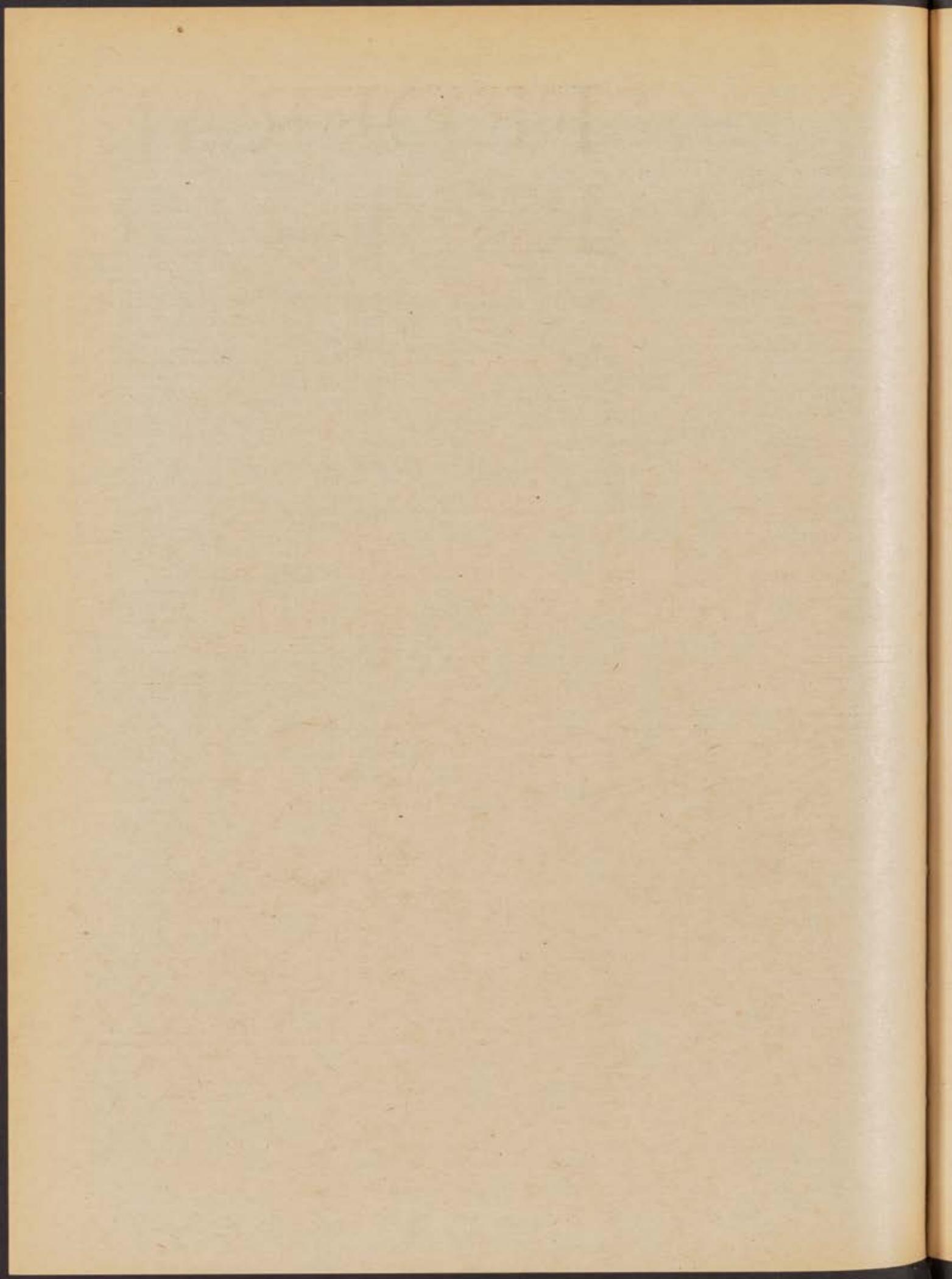
No. MC 133576 TA, filed March 21, 1969. Applicant: BUSHBOOM TRUCKING, INC., Filley, Nebr. 68357. Applicant's representative: Clarence E. Danley, Beatrice, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain bins, steel buildings, wet grain tanks, silos, and silo unloaders*, from Galesburg, Ill., and/or Kansas City, Mo., to points in Nebraska, bounded on the north by U.S. Highway 34; on the west by U.S. Highway 281; on the south by the Kansas-Nebraska borderline; and on the east by the Missouri River, under continuing contract with Farmers Building & Equipment, for 180 days. Supporting shipper: Farmers Building & Equipment, Plymouth, Nebr. Send protests to: District Supervisor, Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-3956; Filed, April 3, 1969; 8:49 a.m.]



FEDERAL REGISTER

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Friday, April 4, 1969 • Washington, D.C.

PART II

DEPARTMENT OF LABOR

Bureau of Labor Standards

Safety and Health Regulations for
Longshoring



Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1504—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

On August 6, 1968, a proposal was published at 33 F.R. 11135 to amend 29 CFR Part 1504, Safety and Health Regulations for Longshoring. Interested persons were given an opportunity to participate in the rule making through submission of written and oral comments. After consideration of all relevant matter submitted and pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941) 29 CFR Part 1504 is revised as set forth below:

Subpart A—General Provisions

- Sec. 1504.1 Purpose and authority.
 1504.2 Scope and responsibility.
 1504.3 Definitions.
 1504.4 Penalty.
 1504.5 Variation from the regulations of this part.
 1504.6 Reference specifications, standards, and codes.
 1504.7 Notification of accidents resulting in fatalities or serious injuries.
 1504.8 Amendment of this part.

Subpart B—Gangways and Gear Certification

- 1504.11 Gangways.
 1504.12 Gear certification.
 1504.13 Certification of shore-based material handling devices.
 1504.14 Container cranes.
 1504.15 Effective date of §§ 1504.13 and 1504.14.

Subpart C—Means of Access

- 1504.21 Gangways and other means of access.
 1504.22 Jacob's ladders.
 1504.23 Access to barges and river towboats.
 1504.24 Bridge plates and ramps.
 1504.25 Ladders.

Subpart D—Working Surfaces

- 1504.31 Hatch coverings.
 1504.32 Stowed cargo and temporary loading platforms.
 1504.33 Deck loads.
 1504.34 Skeleton decks.
 1504.35 Open hatches.
 1504.36 Weather deck rails.

- Sec. 1504.37 Barges.
 1504.38 Freshly oiled decks.

Subpart E—Opening and Closing Hatches

- 1504.41 Coaming clearances.
 1504.42 Beam and pontoon bridges.
 1504.43 Handling beams and covers.

Subpart F—Ship's Cargo Handling Gear

- 1504.51 General requirements.
 1504.52 Specific requirements.
 1504.53 Cargo winches.
 1504.54 Rigging gear.
 1504.55 Cranes.

Subpart G—Cargo Handling Gear and Equipment Other Than Ship's Gear

- 1504.61 General.
 1504.62 Fiber rope and fiber rope slings.
 1504.63 Wire rope and wire rope slings.
 1504.64 Chains and chain slings.
 1504.65 Shackles.
 1504.66 Hooks other than hand hooks.
 1504.67 Pallets.
 1504.68 Chutes, gravity conveyors and rollers.
 1504.69 Powered conveyors.
 1504.70 Portable stowing winches.
 1504.71 Rain tents.
 1504.72 Tools.
 1504.73 Mechanically - powered vehicles used aboard vessels.
 1504.74 Cranes and derricks other than vessel's gear.
 1504.75 Notifying ship's officers before using certain equipment.
 1504.76 Grounding.

Subpart H—Handling Cargo

- 1504.81 Slings.
 1504.82 Building drafts.
 1504.83 Stowed cargo, tiering and breaking down.
 1504.84 Bulging cargo.
 1504.85 Containerized cargo.
 1504.86 Hazardous cargo.

Subpart I—General Working Conditions

- 1504.91 Housekeeping.
 1504.92 Illumination.
 1504.93 Ventilation and atmospheric conditions.
 1504.94 Sanitation and drinking water.
 1504.95 Longshoring operations in the vicinity of repair and maintenance work.
 1504.96 First aid and life saving equipment.
 1504.97 Qualifications of machinery operators.
 1504.98 Grain fitting.

to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.) or to matters within the regulatory authority of the U.S. Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

§ 1504.2 Scope and responsibility.

(a) The responsibility for compliance with the regulations of this part is placed upon "employers" as defined in § 1504.3(c).

(b) It is not the intent of the regulations of this part to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

§ 1504.3 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in longshoring operations or related employments, as defined herein within the Federal maritime jurisdiction of the navigable waters of the United States.

(d) The term "employee" means any longshoreman, or other person engaged in longshoring operations or related employments, within the Federal maritime jurisdiction of the navigable waters of the United States, other than the master, ship's officers, crew of the vessel, or any person engaged by the master to load or unload any vessel under 18 net tons.

(e) The term "vessel" includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water, including special purpose floating structures not primarily designed for

Subpart A—General Provisions

§ 1504.1 Purpose and authority.

(a) The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 901 et seq.) provides compensation for injuries suffered by employees when they are working for private employers within the Federal maritime jurisdiction on the navigable waters of the United States, including dry docks. Public Law 85-742, 72 Stat. 835, approved August 23, 1958, which amends section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444; 33 U.S.C. 941) requires, among other things, that every employer of the aforementioned employees "shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment used by and working conditions established by such employers as the Secretary may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment." It is the purpose of the regulations of this part to carry out the intent of Public Law 85-742.

(b) Pursuant to Public Law 85-742 the regulations of this part do not make determinations with respect to matters under the control of the U.S. Coast Guard within the scope of Title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (45 U.S.C. 1-1388, passim), including, but not restricted to, the master, ship's officers, crew members, design, construction and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the U.S. Coast Guard

or used as a means of transportation on water.

(f) The term "public vessel" means a vessel owned and operated by a government and not regularly employed in merchant service.

(g) For the purposes of §§ 1504.11, 1504.23, 1504.35, 1504.37, 1504.43(f) (2), and 1504.106, the term "barge" means an unpowered, flat bottom, shallow draft vessel including river barges, scows, carfloats, and lighters. For the purposes of these sections the term does not include ship shaped or deep draft barges.

(h) For purposes of §§ 1504.11 and 1504.23, the term "river towboat" means a shallow draft, low freeboard, self propelled vessel designed to tow river barges by pushing ahead. For purposes of these sections the term does not include other towing vessels.

(i) The term "longshoring operations" means the loading, unloading, moving, or handling of cargo, ship's stores, gear, etc. into, in, on, or out of any vessel on the navigable waters of the United States.

(j) The term "related employments" means any employments performed as an incident to or in conjunction with longshoring operations including, but not restricted to, securing cargo, rigging, and employment as a porter, checker, or watchman.

(k) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel, including accommodation ladders, gangplanks and brows.

(l) The term "bulging" means the horizontal dragging of cargo across a surface with none of the weight of the cargo supported by the fall.

(m) For the purpose of § 1504.12 the term "ship's cargo handling gear" includes that gear which is a permanent part of the vessel's equipment and which is used for the handling of cargo other than bulk liquids, but does not include gear which is used only for handling or holding hoses, handling ship's stores or handling the gangway, or boom conveyor belt systems for the self-unloading of bulk cargo vessels.

(n) For purposes of the regulations in this part the terms "beam" or "strong-back" mean a portable transverse or longitudinal beam which is placed across

a hatchway and acts as a bearer to support the hatch covers.

(o) For the purposes of §§ 1504.23(b) (2) and 1504.106(b) the term "Mississippi River System" includes the Mississippi River from the head of navigation to its mouth, and navigable tributaries including the Illinois Waterway, Missouri River, Ohio River, Tennessee River, Allegheny River, Cumberland River, Green River, Kanawha River, Monongahela River, and such others to which barge operations extend.

(p) For the purpose of § 1504.106(b) the term "Gulf Intracoastal Waterway" means the system of that name extending from St. Marks, Fla., to Brownsville and Harlingen, Tex., and including the Pearl River, Tombigbee River, Apalachicola River, Flint River, and such other navigable tributaries to which barge operations extend.

(q) The term "small trimming hatch" means a small hatch or opening, pierced in the tween deck or other intermediate deck of a vessel and intended for the trimming of dry bulk cargoes. It does not refer to the large hatchways through which cargo is normally handled.

(r) For the purpose of § 1504.13 only—

(1) The term "crane" means a mechanical device intended for lifting or lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. A crane may be a fixed or mobile machine.

(2) The term "derrick" means a mechanical device intended for lifting, with or without a boom supported at its head by a topping lift from a mast, fixed A frame, or similar structure. The mast or equivalent member may or may not be supported by guys or braces. The boom, where fitted, may or may not be controlled in the horizontal plane by guys (vangs). The term shall include shear legs.

(3) The term "bulk cargo spout" means a spout, which may or may not be telescopic and may or may not have removable sections, but is suspended over the vessel from some overhead structure by wire rope or other means. Such a spout is often used with a thrower or trimming machine. A grain loading spout is an example of spouts covered by this definition.

(4) The term "bulk cargo sucker" means a pneumatic conveyor which utilizes a spout-like device, which may be adjustable vertically and/or laterally, and which is suspended over a vessel from some overhead structure by wire rope or other means. An example of an installation of this nature is the grain sucker used to discharge grain from barges.

(5) Unless otherwise specifically required, the terms defined in this paragraph shall not include, and the provisions of § 1504.13 shall not apply to, the following equipment:

(i) Small industrial crane trucks as described and illustrated in United States of America Standards Institute, B56.1, 1959, "Safety Code for Powered Industrial Trucks".

(ii) Hulleths.

(iii) Bridge cranes including steeple towers and dock-leg elevators.

(iv) Ore and taconite loading facilities of such type that failure could not cause injury to an employee as defined in paragraph (d) of this section.

(v) Bulk coal loading facilities.

(vi) Vertical pocket conveyors such as banana, sugar, or other similar marine legs.

(s) The term "hazardous cargo" includes:

(1) Any packaged commodity in the "List of explosives and other dangerous articles and combustible liquids" of the "dangerous cargoes" regulations of the U.S. Coast Guard (46 CFR 146.04-5) requiring a label, without regard to the exemptions mentioned at the foot of the list;

(2) Any packaged commodity in the list identified in subparagraph (1) of this paragraph, not requiring a label but classed as a combustible liquid;

(3) Any packaged liquid commodity in the list identified in subparagraph (1) of this paragraph not requiring a label but classed as a hazardous article; or

(4) Any article not properly described by a name in that list but which is properly classified under the definition of those categories of dangerous articles given in 46 CFR 146.03-8 and is included in subparagraph (1), (2), or (3) of this paragraph.

§ 1504.4 Penalty.

As provided in Public Law 85-742, any employer who, willfully, violates or fails or refuses to comply with the provisions of the regulations of this part, and any employer or other person who willfully interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of section 41 of the Act by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of the regulations of this part, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than \$100 nor more than \$3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than \$100 nor more than \$3,000. The liability under this provision of Public Law 85-742 shall not affect any other liability of the employer under the Longshoreman's and Harbor Workers' Compensation Act.

§ 1504.5 Variation from the regulations of this part.

As provided in Public Law 85-742, in case of practical difficulties or unnecessary hardships, the Secretary in his discretion may grant variations from the regulations of this part or particular provisions thereof, and permit the use of other or different devices if he finds that the purpose of the regulation will be observed by the variation and the safety of employees will be equally secured thereby. Any person affected by such regulations or his agent, may request the Secretary to grant such variation, stating in writing the grounds on which his request is based. Any authorization by the Secretary of a variation shall be in writing, shall describe the conditions under which the variation shall be permitted, and shall be published as provided in section 3 of the Administrative Procedure Act

reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of this part.

Subpart B—Gangways and Gear Certification

§ 1504.11 Gangways.

The employer shall not permit employees to board or leave any vessel except a barge or river towboat, until the following requirements have been met:

(a) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface, and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a gangway nor straight ladder can be used, a Jacob's ladder meeting the requirements of § 1504.22 may be used.

(b) Each side of such gangway, and with a minimum height of 33 inches measured perpendicularly from rail to walking surfaces at the stanchion, with a mid-rail. Rails shall be of wood, pipe, chain, wire or rope and shall be kept taut at all times. Portable stanchions supporting railings shall be so supported or secured as to prevent accidental dislodgment.

(c) Gangways on vessels inspected and certified by the U.S. Coast Guard are deemed to meet the foregoing requirements, except in cases where the vessels' regular gangway is not being used.

§ 1504.12 Gear certification.

(a) The employer shall not use the vessel's cargo handling gear until he has ascertained that the vessel has a current and valid cargo gear register and certificates which in form and content are in substantial accordance with the recommendations of the International Labor Office, as set forth in Appendix I of this part, and as provided by International Labor Organization Convention

¹ See also § 1504.21.

² See also § 1504.51.

current and valid documents attesting to compliance with the requirements specified in paragraph (b) of this section.

(b) The certification required by paragraph (a) of this section must have been performed—

(1) In accordance with the standards of Part 1505 of this chapter, by persons then currently accredited by the Bureau of Labor Standards as provided in Part 1505 of this chapter; or

(2) In accordance with standards established and enforced by the State in which the device is located, or by a political subdivision thereof, which have been found by the Director of the Bureau of Labor Standards, U.S. Department of Labor,

to be compatible with the standards of Part 1505 of this chapter, by persons designated as competent to perform such certification by competent state authority and recognized as such by the Director.

(c) Cranes and derricks shall have been tested as a unit, inspected and/or examined, at the intervals required by, and in accordance with applicable requirements set forth in, paragraph (b) of this section. Appropriate documentation, acceptable for the purpose, shall be available for inspection at the worksite.

(d) Bulk cargo spouts and suckers, together with any portable extensions and rigging or outriggers associated therewith which support them vertically, need not be tested, but shall be subject to an annual examination in accordance with applicable requirements as set forth in paragraph (b) of this section. Certificates attesting to the required examination and acceptable for the purpose shall be available for inspection.

(e) Disassembly and reassembly of equipment, which is necessary for movement from job to job, or which becomes necessary during the normal course of operations as a routine matter, does not nullify existing certification nor require additional certification functions to be carried out.

(f) Where equipment which is certified in accordance with paragraph (b) of this section is transferred for use in another state, the then current and valid certification shall remain valid until the next survey becomes due.

No. 32, and which indicates that the cargo gear has been tested, examined and heat treated by or under the supervision of persons or organizations defined as competent to make register entries and issue certificates pursuant to paragraphs (c) and (d) of this section.

(b) Public vessels and vessels holding a valid Certificate of Inspection issued by the U.S. Coast Guard are deemed to meet the requirements of paragraph (a) of this section.

(c) With respect to U.S. vessels not holding a valid Certificate of Inspection issued by the U.S. Coast Guard, persons or organizations competent to make entries in the registers and issue the certificates required by paragraph (a) of this section shall be only those persons currently accredited by the Bureau of Labor Standards, U.S. Department of Labor, as provided in Part 1505 of this chapter.

(d) With respect to vessels under foreign registry, persons or organizations competent to make entries in the registers and issue the certificates required by paragraph (a) of this section shall be: (1) those acceptable as such to any foreign nation, (2) those acceptable to the Commandant of the U.S. Coast Guard, or (3) those currently accredited by the Bureau of Labor Standards, U.S. Department of Labor, as provided in Part 1505 of this chapter.

§ 1504.13 Certification of shore-based material handling devices.

(a) An employer shall not use in vessel-to-shore, shore-to-vessel, or in vessel-to-vessel cargo handling any crane, derrick, bulk cargo spout, or bulk cargo sucker, as defined in § 1504.3(r), which—

(1) Is not part of a vessel's permanent equipment and is either located ashore or placed aboard a vessel only temporarily; and

(2) Is used to transfer cargo or materials other than bulk liquids directly between the shore and a vessel or between vessels; and

(3) Is so located that its failure could cause injury to an employee, as defined in § 1504.3(d);

until he has ascertained that the device has been certificated as evidenced by

(ch. 324, 60 Stat. 237), as amended. A properly indexed record of all variations shall be kept in the Office of the Secretary and be open to public inspection.

§ 1504.6 Reference specifications, standards, and codes.

Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part, as listed below, to the extent specified in the text, form a part of these regulations:

Convention Concerning the Protection Against Accidents to Workers Loading or Unloading Ships, International Labor Organization, Convention No. 92 (Revised, 1932). Subpart B, § 1504.12(a).

Underwriters' Laboratories, Incorporated, 207 East Ohio Street, Chicago, Illinois. Subpart G, § 1504.69(d) and Subpart I, § 1504.92(b)(3).

American Standard Safety Code for Head, Eye, and Respiratory Protection, Z21-1-1959, American Standards Association, Incorporated, 70 East 43rd Street, New York 17, N.Y. Subpart J, § 1504.101(a), 1504.105(a).

§ 1504.7 Notification of accidents resulting in fatalities or serious injuries.

Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form US-202 (approved by Budget Bureau No. 44-R-867.2) with the Field Safety Consultant of the Bureau of Labor Standards serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily.

§ 1504.8 Amendment of this part.

The Secretary may at any time upon his own motion or upon written petition of any interested person setting forth

landing surface. Adequate steps formed by the cargo itself are acceptable when the nature of the cargo and the type of stowage permits. This paragraph shall not apply to the circumstances covered by § 1504.54(f).

(f) Portable straight ladders used by employees for any purpose not otherwise specifically covered by this part shall be of adequate strength and lashed, blocked, or otherwise secured against shifting or slipping.

Subpart D—Working Surfaces

§ 1504.31 Hatch coverings.

(a) No cargo, dunnage, or other material shall be loaded or unloaded by means requiring the services of employees at any partially opened intermediate deck unless either the hatch at that deck is sufficiently covered or an adequate landing area suitable for the prevailing conditions exists: *Provided, however*, That in no event shall such work be done unless the working area available for such employees extends for a distance of 10 feet or more fore and aft and athwartships.

(b) Cargo shall not be landed on or handled over a covered hatch or tween deck unless all beams are in place under the hatch covers.

(c) Missing, broken, split, or poorly fitting hatch covers that would jeopardize the safety of employees shall be reported at once to the officers in charge of the vessel. Pending replacement or repairs by the vessel, work shall not be performed in the section containing the unsafe covers or in adjacent sections unless the flooring is made safe.

(d) When the hatch covers and beams are not of uniform size, they shall be placed only in the hatch, deck, and section in which they fit properly.

(e) Small trimming hatches located in intermediate decks shall be adequately covered or guarded while work is proceeding in the hatch in which they are located, unless they are actually in use.

§ 1504.32 Stowed cargo and temporary landing platforms.
(a) Temporary tables on which loads are to be landed shall be of sufficient size and strength to permit the employees thereon to work in safety.

a Jacob's ladder meeting the requirements of § 1504.22 shall be provided for each gang working alongside unless other safe means of access are provided.

(d) When longshoring operations are in progress on barges, the barges shall be securely made fast to the vessel, wharf, or dolphins.

§ 1504.24 Bridge plates and ramps.

(a) Bridge or car plates used afloat shall be of adequate strength, equipped with side boards along the space bridged, well maintained, and secured against movement.

(b) Ramps for access of vehicles to or between vessels shall be of adequate strength, provided with side boards, well maintained and properly secured.

§ 1504.25 Ladders.

(a) There shall be at least one safe and accessible ladder for each gang working in a hatch. However, no more than two such ladders are required in any hatch. An adequate means of gaining a handhold shall be provided at or near the head of each vertical fixed ladder in cases where any coaming or other structural features are such that they cannot serve this purpose.

(b) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(c) Straight ladders of adequate strength, of sufficient length to extend at least 36 inches above the coaming, and suitably secured against shifting or slipping, shall be provided as necessary when fixed hold ladders do not meet the requirements of paragraph (a) of this section, except that when conditions are such that a straight ladder cannot be used, Jacob's ladders meeting the requirements of § 1504.22 may be used.

(d) When 4 inches of clearance does not exist in back of ladder rungs, the ladder shall be deemed "unsafe" for the purpose of this section.

(e) When necessary to obtain access to or from a stowed deckload or other cargo and no other safe means is available, ladders or steps of adequate strength, and positively secured against shifting or slipping, shall be furnished. Where portable straight ladders are used they shall be of sufficient length to extend at least 36 inches above the upper

sage for employees using the gangway.
(f) When the upper end of the means of access rests on or is flush with the top of the bulwark, substantial steps, properly secured and equipped with at least one substantial hand rail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(g) Obstructions shall not be laid on or across the gangway.

(h) The means of access shall be adequately illuminated for its full length.

(i) Unless the construction of the vessel makes it impossible, the means of access shall be so located that drafts of cargo do not pass over it. In any event loads shall not be passed over the means of access while employees are on it.

§ 1504.22 Jacob's ladders.

(a) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(b) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1504.23 Access to barges and river towboats.

(a) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained, and properly secured.

(b) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp meeting the requirements of paragraph (a) of this section or a safe walkway meeting the requirements of § 1504.21(d) shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of § 1504.22 may be used: *Provided, however*, That when these requirements cannot reasonably be met, by reason of local conditions, in respect to barges operating on the Mississippi River System, other safe means of access shall be provided.

(c) When a barge, raft or log boom is being worked alongside a larger vessel,

(g) In the case of seasonal operations, initial certification required by this section may be deferred until the end of the current season. Subsequent annual and/or quadrennial requirements will then become applicable during normally idle periods.

(h) Certification procedures shall not be construed as a substitute for, or cause for elimination of, normal operational inspection and maintenance routine throughout the year, which shall be carried out as usual by operating and maintenance personnel.

§ 1504.14 Container cranes.

The provisions of § 1504.13 requiring certification of certain shore-based material handling devices shall apply to any crane utilized to handle containers in containerized operations between the vessel and the shore.

§ 1504.15 Effective date of §§ 1504.13 and 1504.14.

Sections 1504.13 and 1504.14 shall become effective February 1, 1970.

Subpart C—Means of Access

§ 1504.21 Gangways and other means of access.

(a) The gangway shall be kept properly trimmed at all times.

(b) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(c) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(d) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings with a minimum height of approximately 33 inches with mid-rails on both sides.

(e) Supporting bridle shall be kept clear so as to permit unobstructed pas-

shall be hung on the hook or ring, or otherwise prevented from swinging free.

(d) At least two legs of all strongback and pontoon bridles shall be equipped with a substantial fiber rope lanyard at least 8 feet long and in good condition. The bridle end of the lanyard may be of chain or wire.

§ 1504.43 Handling beams and covers. Only paragraphs (f) (2), (h), and (i) of this section apply to folding, sliding, or hinged metal hatch covers or to those hatch covers handled by cranes carried for that purpose.

(a) (1) When hatch covers or pontoons are stowed on the weather deck abreast of hatches they shall be arranged in stable piles not closer than 3 feet from the hatch coaming and when on the working side of the deck, not higher than the coaming, unless they are spread one high between coaming and rail with no space between them and with not less than a 24-inch height of hatch coaming maintained.

(2) When, in the case of pontoons, the requirements of subparagraph (1) of this paragraph cannot be met due to the narrowness of the available deck area, pontoons may be stowed more than one high against the coaming, provided that not less than a 24-inch height of hatch coaming is maintained on the working side of the vessel. If pontoons must be stowed closer than 3 feet to and higher than the coaming on the idle side, they shall be secured against movement.

(3) When some, but not all, conventional small weather deck hatch boards or similar covers on seagoing vessels are removed from the beams in a section of a partially opened hatch during cargo handling, cleaning or other operations, those removed shall not be stowed on those left in place within that section.

(b) Beams shall be laid on their sides, or stood on edge close together and lashed: *Provided, however,* That this paragraph shall not apply in cases where beams are of such design that (1) the width of the flange is 50 percent or more of the height of the web and (2) that when a beam is stood upright the flange rests flat on the deck.

(c) Strongbacks, hatch covers and pontoons shall be so placed as not to interfere with a safe walkway from rail to hatch coaming or fore and aft, and

not required on the covered portion of a partially opened hatch, nor is it required when lower decks have been filled to beam height with cargo of such a nature as to provide a safe surface upon which employees may work.

(3) For purposes of subparagraph (1) of this paragraph, banana or other fitted gratings which are in good condition shall be considered a part of the decking when properly placed within the 3-foot area.

(c) Trunk hatches and other permanent or semi-permanent structures and spare parts: When bulkheads, lockers, reefer compartments or large spare parts are within 3 feet of the coaming, grab rails or taut handlines shall be provided for the protection of employees handling beams and hatch covers.

(d) The provisions of this section regarding coaming clearances do not apply to hatches which are opened by hydraulic or other mechanical means, but in all cases in which the 3-foot clearance does not exist, means shall be taken to prevent stowed cargo which is likely to shift from falling into the hold.

§ 1504.42 Beam and pontoon bridles. Beam and pontoon bridles shall not be used unless they meet the following requirements:

(a) Bridles shall be long enough to easily reach the holes, rings, or other lifting attachments on the beams and pontoons. The bridles shall be of adequate strength and properly maintained, including covering or blunting or protruding ends in wire rope splices.

(b) Bridles for lifting hatch beams shall be equipped with toggles, shackles, or hooks or other devices of such design that they cannot become accidentally dislodged from the beams with which they are used. Hooks other than those herein described may be used only when they are hooked into the standing part of the bridle. Toggles, when used, shall be at least 1 inch longer than twice the longest diameter of the holes into which they are placed.

(c) Bridles used for lifting pontoons and plugs shall have the number of legs required by the design of the pontoon or plug, and all legs shall be used. Where any use of a bridle requires fewer than the number of legs provided, idle legs

§ 1504.37 Barges. (a) Employees shall not be permitted to walk along the sides of covered lighters or of barges with coamings more than 5 feet high unless there is a 3-foot clear walkway or a grab rail or taut handline is provided.

(b) Employees shall not be permitted to walk or work on the decks of barges to be loaded unless and until the walking or working surfaces have been determined by visual inspection to be structurally and maintained properly. If in the course of discharging a barge an unsound deck surface is discovered, work shall be discontinued and shall not be resumed until temporary means to ensure a safe work surface, or to avoid the unsound surface, shall have been taken.

§ 1504.38 Freshly oiled decks. If decks are wet with fresh paint or oil, the employer shall not permit employees to engage in longshore operations until necessary walking and working areas have been made safe by the use of suitable non-skid materials.

Subpart E—Opening and Closing Hatches

§ 1504.41 Coaming clearances.

(a) Weather deck: If a deck load of lumber or other smooth sided deck cargo over 5 feet high is stowed within 3 feet of the hatch coaming and employees handling beams and hatch covers are not protected by at least a 24-inch height of the coaming, a taut handline shall be provided along the side of the deckload for their protection. The requirements of § 1504.35(a) are not intended to apply in this situation.

(b) Intermediate deck: (1) Before intermediate deck hatch covers and beams are removed or replaced by employees, there shall be a 3-foot working space between the stowed cargo and the coaming at both sides and at one end of the hatches with athwartship beams, and at both ends of those hatches with fore and aft beams, except that a reasonable tolerance will be permitted in circumstances where adherence to a 3-foot working space would create undue hardship.

(2) The 3-foot clearance required by subparagraph (1) of this paragraph is

(b) When an edge of a hatch section or of stowed cargo more than 8 feet high is so exposed that it presents a danger of an employee falling, the edge shall be guarded by a safety net of adequate strength to prevent injury to a falling employee, or by other means providing equal protection under the existing circumstances.

(c) When two gangs are working in the same hatch on different levels, a safety net shall be rigged and securely fastened so as to prevent men or cargo from falling.

§ 1504.33 Deck loads.

(a) Employees shall not be permitted to pass fore and aft over or around deck loads unless there is a safe passage.

(b) Signalmen shall not be permitted to walk over deckloads from rail to coaming unless there is a safe passage. If it is necessary to stand at the outboard or inboard edge of the deckload where less than 24 inches of bulkhead, rail, coaming, or other protection exists, any signalman shall be provided with a suitable means of protection against falling from the deckload.

§ 1504.34 Skeleton decks.

No cargo shall be worked on a skeleton deck, mezzano deck or other superstructure unless temporary flooring is provided, when necessary, to make a safe working surface.

§ 1504.35 Open hatches.

Open weather deck hatches around which longshoremen must work which are not protected to a height of 24 inches by coamings, shall be guarded by taut lines at a height of 36 to 42 inches above the deck except on the side on which cargo is being worked. Any portable stanchions or uprights used shall be so supported or secured as to prevent accidental dislodgement; *Provided, however,* That the requirements of this section shall not be deemed to apply to barges or to Great Lakes type bulk carriers.

§ 1504.36 Weather deck rails.

Removable weather deck railings shall be kept in place except when cargo operations require them to be removed, in which case they shall be replaced as soon as such cargo operations are completed.

so secured that they cannot be tipped over or dragged into hatches or overboard by drafts or gear. Dunnage or other suitable material shall be used under and between tiers of strongbacks and pontoons.

(d) Hatch covers unshipped in an intermediate deck shall be placed at least 3 feet from the coaming or they shall be removed to another deck. Strongbacks unshipped in an intermediate deck shall not be placed closer than 6 inches to the coaming, and if placed closer than 3 feet, they shall be so secured that they cannot be tipped or dragged into a lower compartment. If this is not possible they shall be removed to another deck.

(e) Any beam or pontoon left in place adjacent to a section through which cargo, dunnage, equipment or any other material is being worked, shall be lashed, locked, or otherwise secured so that it cannot be displaced by accident. All portable, manually handled hatch covers, including those bound together to make a larger cover, shall be removed from any working section.

(f) (1) The roller hatch beam at the edge of the open section of the hatch shall be lashed or pinned back so that it cannot be moved toward the open section.

(2) Rolling, sectional or telescopic hatch covers of barges which open in a fore and aft direction shall be secured against unintentional movement while in the open position.

(g) When a hatch is to be covered, hatch covers or night tents shall be used. Any partial hatch covering, such as alternate hatch covers or strips of dunnage, shall not be covered by a tarpaulin.

(h) Hinged or folding hatch covers normally stowed in an approximately vertical position shall be positively secured when in the upright position.

(i) Hatches shall not be opened or closed while employees are in the square of the hatch below.

Subpart F—Ship's Cargo Handling Gear

§ 1504.51 General requirements.*

(a) Neither the safe working load as specified in the cargo gear certification

papers, nor any safe working load marked on the booms, shall be exceeded. Any limitations imposed by the certifying authority shall be adhered to.

(b) Any component of cargo handling gear, including tent gantlines and other associated rigging, which is visibly unsafe shall not be used until made safe.

(c) The following limitations shall apply to the use of wire rope as a part of the ship's cargo handling gear:

(1) An eye splice made in any wire rope shall have not less than three full tucks. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited;

(2) Except for eye splices in the ends of wires, each wire rope used in hoisting or lowering, in guying derricks, or as a topping lift, preventer, segment of a multipart preventer, or pendant, shall consist of one continuous piece without knot or splice; and

(3) Wire rope shall not be used for the ship's cargo gear if, in any length of 8 diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires or if the rope shows other signs of excessive wear, corrosion or defect.

§ 1504.52 Specific requirements.

Gear which does not comply with the following requirements shall not be used:

(a) **Preventers.** (1) When preventers are used they shall be of sufficient strength for the intended purpose and secured to the head of the boom independent of working guys except when, in the case of cast fittings, the strength of the fitting exceeds the total strength of all lines secured to it. Any tails, fittings, or other means of making the preventers fast on deck shall provide strength equal to that of the preventer itself.

(2) Wire rope clips or knots shall not be used to form eyes in, or to join sections of, preventer guys.

(b) **Stoppers.** (1) When used, chain topping lift stoppers shall be in good condition, equipped with manila tails, and of a length to allow not fewer than three half-hitches in the chain.

(2) When used, chain stoppers shall be shackled or otherwise secured in such a manner that their links are not bent by being passed around fittings. The point of attachment shall be of sufficient strength and so located that the stoppers are reasonably in line with the normal topping lift lead at the time the stopper is applied.

(3) When used, patent stoppers of the clamp type shall be suited to the size of the rope used. Clamps shall be in good condition and free of paint and dirt which would prevent their being drawn tight.

(c) **Falls.** (1) The end of the winch fall shall be secured to the drum by clamps, U-bolts, shackles, or some other equally strong method. Fiber rope fastenings shall not be used.

(2) Winch falls shall not be used with fewer than three turns on the winch drum.

(3) Eyes in the ends of wire rope cargo falls shall not be formed by knots and, in single part falls, shall not be formed by wire rope clips.

(4) When the design of the winch permits, the fall shall be so wound on the drum that the control mechanism moves in the same direction as the load.

(d) **Heel blocks.** (1) When employees are required to work in the bight formed by the heel block, a preventer of at least ¾-inch diameter wire rope, rove reasonably snug and adequately secured, shall be rigged, or equally effective means shall be taken to hold the block and fall in the event that the heel block attachments should fail. Where physical limitations prohibit the fitting of a wire rope preventer of the required size or of other equally effective means, the maximum possible protection shall be provided.

(2) If the heel block is not so rigged as to prevent its falling when not under strain, it shall be secured to prevent alternate raising and dropping of the block: *Provided, however,* That this requirement shall not apply when the heel block is so located as to be at least 10 feet above the deck when at its lowest point.

(e) **Coaming rollers.** When used, portable coaming rollers, whether provided by the ship or by the employer, shall be secured by wire preventers in addition to the regular coaming clamps.

(f) **Cargo hooks.** Cargo hooks shall be as close to the junction of the falls as the assembly permits, but in no case farther than two feet from it, except that this provision shall not apply when the construction of the vessel and the operation in progress are such that fall angles in excess of 120 degrees do not normally occur. Overhaul chains shall not be shortened by bolting or knotting.

§ 1504.53 Cargo winches.

(a) **General.** (1) When moving parts of winches or other deck machinery present a hazard, they shall be guarded.

(2) Winches shall not be used if control levers operate with excessive friction or excessive play.

(3) Double gear winches or other winches equipped with a clutch shall not be used unless a positive means of locking the gear shift is provided.

(4) When changing gears on a two gear winch, there shall be no load other than the fall and cargo hook assembly on the winch.

(5) Any defect or malfunction of winches shall be reported immediately to the officer in charge of the vessel.

(6) Temporary seats and shelters for winch drivers which create a hazard to the winchmen or other employees shall not be used.

(7) Except for short handles on wheel type controls, winch drivers shall not be permitted to use winch control extension levers unless they are provided by either the ship or the employer. Such levers shall be of adequate strength and securely fastened with metal connections at the fulcrum and at the permanent control lever.

(b) **Steam winches.** (1) Means shall be taken to prevent escaping steam from obscuring any part of the decks or other work places or from otherwise hindering or injuring any employee.

(2) Access shall be maintained to the steam valve between each winch and the deck steam line. If this valve is not operative with normal hand pressure, the winch shall not be used.

(3) Extension control levers which tend to fall of their own weight shall be counterbalanced.

(4) When winches are left unattended, control levers shall be secured in the neutral position.

* See also § 1504.12.

(e) (1) Where a bull wire is taken to a gypsy head for the purpose of lowering or topping a boom, the bull wire shall be secured to the gypsy head by shackle or other equally strong method. Securing by fiber rope fastening will not be considered adequate.

(2) When, in lowering or topping a boom, it is not possible to secure the bull wire to the gypsy head, or when the topping lift itself is taken to the gypsy head, sufficient turns, in no case less than five (5), shall be used.

(f) When deck loads extend above the rail and there is less than 8 inches horizontal clearance between the edge of the deck load and the inside of the bulkhead or rail, employees shall not be permitted to go outside unless adequate precautions are taken to prevent them from falling.

§ 1504.55 Cranes.

Unless permanently guarded, the accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

Subpart G—Cargo Handling Gear and Equipment Other Than Ship's Gear

§ 1504.61 General.

(a) All gear and equipment provided by the employer shall be inspected by the employer or his authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe. Any gear which is found upon such inspection to be visibly unsafe shall not be used until it is made safe.

(b) All special stevedoring gear provided by the employer, the strength of which depends upon components other than commonly used stock items such as shackles, ropes or chains, shall be tested as a unit in the following manner before initially being put into use:

(1) Gear intended to handle lifts up to and including 20 short tons (40,000 lbs.) shall be tested to 25 percent in excess of its safe working load.

(2) Gear intended to handle lifts over 20 short tons (40,000 lbs.) but not exceeding 50 short tons (100,000 lbs.) shall be tested to 5 short tons (10,000 lbs.) in excess of its safe working load.

(3) Gear intended to handle lifts over 50 short tons (100,000 lbs.) shall be tested to 10 percent in excess of its safe working load.

(4) The employer shall maintain a record of the dates and results of the tests with each unit of gear concerned clearly identifiable. The records shall be available for examination by representatives of the Bureau of Labor Standards.

(c) The safe working load of gear as specified in §§ 1504.61 through 1504.68 shall not be exceeded.

(d) The weight shall be plainly marked on any article of stevedoring gear hoisted by ship's gear and weighing in excess of 2,000 lbs.

§ 1504.62 Fiber rope and fiber rope slings.

(a) Table G-1 shall be used to determine the safe working load of various sizes of manila rope and rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) Where synthetic fiber ropes are substituted for manila ropes of less than three (3) inches circumference, the substitute shall be of equal size. Where synthetic fiber ropes are substituted for manila ropes of three (3) inches circumference or more, the size of the synthetic rope is to be determined from the formula:

$$C = \sqrt{0.6C_1 + 0.4C_2^2}$$

Where C = the required circumference of the synthetic rope in inches.

C_1 = the circumference to the nearest one-quarter inch of a synthetic rope having a breaking strength not less than the breaking strength of the size manila rope that would be required by paragraph (a) of this section.

C_2 = the circumference of manila rope in inches which would be required by paragraph (a) of this section.

TABLE G-1
MANILA ROPE
(In pounds or, tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
3/4	1/4		120 lbs.	170 lbs.	120 lbs.
1	5/16		200	282	200
1-1/8	3/8		270	380	270
1-1/4	7/16		350	493	350
1-3/8	15/32		450	635	450
1-1/2	1/2		530	798	530
1-3/4	9/16		690	973	690
2	5/8		886	1249	886
2-1/4	3/4		1050	1520	1050
2-1/2	13/16		1300	1830	1300
2-3/4	7/8		1540	2170	1540
3	1		1800	2540	1800
3-1/4	1-1/16		1.0 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8		1.2	1.7	1.2
3-3/4	1-1/4		1.35	1.9	1.35
4	1-5/16		1.5	2.1	1.5
4-1/2	1-1/2		1.8	2.5	1.8
5	1-5/8		2.25	3.2	2.25
5-1/2	1-3/4		2.6	3.7	2.6
6	2		3.1	4.4	3.1
6-1/2	2-1/8		3.6	5.1	3.6

TABLE G-2
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORN, WIRE ROPE CORN, AND WIRE ROPE SLINGS
 (In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDGE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
1/4"	1.2	1.1	1.0	1.0	0.9	0.8	0.8	0.7	0.6	0.6	0.5	0.4
5/16"	2.6	2.5	2.3	2.3	2.1	2.0	2.0	1.8	1.7	1.7	1.5	1.4
3/8"	4.6	4.4	4.0	4.0	3.6	3.4	3.4	3.1	2.8	2.8	2.5	2.3
1/2"	7.2	6.8	6.0	6.2	5.6	5.2	5.2	4.6	4.2	4.2	3.8	3.5
5/8"	10.6	9.7	8.5	8.8	8.0	7.3	7.3	6.5	5.9	5.9	5.1	4.7
3/4"	14.6	13.5	11.8	12.0	11.0	10.0	10.0	8.8	7.8	7.8	6.8	6.3
7/8"	18.6	17.1	14.8	15.0	13.5	12.5	12.5	11.0	10.0	10.0	8.8	8.0
1"	22.6	21.1	18.2	18.0	16.0	14.5	14.5	12.5	11.5	11.5	10.0	9.2
1-1/8"	27.6	25.6	21.8	21.5	19.0	17.0	17.0	14.5	13.0	13.0	11.0	10.0

Rope Dia. Inches	6x19 CLASSIFICATION											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
1-1/4"	25	24	21	21	20	18	18	17	15	15	14	12
1-3/8"	32	30	26	26	24	21	21	19	17	17	15	13
1-1/2"	40	38	33	33	30	26	26	23	20	20	18	15
1-3/4"	48	45	39	39	35	30	30	27	23	23	20	17
2"	56	52	45	45	41	35	35	31	26	26	23	20
2-1/4"	64	60	51	51	46	39	39	35	29	29	25	22
2-3/4"	72	68	58	58	52	44	44	39	32	32	28	24
3"	80	76	64	64	58	49	49	44	36	36	32	27

(A) - Socket or Swaged Terminal Attachment.
 (B) - Mechanical Sleeve Attachment.
 (C) - Hand Tucked Splice Attachment.

In making such a substitution it should be ascertained that the inherent characteristics of the synthetic fiber are suitable for the intended service of the rope.
 § 1504.63 Wire rope and wire rope slings.

(a) Tables G-2 through G-5 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

TABLE G-3
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORN, WIRE ROPE CORN AND WIRE ROPE SLINGS
 (In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8

6x37 CLASSIFICATION								
A	B	C	A	B	C	A	B	C
1-1/4"	13.	12.	10.	9.9	9.2	7.9	7.9	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6	9.6	9.6
1-1/2"	19.	17.	15.	14.	13.	11.	11.	11.
1-3/4"	26.	24.	20.	19.	18.	15.	15.	15.
2"	33.	30.	26.	25.	23.	20.	20.	20.
2-1/4"	41.	38.	33.	31.	29.	25.	25.	25.

(A) - Socket or Swaged Terminal attachment.
 (B) - Mechanical Sleeve attachment.
 (C) - Hand Tucked Splice attachment.

TABLE G-3
RATED CAPACITIES FOR IMPROVED FLOW STEEL,
FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR PALLET BITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
3/4	1.1	1.0	.89	.85	.88	.85	.77	.72	.70	.55	.51	.49
5/8	2.4	2.2	2.1	1.9	2.1	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	9.5	8.8	7.8	7.6	6.8	6.7	6.2	5.5	4.8	4.3	4.1	3.9
1	12	10	11	10	8.8	9.1	8.4	7.3	6.4	5.9	5.1	5.1
1-1/8	17	15	13	14	13	11	12	11	9.4	8.4	7.7	8.7
1-1/4	21	19	17	18	16	14	15	13	12	10	9.5	8.4

Rope Dia. Inches	6x19 CLASSIFICATION											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
1-1/4	25	22	20	21	19	17	17	16	14	12	11	9.8
1-3/8	30	27	24	26	23	20	21	19	17	15	13	12
1-1/2	35	32	28	30	27	24	25	22	20	17	16	14
1-3/4	48	43	38	41	37	33	34	30	27	24	21	19
2	62	55	49	53	48	43	43	39	35	31	28	25

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

(b) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(c) Where "U" bolt wire rope clips are used to form eyes, Table G-6 shall be used to determine the number and spacing of clips. The "U" bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(d) Wire rope shall not be secured by knots, except on haul back lines on scrapers.

(e) The following limitations shall apply to the use of wire rope:

(1) An eye splice made in any wire rope shall have not less than three full tucks. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited.

(2) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in pulling cargo, shall consist of one continuous piece without knot or splice.

(3) Eyes in wire rope bridles, slings, or bull wires shall not be formed by wire rope clips or knots.

(4) Wire rope shall not be used as cargo handling gear if, in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires or if the rope shows other signs of excessive wear, corrosion or defect.

TABLE G-6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved pivot steel, rope diameter inches	Number of clips		Minimum spacing (inches)
	Drop forged	Other material	
1/4	3	4	3
5/8	3	4	4 1/2
1/2	4	5	5 1/2
5/8	4	6	6
3/4	5	6	6 1/2
1	5	7	7 1/2
1 1/8	6	7	8 1/4
1 1/4	6	8	9

TABLE G-4
RATED CAPACITIES FOR IMPROVED FLOW STEEL, FIBER CORE, WIRE
ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12	11	9.8	9.2	8.3	7.4
1-3/8	15	13	12	11	10	8.9
1-1/2	17	16	14	13	12	10
1-3/4	24	21	19	18	16	14
2	31	28	25	23	21	18

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

§ 1504.64 Chains and chain slings.

(a) Tables G-7 and G-8 shall be used to determine the maximum safe working loads of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products. Proof coil steel chain, also known as common or hardware chain, or other chain not recommended for slinging or hoisting by the manufacturer, shall not be used for hoisting purposes.

(b) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

TABLE G-7
WROUGHT IRON CHAIN
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
* 1/4	1060	1835	1500	1060
* 5/16	1655	2865	2340	1655
* 3/8	2385	2.1	3370	2385
* 7/16	3250	2.8	2.3	3250
* 1/2	2.1	3.7	3.0	2.1
* 9/16	2.7	4.6	3.8	2.7
* 5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

* These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G-8
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
1/4	1.62	2.52	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.3
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

(c) Interlink wear, not accompanied by stretch in excess of five (5) percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G-9, has been reached.

TABLE G-9
MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
3/4	3/4
7/8	3/4
1	3/4
1 1/8	3/4
1 1/4	3/4
1 3/8	3/4
1 1/2	3/4
1 5/8	3/4
1 3/4	3/4

(d) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(e) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective, as described in paragraph (d) of this section, shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(f) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding 6 months when recommended by the manufacturer. The chain manufacturer shall be consulted

of a type which must be manually held in a closed position.

(2) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

§ 1504.73 Mechanically-powered vehicles used aboard vessels.

(a) All automotive equipment shall be maintained in good working order and safety devices shall not be removed or made inoperative, except as otherwise provided.

(b) Overhead guards for fork lift trucks:

(1) Except as noted in subparagraph (5) of this paragraph, fork lift trucks shall be equipped with overhead guards securely attached to the machines. The guards shall be of such design and construction as to protect the operator from boxes, cartons, packages, bagged material, and other similar individual items of cargo which may fall from the load being handled or from stowage.

(2) The guard shall be of such construction that it does not interfere with good visibility, but openings in the top of the guard must not exceed six inches in one of the two dimensions, width or length. Larger openings may be permitted provided no opening is larger than the smallest unit of cargo that is likely to fall on the guard.

(3) The guard shall be large enough to extend over the operator in all normal circumstances of truck operation, including forward tilt.

(4) In fork lift trucks equipped with a single tilt cylinder, provision shall be made so that failure of this cylinder or associated parts will not cause the overhead guard to injure the operator.

(5) The overhead guard may be removed only at times when the construction of the truck is such that the

of a type which must be manually held in a closed position.

(2) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

§ 1504.69 Powered conveyors.

(a) Readily accessible stop controls shall be provided for use in an emergency. Whenever the operation of any power conveyor requires personnel to work in the immediate vicinity of the conveyor, the conveyor controls shall not be left unattended while the conveyor is in operation.

(b) Electric motors and controls on grain trimmers shall be of the explosion-proof type approved by the Underwriters' Laboratories, Incorporated, for use in hazardous locations, Class II, Group G.

(c) All conveyor and trimmer drives which create a hazard shall be adequately guarded.

(d) Each grain trimmer shall have a control box located on the weather deck in close proximity to the spout feeding the trimmer.

(e) Power cables between the deck control box and the grain trimmer shall be used only in continuous lengths without splice or tap between connections.

§ 1504.70 Portable stowing winches.

(a) Portable stowing winches shall be used only with the knowledge and consent of the officer in charge of the vessel.

(b) Portable stowing winches used in connection with operations shall at all times be properly secured to prevent shifting.

(c) When internal combustion powered stowing winches are located below the weather deck or in other enclosed spaces, the exhaust shall be led topside to open air and away from the hatch opening.

§ 1504.71 Rain tents.

When using rain tents, lanyards shall be secured to padeyes or other fixed structures of the vessel which are strong enough or to objects which are heavy enough to withstand the breaking stress of all lanyards attached.

§ 1504.72 Tools.

(a) General. Employers shall not issue or permit the use of visibly unsafe tools.

(b) Portable electric tools. (1) Portable electric tools which are held in the hand shall be equipped with switches

by overloading. Bent or sprung hooks shall not be used.

(d) Teeth of case hooks shall be kept in good condition.

(e) Jaws of patent clamp type plate hooks shall be kept in safe condition so that they will grip plates securely.

§ 1504.67 Pallets.

(a) Pallets shall be of such material and construction and so maintained as to safely support and carry loads being handled on them. Fastenings of reusable pallets shall be bolts and nuts, drive screws (helically threaded nails), annular threaded nails or fastenings of equivalent strength.

(b) Wing or lip type pallets hoisted by means of bar bridles shall have an overhanging wing or lip at least 3 inches long.

(c) Loaded pallets which on visual examination do not meet the requirements of this section, shall be placed on pallets meeting the requirements before being hoisted into or out of the vessel.

(d) Bridles used to handle flush end or box type pallets shall be of such a design as to prevent them from becoming disengaged from the pallet under load.

§ 1504.68 Chutes, gravity conveyors and rollers.

(a) Chutes used in the manual handling of cargo shall be of adequate length and strength for the use to which they are put and shall be kept free of splinters and sharp edges.

(b) Chutes shall be equipped with sideboards of sufficient height to prevent cargo from falling off.

(c) Chutes and gravity roller sections shall be firmly placed or secured to prevent displacement.

(d) Gravity rollers shall be of sufficient strength for the weight of material which is placed upon them. Rollers shall be locked in position to prevent them from falling or jumping out of the frame.

(e) Frames shall be kept free of burrs and sharp edges.

(f) When necessary for safe operation, provision shall be made for braking objects at the delivery end of the roller or chute.

for recommended procedures for annealing or normalizing. Alloy chains shall not be annealed.

(g) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1504.65 Shackles.

(a) Table G-10 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) Screw pin shackles provided by the employer and used aloft, except in cargo hook assemblies, shall have their pins moused.

§ 1504.66 Hooks other than hand hooks.

(a) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employers shall maintain a record of the dates and results of such tests.

(b) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(c) Hooks shall be inspected periodically to see that they have not been bent

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TABLE G-10
SAFE WORKING LOADS FOR SHACKLES
[In tons of 2000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
1 1/2	3/4	1.4
1 1/2	7/8	1.8
1 1/2	1	2.2
1 1/2	1 1/8	2.6
1 1/2	1 1/4	3.0
1 1/2	1 1/2	3.4
1 1/2	1 3/4	3.8
1 1/2	1 7/8	4.2
1 1/2	2	4.6
1 1/2	2 1/8	5.0
1 1/2	2 1/4	5.4
1 1/2	2 3/8	5.8
1 1/2	2 1/2	6.2
1 1/2	2 7/8	6.6
1 1/2	3	7.0
1 1/2	3 1/8	7.4
1 1/2	3 1/4	7.8
1 1/2	3 3/8	8.2
1 1/2	3 1/2	8.6
1 1/2	3 5/8	9.0
1 1/2	3 3/4	9.4
1 1/2	3 7/8	9.8
1 1/2	4	10.2
1 1/2	4 1/8	10.6
1 1/2	4 1/4	11.0
1 1/2	4 3/8	11.4
1 1/2	4 1/2	11.8
1 1/2	4 5/8	12.2
1 1/2	4 3/4	12.6
1 1/2	4 7/8	13.0
1 1/2	5	13.4
1 1/2	5 1/8	13.8
1 1/2	5 1/4	14.2
1 1/2	5 3/8	14.6
1 1/2	5 1/2	15.0
1 1/2	5 5/8	15.4
1 1/2	5 3/4	15.8
1 1/2	5 7/8	16.2
1 1/2	6	16.6
1 1/2	6 1/8	17.0
1 1/2	6 1/4	17.4
1 1/2	6 3/8	17.8
1 1/2	6 1/2	18.2
1 1/2	6 5/8	18.6
1 1/2	6 3/4	19.0
1 1/2	6 7/8	19.4
1 1/2	7	19.8
1 1/2	7 1/8	20.2
1 1/2	7 1/4	20.6
1 1/2	7 3/8	21.0
1 1/2	7 1/2	21.4
1 1/2	7 5/8	21.8
1 1/2	7 3/4	22.2
1 1/2	7 7/8	22.6
1 1/2	8	23.0
1 1/2	8 1/8	23.4
1 1/2	8 1/4	23.8
1 1/2	8 3/8	24.2
1 1/2	8 1/2	24.6
1 1/2	8 5/8	25.0
1 1/2	8 3/4	25.4
1 1/2	8 7/8	25.8
1 1/2	9	26.2
1 1/2	9 1/8	26.6
1 1/2	9 1/4	27.0
1 1/2	9 3/8	27.4
1 1/2	9 1/2	27.8
1 1/2	9 5/8	28.2
1 1/2	9 3/4	28.6
1 1/2	9 7/8	29.0
1 1/2	10	29.4
1 1/2	10 1/8	29.8
1 1/2	10 1/4	30.2
1 1/2	10 3/8	30.6
1 1/2	10 1/2	31.0
1 1/2	10 5/8	31.4
1 1/2	10 3/4	31.8
1 1/2	10 7/8	32.2
1 1/2	11	32.6
1 1/2	11 1/8	33.0
1 1/2	11 1/4	33.4
1 1/2	11 3/8	33.8
1 1/2	11 1/2	34.2
1 1/2	11 5/8	34.6
1 1/2	11 3/4	35.0
1 1/2	11 7/8	35.4
1 1/2	12	35.8
1 1/2	12 1/8	36.2
1 1/2	12 1/4	36.6
1 1/2	12 3/8	37.0
1 1/2	12 1/2	37.4
1 1/2	12 5/8	37.8
1 1/2	12 3/4	38.2
1 1/2	12 7/8	38.6
1 1/2	13	39.0
1 1/2	13 1/8	39.4
1 1/2	13 1/4	39.8
1 1/2	13 3/8	40.2
1 1/2	13 1/2	40.6
1 1/2	13 5/8	41.0
1 1/2	13 3/4	41.4
1 1/2	13 7/8	41.8
1 1/2	14	42.2
1 1/2	14 1/8	42.6
1 1/2	14 1/4	43.0
1 1/2	14 3/8	43.4
1 1/2	14 1/2	43.8
1 1/2	14 5/8	44.2
1 1/2	14 3/4	44.6
1 1/2	14 7/8	45.0
1 1/2	15	45.4
1 1/2	15 1/8	45.8
1 1/2	15 1/4	46.2
1 1/2	15 3/8	46.6
1 1/2	15 1/2	47.0
1 1/2	15 5/8	47.4
1 1/2	15 3/4	47.8
1 1/2	15 7/8	48.2
1 1/2	16	48.6
1 1/2	16 1/8	49.0
1 1/2	16 1/4	49.4
1 1/2	16 3/8	49.8
1 1/2	16 1/2	50.2
1 1/2	16 5/8	50.6
1 1/2	16 3/4	51.0
1 1/2	16 7/8	51.4
1 1/2	17	51.8
1 1/2	17 1/8	52.2
1 1/2	17 1/4	52.6
1 1/2	17 3/8	53.0
1 1/2	17 1/2	53.4
1 1/2	17 5/8	53.8
1 1/2	17 3/4	54.2
1 1/2	17 7/8	54.6
1 1/2	18	55.0
1 1/2	18 1/8	55.4
1 1/2	18 1/4	55.8
1 1/2	18 3/8	56.2
1 1/2	18 1/2	56.6
1 1/2	18 5/8	57.0
1 1/2	18 3/4	57.4
1 1/2	18 7/8	57.8
1 1/2	19	58.2
1 1/2	19 1/8	58.6
1 1/2	19 1/4	59.0
1 1/2	19 3/8	59.4
1 1/2	19 1/2	59.8
1 1/2	19 5/8	60.2
1 1/2	19 3/4	60.6
1 1/2	19 7/8	61.0
1 1/2	20	61.4
1 1/2	20 1/8	61.8
1 1/2	20 1/4	62.2
1 1/2	20 3/8	62.6
1 1/2	20 1/2	63.0
1 1/2	20 5/8	63.4
1 1/2	20 3/4	63.8
1 1/2	20 7/8	64.2
1 1/2	21	64.6
1 1/2	21 1/8	65.0
1 1/2	21 1/4	65.4
1 1/2	21 3/8	65.8
1 1/2	21 1/2	66.2
1 1/2	21 5/8	66.6
1 1/2	21 3/4	67.0
1 1/2	21 7/8	67.4
1 1/2	22	67.8
1 1/2	22 1/8	68.2
1 1/2	22 1/4	68.6
1 1/2	22 3/8	69.0
1 1/2	22 1/2	69.4
1 1/2	22 5/8	69.8
1 1/2	22 3/4	70.2
1 1/2	22 7/8	70.6
1 1/2	23	71.0
1 1/2	23 1/8	71.4
1 1/2	23 1/4	71.8
1 1/2	23 3/8	72.2
1 1/2	23 1/2	72.6
1 1/2	23 5/8	73.0
1 1/2	23 3/4	73.4
1 1/2	23 7/8	73.8
1 1/2	24	74.2
1 1/2	24 1/8	74.6
1 1/2	24 1/4	75.0
1 1/2	24 3/8	75.4
1 1/2	24 1/2	75.8
1 1/2	24 5/8	76.2
1 1/2	24 3/4	76.6
1 1/2	24 7/8	77.0
1 1/2	25	77.4
1 1/2	25 1/8	77.8
1 1/2	25 1/4	78.2
1 1/2	25 3/8	78.6
1 1/2	25 1/2	79.0
1 1/2	25 5/8	79.4
1 1/2	25 3/4	79.8
1 1/2	25 7/8	80.2
1 1/2	26	80.6
1 1/2	26 1/8	81.0
1 1/2	26 1/4	81.4
1 1/2	26 3/8	81.8
1 1/2	26 1/2	82.2
1 1/2	26 5/8	82.6
1 1/2	26 3/4	83.0
1 1/2	26 7/8	83.4
1 1/2	27	83.8
1 1/2	27 1/8	84.2
1 1/2	27 1/4	84.6
1 1/2	27 3/8	85.0
1 1/2	27 1/2	85.4
1 1/2	27 5/8	85.8
1 1/2	27 3/4	86.2
1 1/2	27 7/8	86.6
1 1/2	28	87.0
1 1/2	28 1/8	87.4
1 1/2	28 1/4	87.8
1 1/2	28 3/8	88.2
1 1/2	28 1/2	88.6
1 1/2	28 5/8	89.0
1 1/2	28 3/4	89.4
1 1/2	28 7/8	89.8
1 1/2	29	90.2
1 1/2	29 1/8	90.6
1 1/2	29 1/4	91.0
1 1/2	29 3/8	91.4
1 1/2	29 1/2	91.8
1 1/2	29 5/8	92.2
1 1/2	29 3/4	92.6
1 1/2	29 7/8	93.0
1 1/2	30	93.4
1 1/2	30 1/8	93.8
1 1/2	30 1/4	94.2
1 1/2	30 3/8	94.6
1 1/2	30 1/2	95.0
1 1/2	30 5/8	95.4
1 1/2	30 3/4	95.8
1 1/2	30 7/8	96.2
1 1/2	31	96.6
1 1/2	31 1/8	97.0
1 1/2	31 1/4	97.4
1 1/2	31 3/8	

presence of such a guard would prevent the truck from entering working spaces, and if the operator cannot be injured by low overhead obstructions.

(c) Guards for bulk cargo-moving vehicles:

(1) Every crawler type rider operated, bulk cargo-moving vehicle shall be equipped with an operator's guard of such design and construction as to protect the operator, and construction as to prevent injury from contact with a projecting overhead.

(2) Guards and their attachment points shall be so designed as to be able to withstand, without excessive deflection, a load applied horizontally at the operator's shoulder level equal to the drawbar pull of the machine.

(3) Guards shall not be required when the vehicle is used in situations in which the possibility of the seated operator coming in contact with projecting overheads does not exist.

(d) End platform guards:

(1) Every truck operated from an end platform or pedal position shall be equipped with an operator's platform guard of such design that it permits rapid and unobstructed egress.

(2) Guards shall be so designed as to be able to withstand, without excessive deflection, a load equal to the weight of the loaded machine.

(e) Forks, fork extensions or other attachments shall be suitably secured to prevent unintentional disengagement.

(f) Weights and loads:

(1) The vehicle weight, with and without removable counterweights, shall be clearly posted on all mechanically-powered vehicles which are lifted aboard vessels.

(2) The rated capacity of every fork lift truck, with and without removable counterweights, shall be posted on the vehicle in such a manner as to be readily visible to the operator.

(3) Loads in excess of the rated capacity shall not be lifted or carried by lift trucks.

(4) If loads are lifted by two or more trucks working in unison, the total weight shall not exceed the combined safe lifting capacity of all the trucks.

(g) (1) Steering knobs, when furnished on vehicles where the driver is not in a sitting position, shall be of a mush-

room type unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin. The steering knob shall be mounted within the periphery of the wheel.

(2) Steering knobs or similar ancillary devices shall not be used on the steering wheels of trucks in which the driver is in a sitting position.

(h) No load on a fork lift truck or industrial crane truck shall be suspended or swung over any employee.

(i) When mechanically-powered vehicles are used, adequate provisions shall be made to ensure that the working surface can support the vehicle and load, and that hatch covers, truck plates, or other temporary surfaces cannot be dislodged by movement of the vehicle.

(j) When mechanically-powered vehicles are left unattended, the controls shall be neutralized, power shut off, brakes set, and the forks, blade, or scoop shall be placed in the lowered position.

(k) When lift trucks or other mechanically powered vehicles are being operated on open deck type barges, the edges of the barges shall be suitably guarded by railings, sideboards, timbers or other means sufficient to prevent vehicles from rolling overboard. When operated on covered lighters where door openings other than those being used are left open, adequate means shall be taken as necessary to prevent vehicles from rolling overboard through such openings.

§ 1504.74 Cranes and derricks other than vessel's gear.

(a) The following requirements shall be met in the use of cranes, whether hoisted aboard a vessel for use thereon or used to service a vessel from the dock, shore, or another vessel, and in the use of any other crane or derrick not a part of a vessel's permanent equipment, but used in longshoring operations:

(1) The crane weight shall be posted on all mobile cranes hoisted aboard vessels for temporary use thereon.

(2) All types of cranes shall be equipped with a durable rating chart visible to the operator, covering the complete range of the manufacturer's (or design) capacity ratings and for which they are certificated, where required. The rating chart shall include all operating radii for all permissible boom lengths

and jib lengths as applicable, with and without outriggers which may be fitted, and alternate ratings with optional equipment affecting such ratings. Necessary precautions or warnings shall be included. Operating controls shall be marked, or an explanation posted, at the operator's position to indicate function.

(3) A boom angle or radius indicator shall be fitted where applicable.

(4) All shore-based derricks shall be clearly marked to indicate all applicable capacity ratings, based on manufacturer's (or design) data for which certificated. Such ratings, and any necessary precautions or warnings shall be visible to the operator. Operating controls shall be marked, or an explanation posted at the operator's position to indicate function.

(5) The rated safe working loads of each crane and derrick, for the conditions of use, shall not be exceeded.

(6) No counterweights in excess of manufacturer's (or design) specifications shall be fitted. All equipment shall be used in accordance with manufacturer's (or design) specifications and recommendations.

(7) Pulling of barges or rail cars, and bulging of cargo in such a way as to exert side loading stresses upon crane booms shall not be permitted.

(8) No crane or derrick shall be used in any case where a visible defect affecting safe use exists.

(9) Where cranes are used to load or discharge rough logs into or out of a vessel, such cranes shall be fitted with load indicating devices in proper working condition.

(10) Accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

(11) During the hours of darkness, illumination provided shall be sufficient under the prevailing circumstances so that an operator can see clearly the work area and any signalmen associated with the operation.

(b) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(c) Accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

§ 1504.75 Notifying ship's officers before using certain equipment.

(a) The employer shall notify the officer in charge of the vessel before bringing aboard ship internal combustion or electric powered tools, equipment or vehicles.

(b) The employer shall also notify the officer in charge of the vessel before using the ship's electric power for the operation of any of his electric tools or equipment.

§ 1504.76 Grounding.

(a) The frames of portable electric equipment and tools, except double insulated tools approved by Underwriters Laboratories, Inc., shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the equipment is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

Subpart H—Handling Cargo⁴
§ 1504.81 Slings.

(a) Drafts shall be safely slung before being hoisted. Loose dunnage or debris hanging or protruding from loads shall be removed.

⁴ 46 CFR Parts 146-147 contains regulations of the U.S. Coast Guard pertaining to the handling of explosives and other dangerous cargo.

(c) If a cargo ascertained by the employer to be hazardous is spilled or any of its containers has or develops a serious leak, the employees shall be removed from the hold or compartment until the employer has ascertained the specific hazards, has provided such personal protective equipment and clothing and such ventilation and fire protective equipment as may be necessary to avoid, or protect against, the hazard, and has instructed the employees as to the safe method of cleaning up and disposing of a spill or handling and disposing of the leaking containers. The actual work of clean up or disposal shall be carried out under the personal supervision of a responsible representative of the employer aboard the vessel.

Subpart I—General Working Conditions

§ 1504.91 Housekeeping.

(a) Weather deck walking and working areas shall be kept reasonably clear of lines, bridle, dunnage and all other loose tripping or stumbling hazards.

(b) Gear or equipment, when not in use, shall be removed from the immediate work areas, or shall be so placed as not to present a hazard.

(c) Slippery conditions shall be eliminated as they occur.

(d) Loose paper, dunnage and debris shall be collected as the work progresses and be kept clear of the immediate work area.

(e) Dunnage shall not be placed on deck where it interferes with the free movement of the drafts.

(f) Dunnage racked against sweat battens shall not be used when the levels of such racks are above the safe reach of employees.

(g) Dunnage, hatch beams, tarpaulins or gear not in use shall be stowed no closer than 3 feet to the port and starboard sides of the weather deck hatch coaming, except that a reasonable tolerance shall be permitted where strict adherence is rendered impracticable due to the circumstances.

(h) Nails: (1) Nails which are protruding from shoring or fencing in the immediate work areas shall be bent over or otherwise rendered harmless.

tings, which would render unsafe their handling in loading. To the extent it is reasonably possible, inbound containers shall be similarly inspected before discharge. Any outbound container found to have such a defect shall not be loaded until the defect is corrected. Any inbound container found to have such a defect shall either be discharged by such special means as ensure safety or shall be emptied before discharge.

(e) For the purpose of this section, the term "container" means a reusable cargo container of rigid construction and rectangular configuration, intended to contain one or more articles of cargo or bulk commodities for shipment aboard a vessel, and capable of utilization for this purpose by one or more other modes of transport without intermediate reloading. The term includes completely enclosed units, open top units, half or other fractional height units, units incorporating liquid or gas tanks, and any other variations serving the same basic purpose and fitting into the container system, demountable or with attached wheels. The term, however, does not include cylinders, drums, crates, cases, cartons, packages, sacks, uninitialized loads or any other of the usual forms of packaging.

§ 1504.86 Hazardous cargo.

(a) Prior to the start of cargo handling operations a responsible representative of the employer shall ascertain from labels on the cargo, from the dangerous cargo manifest, or from other shipping documents, what hazardous cargoes, if any, are to be handled and the general nature of the hazard. He shall inform employees of the general nature of the hazard, the importance to the employees of preventing damage to the cargo, and the special precautions to be taken. The responsible representative of the employer aboard the vessel shall instruct the employees to notify him of any leaks or spills.

(b) Drafts of cargo ascertained by the employer to be hazardous shall be so slung and secured that neither the draft nor individual packages can fall as a result of tipping the draft or slacking the supporting gear.

the safety of any employee working alone in a tank or cargo compartment.

§ 1504.84 Bulling cargo.

(a) Bulling cargo shall be done with the bull line led directly from the heel block, except that bulling may be done from the head of the boom when the nature of the cargo and the surface over which it is dragged are such as to avoid stalling the load, or when the winch actually does not have sufficient strength, with the purchase used, to overload the boom.

(b) Snatch blocks shall be used to provide a fair lead for the bull line so as to avoid unnecessary dragging of the bull line against coamings and obstructions.

(c) Falls led from cargo booms or vessels shall not be used to move scows, lighters or railroad cars.

(d) Snatch blocks shall not be used with the point of the hook resting on the flange of a beam, but shall be hung from padeyes, straps or beam clamps. Snatch blocks or straps shall not be made fast to batten cleats or other insecure fittings.

(e) Beam or frame clamps shall be so secured to the beam as to minimize the possibility of their slipping, falling or being pulled from the beam.

§ 1504.85 Containerized cargo.

(a) The gross maximum allowable weight shall be permanently marked on every reusable cargo container. The gross maximum allowable weight shall be considered the weight of the container at the time of hoisting, except when the actual gross weight is plainly marked or otherwise indicated on the container or when the container is empty.

(b) The provisions of paragraph (a) of this section are not intended to require containers to be weighed to ascertain the actual gross weight when other means of obtaining this information is available.

(c) Actual gross weight markings or indications shall be identified on the container by date, voyage number, or other suitable means. Those referring to prior shipments shall be removed or obliterated.

(d) All outbound containers shall be inspected before loading for any visible defects in structural members and fit-

(b) Cargo handling bridle, such as pallet bridle, which are to remain attached to the hoisting gear while hoisting successive drafts, shall be attached by shackles, or other positive means shall be taken to prevent them from becoming accidentally disengaged from the cargo hook.

(c) Drafts of lumber, pipe, dunnage and other pieces, the top layer of which is not bound by the sling, shall be slung in such a manner as to prevent sliders. Double slings shall be used on unstrapped dunnage, except when, due to the size of hatch or deep tank openings, it is impractical to use them.

(d) Case hooks shall not be used for handling cases into or out of the vessel, unless the cases are specifically designed to be handled by this means.

(e) Bales of cotton, wool, cork, wood pulp, gunny bags or other similar articles shall not be hoisted into or out of the vessel by their straps unless the straps are of sufficient strength to support the weight of the bale and two hooks, each in a separate strap, are used.

(f) Loads requiring continuous manual guidance while in motion shall be provided with tag lines.

(g) No draft shall be hoisted unless the winch or crane operator(s) can clearly see the draft itself or see the signals of any signalman associated with the operation.

§ 1504.82 Building drafts.

(a) Drafts shall be so built or such means shall be taken as to prevent cargo from falling from the draft.

(b) Hand loaded buckets or tubs used in handling bulk cargo shall not be loaded above their rims.

§ 1504.83 Stowed cargo, tying and breaking down.

(a) When necessary, cargo shall be secured or blocked to prevent its shifting or falling.

(b) In breaking down, precautions shall be taken, when necessary, to prevent the remaining cargo from falling.

(c) Employees trimming bulk cargo shall be checked in and out by the foreman. Before securing any reefer compartment, a check shall be made to ensure that no employee remains inside. Frequent checks shall be made to ensure

Upon establishing that any of such conditions may exist, the employer shall ascertain from the officer in charge of the vessel, if he is properly equipped and qualified so to evaluate, the condition of the work place with respect to atmospheric contaminants or deficiencies. If the officer in charge of the vessel is not equipped or qualified to carry out such evaluation, this shall be done by another person qualified and equipped to do it.

(d) When it is ascertained as set forth in paragraph (c) of this section that the atmosphere in which employees would be working is immediately dangerous to life, or if the atmosphere becomes immediately dangerous to life during cargo handling operations, no employee shall be permitted to enter or remain in the work place until the atmospheric condition has been made safe. Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or the high concentration of contaminants, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(e) When it is ascertained as set forth in paragraph (c) of this section that the atmosphere in which employees would be working contains dangerous gaseous contaminants not immediately dangerous to life, or if the atmosphere becomes so contaminated during cargo handling operations, no employee shall be permitted to enter or remain in the work place until the atmosphere is made safe, or the employees are protected by suitable respiratory protective equipment in accordance with the requirements of § 1504.102 (a) and (b). Dangerous gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period of time without endangering the life of a person breathing them, but might produce discomfort and injury after a prolonged single exposure or repeated short exposures.

(f) When employees are exposed to heavy concentrations of dusts, as in loading bulk grain, they shall be protected by suitable respiratory protective equipment in accordance with the requirements of § 1504.102 (a) and (c).

the vessel is the source of the current the ground shall be made to the structure of the vessel. Electric cords used shall be free of visible defects.

(5) The employer shall not permit the use of shore electrical circuits unless they have been checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current. When the vessel is the source of the current, it is required only that a check be made to ensure good electrical contact between the ground wire and the vessel's structure.

(b) (1) Before commencing to load grain which has been fumigated, the employer shall ascertain from the elevator operator that the cargo is free from hazardous concentrations of fumigants.

(2) The employer shall not load tobacco until the carrier has provided written notification as to whether or not the cargo has been fumigated. If the tobacco has been fumigated with any toxic fumigant, the employer shall not commence loading until written warranty has been received from the fumigation facility that the aeration of the cargo has been such as to reduce the concentration of the fumigant to a safe limit. Such notification and warranty shall be maintained for at least 30 days after the loading of the tobacco has been completed, and shall be available for examination by representatives of the Bureau of Labor Standards.

(3) Before commencing to load cargo other than cargo mentioned in subparagraph (1) or (2) of this paragraph, which has been fumigated at the loading port, the employer shall ascertain that such cargo does not contain a hazardous concentration of fumigants.

(c) Before employees are permitted to enter or work in any stowage space or tank, the employer shall ascertain from the officer in charge of the vessel, or the vessel's agent or operator, whether explosive, poisonous, noxious, or gaseous cargoes have been carried or are stowed therein, or whether dry ice has been used as a refrigerant therein, or whether such places have been fumigated, or whether there is a possibility of oxygen deficiency.

(1) (i) When internal combustion engines exhaust into a hold, an intermedial deck, or any other compartment, the employer shall see that tests of the carbon monoxide content of the atmosphere are made with such frequency as is found by test to be necessary in the type and location of the operation, and under the conditions existing, to insure that dangerous concentrations do not develop. Such tests shall be made in the area in which employees are working, by persons competent in the use of the test equipment and procedure. Where operations are located in a deep tank or refrigerated compartment the first test shall be made within one half hour of the time the machine(s) start.

(ii) The carbon monoxide content of the atmosphere shall be maintained at not more than 50 parts per million (0.005%) as a time weighted average, and employees shall be removed from the compartment if the carbon monoxide concentration exceeds 100 parts per million (0.01%). The term "time weighted average" means that for any period of time in which the concentration exceeds 50 parts per million, it shall be maintained at a corresponding amount below 50 parts per million for an equal period of time.

(iii) When neither natural ventilation nor the vessel's ventilating system, where fitted, is adequate to keep the carbon monoxide concentration within the allowable limits set forth in this paragraph, the employer shall use supplementary means of portable ventilation in such size and number and so arranged as to bring such concentration within such limits before work is resumed.

(2) A record of the date, time, location, and results of the tests required by subparagraph (1) of this paragraph shall be maintained for at least 30 days after the work is completed. The record shall be available for examination by representatives of the Bureau of Labor Standards.

(3) The intakes of portable blowers and any exposed belt drives shall be guarded adequately by screens.

(4) The frames of portable blowers shall be grounded at the source of the current either through a third wire in the cable containing the circuit conductors or through a separate wire. When

(2) Dunnage, lumber, or shoring material in which there are visibly protruding nails shall be removed from the immediate work area, or, if left in that area, the nails shall be bent over or otherwise rendered harmless.

(1) Employees shall not be exposed to ice which may fall from aloft under conditions where the accumulation of such ice and the circumstances at the time are such as to constitute a hazard.

§ 1504.92 Illumination.

(a) All walking and working areas shall be adequately illuminated.

(b) Portable lights shall meet the following requirements:

(1) Portable lights shall be equipped with substantial reflectors and guards to prevent flammable and other material from coming in contact with the bulb, except that guards are not required where the construction of the reflector is such that the bulb is deeply recessed.

(2) Portable lights shall be equipped with heavy duty electric cords and may be suspended by such cords only when the means of attachment of the cord to the light is such as to prevent the light from being suspended by the electrical connections. All connections and insulation shall be maintained in safe condition.

(3) Lighting wires and fixtures for portable lights shall be so arranged as to be free from contact with drafts, running gear, or other moving equipment.

(4) Portable lights shall be so arranged that they do not shine in the eyes of winddrivers or hatchtenders.

(5) Portable cargo lights furnished by the employer for use aboard vessels and purchased after September 1, 1966, shall be listed as approved by the U.S. Coast Guard or shall bear the Underwriters Laboratories, Inc. Marine Label.

(c) Employees shall not be permitted to enter dark holds, compartments, decks or other places without a flashlight or other suitable portable light. The use of matches or open flame lights is prohibited.

§ 1504.93 Ventilation and atmospheric conditions.

(a) Ventilation requirements with respect to carbon monoxide:

§ 1504.94 Sanitation and drinking water.

- (a) Longshoring operations shall not be carried on in the immediate vicinity of uncovered garbage or in the way of overboard discharges from sanitary lines unprotected by a baffle or splash boards.
- (b) Clean drinking water in clean, covered containers shall be provided. Individual sanitary drinking cups or some other equally sanitary device shall be conveniently available.

§ 1504.95 Longshoring operations in the vicinity of repair and maintenance work.

- (a) Longshoring operations shall not be carried on when chipping or scaling of decks, bulkheads or sides of vessels creates excessive noise which interferes with communication of warnings or instructions.
- (b) Longshoring operations shall not be carried on in the hold or on deck beneath men working in the rigging overhead when such overhead work creates a hazard of falling objects.

- (c) Longshoring operations shall not be carried on where employees are exposed to injurious light rays, hot metal, or sparks, any of which result from welding or cutting.

- (d) Longshoring operations shall not be carried on where employees are exposed to unsafe concentrations of dust or vapors from sand blasting or spray painting.

§ 1504.96 First aid and life saving equipment.

- (a) Unless a first aid room is close at hand and a qualified attendant is prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier only one kit shall be required. The kit shall be kept in the immediate vicinity of the vessel and at least one employee holding a currently valid first aid certificate shall be close at hand.

- (b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall include a sufficient quantity of at least the following types of items:

- Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandages, 40 inch.
Antimonia balneans and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.
Wire or thin board splints.
Forceps and tourniquet.

- (c) The contents of the first aid kit shall be checked before being sent out on each job to ensure that all expended items have been replaced.

- (d) There shall be available for each vessel being worked one Stokes basket stretcher, or its equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that there need be no more than two stretchers on each pier. Stretchers shall be kept close to the vessels.

- (e) The employer shall ensure that there is in the vicinity of each vessel being worked at least one U.S. Coast Guard approved 30-inch lifering with not less than 90 feet of line attached and at least one portable or permanent ladder which will reach from the top of the apron to the surface of the water. If the above equipment is not available at the pier, the employer shall furnish it during the time that he is working the vessel. When working a barge, scow, raft, lighter, log boom, or earfloat alongside a ship, a U.S. Coast Guard approved 30-inch lifering, with not less than 90 feet of line, shall be provided either on the floating unit itself or aboard the ship in the immediate vicinity of each floating unit being worked.

- (f) When employees are working on log booms or cribs, lifelines shall be furnished and hung outside to the water's edge.

§ 1504.97 Qualifications of machinery operators.

- (a) Only those employees considered by the employer to be competent by reason of training or experience, and who understand the signs, notices, and operating instructions and are familiar with the signal code in use shall be permitted to operate a crane, winch or other power-operated hoisting apparatus, or any power-operated vehicle, or to give signals to the operator of any hoisting apparatus.

- (b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him shall be permitted to operate a crane, winch or other power-operated hoisting apparatus or a power-operated vehicle.

- (c) No minor under 18-years of age shall be employed in occupations involving the operation of any power-operated hoisting apparatus or assisting in such operations by performing work such as hooking on or landing drafts, rigging gear, etc.

§ 1504.98 Grain fitting.

- (a) Where employees are engaged in work on longitudinal bulkheads or shifting boards (other than longitudinal bulkheads of feeders) at a distance of eight (8) feet or more above any ceiling, tank top or deck, the following shall apply:
- (1) If working off portable straight ladders the provisions of § 1504.25(f) of this Part shall apply.

- (2) If working off staging, any lumber used in the construction thereof shall be sound, straight grained, free from cross grain, shakes, and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength. Platform planking used as a work surface shall not be less than 2 x 10 lumber and the width of the platform shall not be less than 18 inches.

- (3) If working from other elevated positions, employees shall be protected from falling by safety belt and lifeline or other equivalent protection.

- (b) (1) When grain fitting operations are in progress in the square of an intermediate deck, the hatch covering at that deck shall be such as to cover the hatch except for the minimum open spaces necessary to perform the work.

- (2) When coverings used to provide a temporary work surface are other than the vessels' hatch covers placed in their normal positions, they shall be of adequate strength and so placed or secured that they cannot be accidentally dislodged.

- (c) When the erection of grain fittings requires employees to work on surfaces immediately adjacent to or between open deep tanks, either the deep tank covers

shall be put in place, the opening covered by a net, or the opening guarded by a line, railing or net rigged as a railing, or by other suitable means.

- (d) When removing hatch coverings from the interiors of feeders at the completion of their construction, or when removing or replacing hatch coverings in the interiors of feeders for any purpose at other times, employees engaged in this work shall be protected from falling by the use of adequate individual lifelines, properly tended, or by nets or other means suitable for the purpose. Except for the minimum open spaces necessary, hatch coverings shall not be removed within feeders under construction until such construction is completed.
- (e) When repair of other work is carried out in the interior of an existing feeder and circumstances do not allow the covering of the hatch at that deck, employees shall be protected from falling by the use of adequate individual lifelines, properly secured and if necessary tended, or by nets or other means suitable for the purpose.

- (f) Such other sections of this part as are applicable to grain fitting operations shall be adhered to.

Subpart J—Personal Protective Equipment

§ 1504.101 Eye protection.

- (a) When, because of the nature of the cargo being handled, an eye hazard from flying particles or heavy dust exists, employees shall be protected by eye protection equipment meeting the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z-2.1.
- (b) Eye protection equipment shall be maintained in good condition.

- (c) Eye protection equipment which has previously been used shall be cleaned and disinfected before it is issued by the employer to another employee.

- (d) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

(2) For protection against toxic dusts, a respirator equipped with the type of filter approved for such purpose shall be used.

(3) For protection against nuisance dusts, a respirator equipped with the type of filter required in subparagraph (1) of this paragraph or a suitable dust mask shall be used.

§ 1504.103 Protective clothing.

(a) When employees are handling cargo which, due to ruptured, leaking or inadequate containers, may cause burns, skin irritation or be otherwise injurious to health, they shall be protected by suitable protective clothing.

(b) Protective clothing which has been previously worn shall be cleaned and disinfected before it is issued by the employer to another employee.

§ 1504.104 Foot protection.

The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use.

§ 1504.105 Head protection.

(a) When employees are handling cargoes of loose scrap metal, bulk ores which contain ore in a chunky form, or bulk commodities of a similar nature, they shall be protected by protective hats meeting the specifications contained in the American Standard Safety Code for Head, Eye, and Respiratory Protection, Z-2.1.

(b) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

§ 1504.106 Protection against drowning.

(a) Employees working on log booms shall be protected by U.S. Coast Guard approved buoyant vests or U.S. Coast Guard approved work vests.

(b) Except when engaged in loading or discharging ocean going vessels, employees walking or working on the decks of barges on the Mississippi River System and the Gulf Intracoastal Waterway shall be protected by U.S. Coast Guard approved buoyant vests or U.S. Coast Guard approved work vests.

(c) Buoyant vests and work vests shall be maintained in good condition and shall be considered unserviceable when damaged so as to affect their buoyant properties or capability of being properly fastened.

Appendix I

CARGO GEAR REGISTER AND CERTIFICATES

The cargo gear register, designated Form I by the I.L.O., is a booklet containing instructions and forms on which the following information is recorded:

Test Certificate No.

CERTIFICATE OF TEST AND EXAMINATION OF WINCHES, DERRICKS AND THEIR ACCESSORY GEAR, BEFORE BEING TAKEN INTO USE

(Form prescribed by)

Name of ship on which machinery is fitted.

(1)	(2)	(3)	(4)
Situation and description of machinery and gear, with distinguishing number or mark (if any)	Angle to the horizontal of derrick boom while the load was applied (degrees)	Proof load applied (tons)	Safe working load at the angle shown in column 2 (tons)

(5) Name and address of public service, association, company or firm making the test and examination

(6) Position of signatory in public service, association, company, or firm

I certify that on the day of 19...., the above machinery, together with its accessory gear, was tested by a competent person in the manner set forth on the reverse side of this certificate; that a careful examination of the said machinery and gear by a competent person after the test showed that it had withstood the proof load without injury or permanent deformation; and that the safe working load of the said machinery and gear is as shown in column 4.

(Date) (Signature)

Note: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

INSTRUCTIONS

Every winch with the whole of the gear accessory thereto (including derricks, goosenecks, eye plates, eye bolts, or other attachments) shall be tested with a proof load which shall exceed the safe working load as follows:

Up to 20 tons	Safe working load	Proof load
20-50 tons	25 percent in excess	25 percent in excess.
Over 50 tons	5 tons in excess	5 tons in excess.
	10 percent in excess	10 percent in excess.

§ 1504.102 Respiratory protection.

(a) General. (1) Except as provided in subparagraph (c) (3) of this section, respiratory protective equipment required by this part shall carry U.S. Bureau of Mines approval for the use intended. In cases where the U.S. Bureau of Mines does not issue approval against canisters and chemical cartridges shall be acceptable to the Bureau of Labor Standards. Respiratory protective equipment shall be used only for the purpose intended and no modification of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees required to use respiratory protective equipment shall be instructed in its use.

(b) Protection against gaseous contaminants not immediately dangerous to life. (1) In concentrations of ammonia of less than 3 percent, or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister shall be used. Different canisters are approved for use against the following gases and groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide or combinations of the above.

(2) In low concentrations (less than 0.1 percent by volume, but above the Threshold Limit Value of the gas), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subparagraph (1) of this paragraph shall be used.

(c) Protection against dusts. (1) For protection against pneumoconiosis producing dusts, a respirator equipped with the type of filter approved for such purpose shall be used.

[Reverse of Form 3]

INSTRUCTIONS

Every crane and other hoisting machine, with its accessory gear, shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load	Proof load
Up to 20 tons.....	25 percent in excess.
20-50 tons.....	5 tons in excess.
Over 50 tons.....	10 percent in excess.

The proof load shall be lifted and swung as far as possible in both directions. If the jib of the crane has a variable radius, it should be tested with a proof load, as defined above, at the maximum and minimum radii of the jib. With hydraulic cranes where, owing to the limitation of pressure, it is impossible to lift a load 25 percent in excess of the safe working load, it will be sufficient to lift the greatest possible load.

After being tested, each crane or hoist, with the whole of the gear accessory thereto, shall be examined to see whether any part has been injured or permanently deformed by the test.

NOTE: The expression "ton" means a ton of 1,000 kg or 2,200 lb.

Test Certificate No. Form No. 4

CERTIFICATE OF TEST AND EXAMINATION OF CHAINS, RINGS, HOOKS, SHACKLES, SWIVELS AND PULLEY BLOCKS

(Form prescribed by))

(1) Distinguishing number or mark (if any)	(2) Description of gear*	(3) Number tested	(4) Date of test	(5) Proof load applied (tons)	(6) Safe working load (tons)

* The dimensions of the gear, the type of material of which it is made and, where applicable, the heat treatment received in manufacture should be stated (unless Form No. 6 is used for the purpose).

(7) Name and address of makers or suppliers

(8) Name and address of public service, association, company or firm making the test and examination

(9) Position of signatory in public service, association, company or firm

I certify that on the day of 19.... the above gear was tested and examined by a competent person in the manner set forth on the reverse side of this certificate; that the examination showed that the said gear withstood the proof load without injury or deformation; and that the safe working load of the said gear is as shown in Column 6.

(Signature)

(Date)

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

[Reverse of Form 4]

INSTRUCTIONS

Chains, rings, shackles and other loose gear (whether accessory to a machine or not) shall be tested with a proof load equal to that shown against the article in the following table:

The proof load shall be lifted with the ship's normal tackle with the derrick at an angle which should not be more than 15 degrees to the horizontal, or, when this is impracticable, at the lowest practicable angle. The angle at which the test was made should be stated in the certificate of test. After the proof load has been lifted, it should be swung as far as possible in both directions.

As a general rule, all tests should be carried out in this way by dead load, and no exception should be allowed in the case of gear on new ships. In the case of replacements or renewals, however, spring or hydraulic balances may be used where dead loads are not available. Where a spring or hydraulic balance is used it shall be accurate, and the test should not be regarded as satisfactory unless the indicator remains constant for a period of at least five minutes.

After being tested as aforesaid, all lifting machinery, with the whole of the gear accessory thereto shall be examined to see whether any part has been injured or permanently deformed by the test.

The safe working load shown in column 4 is applicable only to a swinging derrick. When using fixed derricks, such as "union purchase" rigs, the safe working load should as a general rule be reduced; in any case, it should be determined with due regard to the actual conditions of use.

In the case of heavy derricks, care should be taken that the appropriate shrouds and stays are rigged.

NOTE: The expression "ton" means a ton of 1,000 kg or 2,200 lb.

Test Certificate No. Form No. 3

CERTIFICATE OF TEST AND EXAMINATION OF CRANES OR HOISTS, AND THEIR ACCESSORY GEAR

BEFORE BEING TAKEN INTO USE

(Form prescribed by))

Name of ship on which machinery is fitted

(1) Situation and description of crane or hoist, with distinguishing number or mark (if any)	(2) For jib cranes radius at which the proof load was applied	(3) Proof load applied (tons)	(4) Safe working load (for jib cranes at radius shown in column 2) (tons)

(5) Name and address of public service, association, company or firm making the test and examination

(6) Position of signatory in public service, association, company or firm

I certify that on the day of 19.... the above machinery, together with its accessory gear, was tested by a competent person in the manner set forth on the reverse side of this certificate; that a careful examination of the said machinery and gear by a competent person after the test showed that it had withstood the proof load without injury or permanent deformation; and that the safe working load of the said machinery and gear is as shown in column 4.

(Signature)

Date

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

RULES AND REGULATIONS

Certificate No. ----- Form No. 6
CERTIFICATE OF HEAT TREATMENT OF CHAINS, RINGS, HOOKS, SHACKLES AND SWIVELS WHICH
REQUIRE SUCH TREATMENT

(Form prescribed by -----)

(1) Distinguishing number or mark	(2) Description of gear*	(3) Number of certificate of test and examination	(4) Number heat treated	(5) Date of heat treatment	(6) Nature of heat treatment given	(7) Defects found at inspection after heat treatment

*The dimensions of the gear, the type of material of which it is made, and the heat treatment received in manufacture should be stated.

(8) Name and address of public service, association, company or firm carrying out the heat treatment and inspection -----

(9) Position of signatory in public service, association, company or firm -----

I certify that on the date shown in Column 5, the gear referred to in Columns 1 to 4 was heat-treated (indicated in Column 6) under my supervision; that after being so heat-treated every article was carefully inspected, and that no defects affecting its safe working condition were found other than those indicated in Column 7.

(Date) ----- (Signature) -----

Notes: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.
For requirements as to heat treatment, see reverse side.

[Reverse of Form No. 6]

INSTRUCTIONS
ANNEALING

Chains (other than bridle chains attached to derricks or masts), rings, hooks, shackles and swivels made of wrought iron, used in hoisting or lowering, shall be annealed at the following intervals:

	If used on lifting machinery driven by power	If used solely on lifting machinery worked by hand
Half-inch (12.5 mm) and smaller chains, rings, hooks, shackles and swivels in general use.	6 months	12 months
All other chains, rings, hooks, shackles and swivels in general use.	12 months	2 years

OTHER HEAT TREATMENT

Chains, rings, hooks, shackles and swivels made of material other than wrought iron shall be heat treated in accordance with procedures approved by the competent authority.

Article of gear
Chain, ring, hook, shackle or swivel ----- Proof load
100 percent in excess of the safe working load.

Pulley blocks:
Single-sheave block ----- 300 percent in excess of the safe working load.

Multiple-sheave block with safe working load up to and including 20 tons, ----- 100 percent in excess of the safe working load.

Multiple-sheave block with safe working load over 20 tons up to and including 40 tons, ----- 20 tons in excess of the safe working load.

Multiple-sheave block with safe working load over 40 tons, ----- 50 percent in excess of the safe working load.

Pitched chains used with hand-operated pulley blocks and rings, hooks, shackles or swivels permanently attached thereto, ----- 50 percent in excess of the safe working load.

Hand-operated pulley blocks used with pitched chains and rings, hooks, shackles or swivels permanently attached thereto, ----- 50 percent in excess of the safe working load.

After being tested, all the gear shall be examined, the sheaves and the pins of the pulley blocks being removed for the purpose, to see whether any part has been damaged or permanently deformed by the test.

NOTE: The expression "ton" means a ton of 1,000 Kg or 2,200 lb.

Test Certificate No. ----- Form No. 5
CERTIFICATE OF EXAMINATION AND TEST OF WIRE ROPE BEFORE BEING TAKEN INTO USE
(Form prescribed by -----)

Name and address of maker or supplier of rope -----

Circumference/diameter* of rope -----

Number of strands -----

Number of wires per strand -----

Lay -----

Quality of wire -----

Date of test of sample of rope -----

Load at which sample broke -----

Safe working load, subject to any stated qualifying conditions such as minimum pulley diameter, direct tensile load, etc -----

Name and address of public service, association, company or firm making the examination and test -----

Position of signatory in public service, association, company or firm making the examination and test -----

I certify that the above particulars are correct, and that the examination and test were carried out by a competent person.

(Date) ----- (Signature) -----

Notes: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.
*Delete what does not apply.

[Reverse of Form No. 5]

INSTRUCTIONS

Wire rope shall be tested by sample, a piece being tested to destruction, and the safe working load of running ropes shall not exceed one-fifth of the breaking load of the sample tested.

Certificate No. -----
 Form No. 7
 CERTIFICATE OF ANNUAL THOROUGH EXAMINATION OF GEAR WHICH DOES NOT REQUIRE TO BE PERIODICALLY HEAT TREATED

(Form prescribed by -----)

(1) Distinguishing number or mark	(2) Description of gear*	(3) Number of certificates of test and examination	(4) Remarks

*The dimensions of the gear, the type of material of which it is made, and the heat treatment received in manufacture should be stated.

(5) Name and address of public service, association, company or firm making the test and examination -----

(6) Position of signatory in public service, association, company or firm -----

I certify that on the ----- day of ----- 19--, the above gear was thoroughly examined by a competent person, and that no defects affecting its safe working condition were found other than those indicated in Column 4.

(Date) -----
 Notes: This certificate is optional. The above particulars may be entered in Part III of the Register (Form No. 1).

"Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.
 For list of gear not required to be heat-treated and definition of "thorough examination", see reverse side.

INSTRUCTIONS

Gear not required to be heat treated, but required to be thoroughly examined by a competent person once at least in every twelve months:
 Plate-link chains.
 Pitched chains.
 Rings, hooks, shackles and swivels permanently attached to pitched chains, pulley blocks or weighing machines.
 Hooks and swivels having ball bearings or other case-hardened parts.
 Bordesaux connections.
 Other gear exempted by the competent authority, as follows: -----

Note: "Thorough examination" means a visual examination, supplemented if necessary by other means such as a hammer test, carried out as carefully as conditions permit in order to arrive at a reliable conclusion as to the safety of the parts examined; if necessary for the purpose, parts of the machines or gear must be dismantled.

Effective date. This revision shall become effective 30 days following the date of its publication in the FEDERAL REGISTER, except §§ 1504.13 and 1504.14, which shall become effective on February 1, 1970.

Signed at Washington, D.C., this 21st day of March 1969.

GEORGE P. SAULTZ,
 Secretary of Labor.

[F.R. Doc. 69-3617; Filed, Apr. 3, 1969; 8:45 a.m.]

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