

FEDERAL REGISTER

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Agencies in this issue—

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Atomic Energy Commission
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Reserve System
Federal Trade Commission
Fiscal Service
Fish and Wildlife Service
Internal Revenue Service
Interstate Commerce Commission
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Railroad Retirement Board
Securities and Exchange Commission
Wage and Hour Division

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Rules and Regulations

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

The public hunting of prairie grouse and pheasants on the Valentine National Wildlife Refuge, Nebr., shall be permitted only on areas designated by signs as open to hunting. The open areas are delineated on maps available at refuge headquarters, Valentine, Nebr. 69201, and from the office of the Regional Director, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations governing the hunting of prairie grouse and pheasants subject to the following special conditions:

(1) The refuge will be closed to prairie grouse and pheasant hunting during the regular State duck hunting season.

(2) The open season for hunting prairie grouse on the refuge extends from September 20, 1969, through the closing date of the regular State prairie grouse season, or until the opening date of the regular State duck hunting season. In the event the State of Nebraska selects a split duck hunting season, the refuge will be closed to prairie grouse hunting during such split seasons and open otherwise within the regular State prairie grouse season. The open area shall include 40,765 acres or 57 percent of the refuge.

(3) The open season for hunting pheasants on the refuge extends from November 1, 1969, or the close of the regular State duck hunting season, whichever is later, to the close of the regular State pheasant hunting season. In the event the State of Nebraska selects a split duck hunting season the refuge will be closed to pheasant hunting during such split seasons and open otherwise within the regular State pheasant hunting season. The open areas shall include 70,085 acres or 98 percent of the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through the close of the regular State 1969-70 pheasant hunting season.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

JULY 24, 1969.

[F.R. Doc. 69-8988; Filed, July 30, 1969; 8:47 a.m.]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Valentine National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 70,085 acres, is delineated on maps available at refuge headquarters, Valentine, Nebr., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable state regulations governing the hunting of deer subject to the following special regulations:

(1) The open season for hunting deer with firearms on the refuge will extend from November 8, 1969, through November 16, 1969.

(2) The hunting season for deer on the refuge with bow and arrow will extend from September 20, 1969 through December 31, 1969.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1969.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

JULY 24, 1969.

[F.R. Doc. 69-8987; Filed, July 30, 1969; 8:47 a.m.]

PART 33—SPORT FISHING

Valentine National Wildlife Refuge, Nebr.

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 refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,880 acres of water area on the refuge, are delineated on maps available at the refuge headquarters and from the Office of the Regional Director, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

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 during daylight hours only, from January 1, 1970, through December 31, 1970, in those waters posted as open, except that all fishing is prohibited during the regular State duck hunting season.

(2) Hook and line, bow and arrow, and hand spearing fishing only are permitted.

(3) Boats are permitted on lakes opened to sport fishing, but boats with motors are prohibited.

(4) The use or possession of minnows, fish, or parts thereof, for bait, or the possession of any seine or net for capturing minnows is prohibited.

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, 1970.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

JULY 24, 1969.

[F.R. Doc. 69-8989; Filed, July 30, 1969; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 395—PLAN OF OPERATION DURING A NATIONAL EMERGENCY

Miscellaneous Amendments

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, as amended; 45 U.S.C. 228j), and section 12 of the act of June 25, 1938 (52 Stat. 1107, as amended; 45 U.S.C. 362), §§ 395.5(b)(2) and 395.6(b)(3) of Part 395 (20 CFR 395.5(b)(2) and 395.6(b)(3)) of the regulations under such acts are amended by Board Order 69-76, dated July 17, 1969, as follows:

§ 395.5 Organization and functions of the Board, delegations of authority, and lines of succession.

(b) * * *

(2) In the absence or incapacity of the chairman of the Board, the authority of the chairman to act for the Board shall pass to the available successor highest on the following list:

Management Member of the Board.
Labor Member of the Board.
Chief Executive Officer.
Director of Retirement Claims.
Director of Unemployment and Sickness Insurance.
Director of Data Processing and Accounts.
Director of Budget and Fiscal Operations.
Director of Management Control.
Chief Actuary and Director of Research.
The Regional Director highest on the following list:
Kansas City. San Francisco.
Dallas. New York.
Cleveland. Chicago.
Atlanta.

§ 395.6 Personnel, fiscal, and service functions.

(b) * * *

(3) In a national emergency, incumbents of the following positions are designated as emergency cashiers and are authorized to receive and disburse cash for emergency administrative needs of the Board:

<i>Cashiers</i>	<i>Alternates</i>
Chairman of the Board.	Washington Liaison Officer.
Management Member of the Board.	Labor Member of the Board. Director, Office of Budget and Fiscal Operations.
Chief Executive Officer.	None.
Regional Director:	
Atlanta -----	Deputy Regional Director and nearby official.
New York -----	Do.
Cleveland -----	Do.
Chicago -----	Do.
Dallas -----	Deputy Regional Director.
Kansas City -----	Deputy Regional Director and nearby official.
San Francisco -----	Do.
District Manager:	
Seattle -----	Occupant of Position No. 7751-26.

(1) Nearby official as used in this subparagraph (3) is that district manager or other field official who is located nearest to his regional director's emergency relocation site and who has been designated by his regional director to act for him in any emergency in which the regional director is prevented from reaching his emergency relocation site.

(ii) The incumbents of the positions listed in this subparagraph (3) are also designated as certifying officers for administrative expenses. They shall perform in the dual capacity of cashier and certifying officer only where circum-

stances make it impractical to use the services of another individual as certifying officer, and only when (a) all channels for making administrative payments through a regional disbursing office of the Department of the Treasury have been rendered inoperable, and (b) clearance has been obtained from the ranking official in line of succession as set forth in § 395.5(b) (1) and (2) if possible.

(iii) Cash disbursed under this authority shall be used in payment of payrolls, travel reimbursement vouchers, emergency travel advances and other necessary administrative expenses of the Board; cash shall not be used to pay benefits under the Railroad Retirement Act or the Railroad Unemployment Insurance Act.

Dated: July 24, 1969.

By authority of the Board.

[SEAL] LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 69-8966; Filed, July 30, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Golden Nematode

On February 28, 1969, there was published in the FEDERAL REGISTER (34 F.R. 3630), a notice of hearing and proposed rule making concerning the issuance of a notice of quarantine relating to the golden nematode and regulations supplemental to said quarantine under the authority contained in sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), and section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee). It was proposed that the States of Delaware and New York be quarantined. It was also proposed to regulate the movement therefrom of specified articles under certain conditions.

Interested persons were given an opportunity to submit written data, views, and arguments, and a public hearing was held to consider the above proposals.

After due consideration of all relevant matters presented at the hearing or otherwise pursuant to the notice, and under the aforesaid authorities, Notice of Quarantine No. 85 relating to the golden nematode and regulations supplemental to said quarantine to appear in 7 CFR 301.85, 301.85-1 et seq. are hereby issued to read as follows:

QUARANTINE AND REGULATIONS

Sec.
301.85 Quarantine; restriction on interstate movement of specified regulated articles.

Sec.
301.85-1 Definitions.
301.85-2 Authorization to designate regulated areas; and articles which are exempt from certification, permit, or other requirements.
301.85-3 Conditions governing the interstate movement of regulated articles from quarantined States.
301.85-4 Issuance and cancellation of certificates and permits.
301.85-5 Compliance agreements; and cancellation thereof.
301.85-6 Assembly and inspection of regulated articles.
301.85-7 Attachment and disposition of certificates or permits.
301.85-8 Inspection and disposal of regulated articles and pests.
301.85-9 Movement of live golden nematodes.
301.85-10 Nonliability of the Department.

AUTHORITY: The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 33 F.R. 15485.

§ 301.85 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Secretary of Agriculture has determined, after public hearing, that it is necessary to quarantine the States of Delaware and New York in order to prevent the spread of the golden nematode (*Heterodera rostochiensis*), a dangerous pest of potatoes and certain other plants, not heretofore widely prevalent or distributed within and throughout the United States. Therefore, under the authority of said provisions, the Secretary hereby quarantines the States of Delaware and New York, with respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles defined in § 301.85-1 (c) as regulated articles, except in accordance with the conditions prescribed in this subpart:

- (1) Soil, compost, humus, muck, peat, and decomposed manure, separately or with other things.
- (2) Plants with roots, except soil-free aquatic plants.
- (3) Grass sod.
- (4) Plant crowns and roots for propagation.
- (5) True bulbs, corms, rhizomes, and tubers, of ornamental plants.
- (6) Irish potatoes and other root crops.

- (7) Small grains and soybeans.
- (8) Hay, straw, fodder, and plant litter, of any kind.
- (9) Ear corn, except shucked ear corn.
- (10) Used crates, boxes, and burlap bags, and other used farm products containers.
- (11) Used farm tools.
- (12) Used mechanized cultivating and used harvesting machinery.
- (13) Used mechanized soil-moving equipment.
- (14) Any other products, articles, or means of conveyance of any character whatsoever, not covered by subparagraphs (1) through (13) of this paragraph, when it is determined by an inspector that they present a hazard of spread of golden nematode, and the person in possession thereof has been so notified.

§ 301.85-1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Certificate*. A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(b) *Compliance agreement*. A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Pest Control Division, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Division as applicable to the operations of such person.

(c) *Director*. The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(d) *Farm tools*. An instrument worked or used by hand, e.g., hoes, rakes, shovels, axes, hammers, and saws.

(e) *Golden nematode*. The nematode known as the golden nematode (*Heterodera rostochiensis*), in any stage of development.

(f) *Infestation*. The presence of the golden nematode or the existence of circumstances that make it reasonable to believe that golden nematode is present.

(g) *Inspector*. Any employee of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or other person authorized by the Director to enforce the provisions of the quarantine and regulations in this subpart.

(h) *Interstate*. From any State, Territory, or District into or through any other State, Territory, or District of the United States (including Puerto Rico).

(i) *Limited permit*. A document issued or authorized to be issued by an inspector to allow the interstate movement of non-certified regulated articles to a specified

destination for limited handling, utilization, or processing, or for treatment.

(j) *Mechanized cultivating equipment; and mechanized harvesting equipment*. Mechanized equipment used for soil tillage, including tillage attachments for farm tractors, e.g., tractors, disks, plows, harrows, planters, and subsoilers; mechanized equipment used for harvesting purposes, e.g., combines, potato conveyers and harvesters and hay balers.

(k) *Mechanized soil-moving equipment*. Equipment used for moving or transporting soil, e.g., draglines, bulldozers, dump trucks, road scrapers, etc.

(l) *Moved (Movement, move)*. Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(m) *Person*. Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(n) *Regulated area*. Any quarantined State, or any portion thereof, listed as a regulated area in § 301.85-2a or otherwise designated in accordance with § 301.85-2(a).

(o) *Regulated articles*. Any articles described in § 301.85(b).

(p) *Restricted destination permit*. A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certifiable under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(q) *Scientific permit*. A document issued by the Director to allow the interstate movement to a specified destination or regulated articles for scientific purposes.

(r) *Soil*. That part of the upper layer of earth in which plants can grow.

(s) *Treatment manual*. The provisions currently contained in the "Manual of Administratively Authorized Procedures to be Used Under the Golden Nematode Quarantine" and the "Fumigation Procedures Manual" and any amendments thereto.¹

§ 301.85-2 Authorization to designate regulated areas; and articles which are exempt from certification, permit, or other requirements.

(a) *Regulated areas*. (1) The Director shall list as regulated areas in a supplemental regulation designated as § 301.85-2a, the quarantined States, or portions thereof in which golden nematode has been found or in which there is reason to believe that golden nematode is present, or which it is deemed necessary to regulate because of their proximity to infes-

¹ Pamphlets containing such provisions are available, upon request from the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, or from an inspector.

tation or their inseparability for quarantine enforcement purposes from infested localities. Less than an entire quarantined State will be designated as a regulated area only if the Director is of the opinion that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the golden nematode.

(2) The Director, or an authorized inspector, may temporarily designate any other premises in a quarantined State as a regulated area, in accordance with the criteria specified in subparagraph (1) of this paragraph for listing such areas, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of this designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.85-2a if a basis then exists for their designation.

(b) *Articles which are exempt from certification, permit, or other requirements*. The Director may, in a supplemental regulation designated as § 301.85-2b, list regulated articles which shall be exempt from the certification and permit or other requirements of this subpart under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

§ 301.85-3 Conditions governing the interstate movement of regulated articles from quarantined States.²

Any regulated articles may be moved interstate from any quarantined State under the following conditions:

(a) From any regulated area, with certificate or permit issued and attached in accordance with §§ 301.85-4 and 301.85-7 if moved into or through any point outside of the regulated areas; or

(b) From any regulated area, without certificate or permit if moved:

(1) Under the provisions of § 301.85-2b which exempt certain articles from certificate and permit requirements; or

(2) From any regulated area in any quarantined State to any contiguous regulated area; or

(3) Through or reshipped from any regulated area if the articles originated outside of the regulated areas and if the point of origin of the articles is clearly indicated, their identity has been maintained, and they have been safeguarded

² Requirements under all other applicable Federal domestic plant quarantines must also be met.

against infestation while in the regulated area in a manner satisfactory to the inspector; or

(c) From any area outside the regulated areas, without a certificate or permit if the regulated articles are exempt under the provisions of § 301.85-2b or if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles, and if the movement is not made through any regulated area.

§ 301.85-4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Have been treated to destroy infestation in accordance with the treatment manual; or

(3) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles, not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when upon evaluation of the circumstances involved in each specific case he determines that such movement will not result in the spread of the golden nematode and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits may be issued by the Director to allow the interstate movement of regulated articles for scientific purposes under such conditions as may be prescribed in each specific case by the Director.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use by the latter for subsequent shipments provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may use the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has made ap-

propriate determinations as specified in paragraph (a) of this section with respect to such articles. Any such person may use the limited permit forms, or reproductions of such forms, for interstate movement of regulated articles to specified destinations authorized by the inspector in accordance with paragraph (b) of this section. Any such person may use the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart.

§ 301.85-5 Compliance agreements; and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Director or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

§ 301.85-6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or reproductions thereof, under § 301.85-4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such a manner as the inspector designates to facilitate inspection.

§ 301.85-7 Attachment and disposition of certificates and permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.85-8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and golden nematodes as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd), in accordance with instructions issued by the Director.

§ 301.85-9 Movement of live golden nematodes.

Regulations requiring a permit for, and otherwise governing the movement of live golden nematodes in interstate or foreign commerce are contained in the Federal Plant Pest Regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Director.

§ 301.85-10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

This document shall become effective upon publication in the FEDERAL REGISTER. It imposes restrictions that are necessary in order to prevent the dissemination of the golden nematode. Therefore, it should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, it is found under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to this document are unnecessary and impracticable, and good cause is found for making this document effective less than 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of July 1969.

[SEAL]

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

[F.R. Doc. 69-8996; Filed, July 30, 1969;
8:48 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Golden Nematode

REGULATED AREAS

Under the authority of § 301.85-2 of the Golden Nematode Quarantine regulations (7 CFR 301.85-2, 34 F.R. 12491), a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.85-2a, as follows:

§ 301.85-2a Regulated areas.

The civil divisions, parts of civil divisions, and premises described below, and all highways abutting thereon, in the quarantined States, are designated as golden nematode regulated areas within the meaning of the provisions of this subpart:

DELAWARE

New Castle County. That property in Appoquinimink Hundred bounded by a line beginning at a point on State Highway 446, 0.6 mile southeast of the junction of State Highways 446 and 458, thence extending southeast 0.4 mile on State Highway 446, thence south along a projected line to the northwestern end of Wiggins Mill Dam, thence westerly along the north shore of Wiggins Mill Pond and the northwest fork of Jones Branch to the point where Jones Branch turns due west, thence from said point 0.3 mile along a projected line north to its junction with State Highway 458, thence northeast 3,000 feet along the south side of said highway, thence southeast 3,500 feet along a line projected to intersect the west tip of Wiggins Mill Pond, thence projected due east 800 feet to the woods edge, thence projected northeastward to the point of beginning.

That property in Appoquinimink Hundred bounded by a line beginning at the intersection of State Highways 458 and 446, thence extending along the north side of Highway 446 northeast 1,250 feet to a concrete boundary marker, thence northwest along a line projected to intersect with a stream known locally as Appoquinimink Creek, thence southwest along the south bank of said creek to its intersection with State Highway 446, thence southeast along the eastern side of said highway to the point of beginning.

NEW YORK

Nassau County. The entire county.
Steuben County. The towns of Prattsburg and Wheeler.
Suffolk County. The entire county.
 Yates County. The town of Italy.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.85-2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER.

The Director of the Plant Pest Control Division has determined that infestations of the golden nematode exist or are likely to exist in the civil divisions, parts of civil divisions, and premises listed above, or that it is necessary to regulate such areas because of their proximity to golden nematode infestations or their inseparability for quarantine enforcement purposes from golden nematode infested localities. The Director has determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the golden nematode. Accordingly, such civil divisions, parts of civil divisions, and premises listed above, are designated as golden nematode regulated areas.

This document imposes restrictions that are necessary in order to prevent the spread of the golden nematode. Therefore, it should be made effective at the earliest practicable date in order to accomplish its purpose in the public interest. Accordingly, it is found under the

administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are unnecessary and impracticable, and good cause is found for making the regulation effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of July 1969.

D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 69-8994; Filed, July 30, 1969; 8:47 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Golden Nematode

EXEMPTIONS

Under authority of § 301.85-2 of the Golden Nematode Quarantine regulations (7 CFR 301.85-2, 34 F.R. 12491) a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.85-2b as set forth below. The Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.85-2b Exempted articles.¹

(a) The following articles are exempt from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (3) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(1) Small grains if harvested in bulk or directly into approved containers, and if the small grains and containers thereof have not come into contact with the soil; or, if they have been cleaned to meet State seed sales requirements.

(2) Soybeans (other than for seed), if harvested in bulk or directly into approved containers, and if the soybeans and containers thereof have not come into contact with the soil.

(3) Unshucked ear corn, if harvested in bulk or directly into approved containers, and if the corn and containers thereof have not come into contact with the soil.

(4) Used farm tools, if cleaned free of soil.

(b) The following articles are exempt from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (3) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subpara-

¹ The articles hereby exempted remain subject to applicable restrictions under other quarantines and other provisions of this subpart.

graphs: *Provided*, That this exemption shall not apply to any class of regulated articles specified by an inspector in a written notification to the owner or person in possession of the premises that the movement of such articles from such premises under this exemption would involve a hazard of spread of the golden nematode:

(1) Irish potatoes (other than for seed), if graded at an approved grader or washed free of soil, and packaged in approved containers. *Provided; however*, Potatoes from noninfested fields may be shipped to Puerto Rico in new burlap bags.²

(2) Root crops (other than Irish potatoes and sugar beets), if moved in approved containers.

(3) Hay, straw, fodder, and plant litter, if moved in approved containers.

(c) The following articles are exempt from the certification and permit requirements of this subpart under the applicable conditions prescribed below:

Soil samples of any size if collected and shipped to any U.S. Army Corps of Engineers soil laboratory located within the conterminous United States, in accordance with a compliance agreement with the shipper pertaining to such consignments.

(d) Containers of the following types are approved for the purposes of this section:

(1) New paper bags; and consumer packages of any material except cloth or burlap.

(2) Crates, pallet boxes, trucks, and boxcars, if free of soil.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.85-2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER.

This document relieves certain restrictions which are not deemed necessary in order to prevent the interstate spread of the golden nematode. It should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions being relieved. Accordingly, it is found under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to this document are unnecessary and impracticable and this document may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of July 1969.

[SEAL] D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 69-8995; Filed, July 30, 1969; 8:48 a.m.]

² Any grader is eligible for approval under this subpart if the operator thereof enters a compliance agreement (as defined in § 301.85-1(b)) and the grader is equipped with a suitable chain or perforated belt which, in the judgment of the inspector, will remove soil from the potatoes. Information as to approved graders may be obtained from an inspector.

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

[Valencia Orange Reg. 287]

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

Limitation of Handling

§ 908.587 Valencia Orange Regulation 287.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 29, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Ari-

zona and designated part of California which may be handled during the period August 1, 1969, through August 7, 1969, are hereby fixed as follows:

- (1) District 1: 252,000 cartons;
- (i) District 2: 343,000 cartons;
- (ii) District 3: 105,000 cartons.

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

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

Dated: July 30, 1969.

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

[P.R. Doc. 69-9089; Filed, July 30, 1969, 11:36 a.m.]

[Prune Reg. 7]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the recommendations of the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee reflects its appraisal of the fresh prune crop and current and prospective market conditions. Shipments of Idaho-Oregon fresh prunes are expected to begin on or about August 4, 1969. The grade and size requirements provided herein are necessary to prevent the handling, on and after August 4, 1969, of prunes grading lower and being smaller in size than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) 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 regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the de-

clared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 4, 1969. A reasonable determination as to the supply of, and the demand for, prunes must await the development of the crop and adequate information thereon was not available to the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee until July 22, 1969; recommendation as to the need for, and the extent of, regulation of shipments of such prunes was made at the meeting of said committee on July 22, 1969, after consideration of all available information relative to the supply and demand conditions for such prunes, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such prunes are expected to begin on or about the effective date hereof; and this regulation should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 925.308 Prune Regulation 7.

(a) *Order.* During the period August 4, 1969, through December 31, 1969, no handler shall handle any lot of prunes unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade and size requirements:* Such prunes grade at least U.S. No. 1 and are a minimum size of 1 1/4 inches in diameter; *Provided,* That prunes which are affected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1.

(2) *Containers:* The net weight of prunes in any container, other than the one-half (1/2) bushel basket shall be either (1) less than 20 pounds, or (2) more than 30 pounds.

(3) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 150 pounds net weight may be handled without regard to the restrictions specified in this paragraph (a) or in §§ 925.41 (Assessment) and 925.55 (Inspection and certification).

(4) The terms "U.S. No. 1," "diameter," and "hail marks" shall have the same meaning as when used in the U.S. Standards for Fresh Plums and Prunes (§§ 51.1520-51.1538 of this title); and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

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

Dated: July 28, 1969.

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

[P.R. Doc. 69-8968; Filed, July 30, 1969, 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM-4)

The following reissuance of Part 1488, Title 7, Code of Federal Regulations, is published to include all amendments to date of the regulations governing the CCC Export Credit Sales Program as published on October 9, 1968 (33 F.R. 15052-15061), and corrected on October 17, 1968 (33 F.R. 15408), to make certain changes to conform with organizational changes within the Department, and to delete the requirement relating to proof of importers' qualifications in connection with financing export credit sales of breeding cattle under Supplements I and II.

- Sec.
- 1488.1 General statement.
- 1488.2 Definition of terms.
- 1488.3 Submission of applications for financing.
- 1488.4 Coverage of bank obligations.
- 1488.5 CCC drafts.
- 1488.6 Interest charges.
- 1488.7 Expiration of period for export.
- 1488.8 Advance payment.
- 1488.9 Documents required after export.
- 1488.10 Evidence of export and warranty.
- 1488.11 Evidence of entry into country of destination.
- 1488.12 Liability for payment.
- 1488.13 Assignment.
- 1488.14 Covenant against contingent fees.
- 1488.15 Shipment of commodities on vessels calling at Cuban and North Vietnamese ports.
- 1488.16 Officials not to benefit.
- 1488.17 Exporter's records and accounts.
- 1488.18 Communications.

Supplement I—Beef Breeding Cattle.
Supplement II—Dairy Breeding Cattle.

AUTHORITY: The provisions of this Subpart A issued under sec. 5(f), 62 Stat. 1072, 15 U.S.C. 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; sec. 4, 80 Stat. 1538, 7 U.S.C. 1707a.

§ 1488.1 General statement.

(a) Except as otherwise provided in this paragraph (a), the regulations contained in this Subpart A supersede Announcement GSM-3, Revision II, as amended, and set forth the terms and conditions governing the CCC Export Credit Sales Program (GSM-4). The maximum financing period shall be 3 years. GSM-3, Revision II, as amended, shall remain in effect for all transactions under credit approvals issued thereunder before April 27, 1967, the effective date of GSM-4.

(b) On approval by CCC of an application for financing under this program, an eligible exporter may, but will not be obligated to, make export sales of agricultural commodities from private stocks on a deferred payment basis in accordance with the applicable financing arrangement. After export and subject to

the terms and conditions set forth in this subpart, CCC will purchase for cash the exporter's account receivable arising from such export sale.

(c) The provisions of Public Law 83-664 are not applicable to the exporter's shipments under this program.

(d) The regulations contained in this Subpart A may be supplemented by such additional terms and conditions, applicable to specified agricultural commodities, as may be set forth in supplements hereto, and, to the extent that they may be in conflict or inconsistent with any other provisions of this Subpart A, such additional terms and conditions shall prevail.

§ 1488.2 Definition of terms.

Terms used in this subpart are defined as follows:

(a) "Account receivable" means the contractual obligation of the foreign importer to the exporter for the portion of the port value of the commodity exported for which the exporter is extending credit to the importer. The account receivable shall be evidenced by a promissory note or accepted draft in form and substance satisfactory to CCC, except that it may be evidenced by other documents, in form and substance satisfactory to CCC, evidencing the contractual obligation of the foreign importer when the account receivable is assured by an obligation issued by a U.S. bank or when the Vice President, CCC, or his designee, determines under special circumstances that it is in the interest of CCC. All such notes, accepted drafts and other documents evidencing the account receivable shall provide for (1) payment in U.S. dollars in the United States, (2) interest in accordance with § 1488.6, and (3) acceleration of payment thereunder in accordance with the terms and conditions of GSM-4. As used in GSM-4, "instrument" means a promissory note or accepted draft.

(b) "Agency or branch bank" means a foreign agency or branch bank supervised by New York State banking authorities or the banking authorities of any other State providing similar supervision, as approved by the Vice President, CCC, or his designee.

(c) "ASCS office" means the New Orleans Commodity Office of the Agricultural Stabilization and Conservation Service U.S. Department of Agriculture.

(d) "Bank obligation" means an obligation, acceptable to CCC, of a U.S. bank, agency or branch bank, or foreign bank to pay to CCC in U.S. dollars the amount of the port value which is being financed by CCC, plus interest in accordance with § 1488.6. The bank obligation shall be in the form of an irrevocable letter of credit issued, confirmed or advised by a U.S. bank or an agency or branch bank. The bank obligation shall provide for payment under the terms and conditions of the financing agreement and shall be payable not later than the date of expiration of the financing period or of the bank obligation, whichever occurs first, if payment is not received from other sources.

(e) "CCC" means the Commodity Credit Corporation, U.S. Department of Agriculture.

(f) "Commercial risk" means risk of loss due to any cause other than a political risk.

(g) "Date of delivery" means the on-board date of the ocean bill of lading or, if exported by rail or truck, the date of entry shown on an authenticated landing certificate or similar document issued by an official of the government of the importing country.

(h) "EMS" means the Export Marketing Service, U.S. Department of Agriculture.

(i) "Eligible commodities" means those agricultural commodities, including eligible cotton, which are produced in the United States and which are designated as eligible for export under CCC's Export Credit Sales Program in either the CCC Monthly Sales List or other announcement by CCC in effect for the calendar month in which the financing approval is issued. Commodities which have been purchased from CCC are eligible for export as private stocks. Commodities shall not be eligible for financing under this program if they are exported under a barter contract or arrangement.

(j) "Eligible cotton" means (1) extra long staple cotton grown in the United States of Grade No. 9 or better under the Official Cotton Standards of the United States for Grades of American-Egyptian Cotton (§§ 28.501 et seq. of this title), or Grade No. 5 or better under the Official Cotton Standards of the United States for Grades of Sea Island Cotton (§§ 28.551 et seq. of this title), and having a staple length of 1 $\frac{3}{8}$ inches or longer; *Provided, however,* That, all (i) reginned or repacked cotton, as defined in regulations of the Department of Agriculture under the U.S. Cotton Standards Act (§ 28.40 of this title), and (ii) cotton which the exporter has any reason to believe may be shorter in staple length than 1 $\frac{3}{8}$ inches or below grade, shall be eligible for export hereunder only if a Form A certificate or other classification record acceptable to CCC issued by a board of cotton examiners of the U.S. Department of Agriculture covering each such bale shows that all such cotton exported was 1 $\frac{3}{8}$ inches or longer in staple length and of Grade No. 9 or better for American-Egyptian Cotton or Grade No. 5 or better for Sea Island Cotton. CCC's determination as to the eligibility of cotton hereunder shall be final. (2) Upland cotton grown in the United States, of a grade named in the Universal Standards for American Upland Cotton (§§ 28.401 et seq. of this title), and having a staple length of 1 $\frac{3}{16}$ -inch or longer; *Provided, however,* That, all (i) reginned or repacked cotton, as defined in regulations of the U.S. Department of Agriculture under the U.S. Cotton Standards Act (§ 28.40 of this title), and (ii) cotton which the exporter has any reason to believe may be shorter in staple length than 1 $\frac{3}{16}$ -inch or below

grade, shall be eligible for export hereunder only if a Form A or Form M certificate or other classification record acceptable to CCC issued by a board of cotton examiners of the U.S. Department of Agriculture covering each such bale shows that all such cotton exported was $\frac{13}{16}$ -inch or longer in staple and of a grade named in the Universal Standards for American Upland Cotton. (Reginned or repacked cotton, unless proof of export includes an acceptable classification record, cotton shorter in staple length than $\frac{13}{16}$ -inch, below grade cotton, by-products of cotton such as cotton mill waste, motes, and linters, and any cotton that contains any byproduct of cotton are not eligible for export hereunder.) CCC's determination as to the eligibility of cotton hereunder shall be final.

(k) "Eligible exporter" or "exporter" means a person (1) who is regularly engaged in the business of buying or selling commodities and for this purpose maintains a bona fide business office in the United States, its territories or possessions, and has someone on whom service of judicial process may be had within the United States, (2) who is financially responsible, and (3) who is not suspended or debarred from contracting with or participating in any program financed by CCC on the date of issuance of his financing approval.

(l) "Eligible destination" means the country which is named in the financing approval and which meets the licensing requirements of the U.S. Department of Commerce.

(m) "Financing agreement" means the financing approval issued by either the Assistant Sales Manager for Export Credit, EMS, or the Director, ASCS office, and includes the terms and conditions of the regulations in this subpart and any amendments thereto in effect on the date of the issuance of the letter of credit.

(n) "Financing approval" means (1) the exporter's written application for financing as approved by the Assistant Sales Manager for Export Credit or by the Director, ASCS office, or (2) the written confirmation by the Director, ASCS office, of a telephonic application approved by the Director, ACSC office.

(o) "Financing period" means the number of months specified in the financing approval. Such period shall start on the date of delivery, or the weighted average delivery date, of the commodities to be exported under the financing agreement.

(p) "Foreign bank" means a bank which is neither a U.S. bank nor an agency or branch bank, and includes a foreign branch of a U.S. bank.

(q) "Foreign importer" or "importer" means the foreign buyer who purchases from the exporter the commodities exported under a financing agreement and who executes the instruments or other documents evidencing the account receivable assigned to CCC.

(r) "GSM-4" means the regulations contained in this Subpart A setting forth the terms and conditions governing the CCC Export Credit Sales Program.

(s) "Monthly Sales List" means the CCC Monthly Sales List which is published monthly in the FEDERAL REGISTER.

(t) "Political risk" means risk of loss due to (1) inability of the foreign bank through no fault of its own to convert foreign currency to dollars, or (2) non-delivery into the eligible destination of the commodity covered by a financing agreement through no fault of the foreign bank or importer or exporter because of the cancellation by the government of the eligible destination of previously issued valid authority to import such shipment into the eligible destination or because of the imposition of any law or of any order, decree, or regulation having the force of law which prevents the import of such shipment into the eligible destination, or (3) inability of the foreign bank to make payment due to war, hostilities, civil war, rebellion, revolution, insurrection, civil commotion, or other like disturbances occurring in the eligible destination, expropriation, confiscation, or other action by the government of the eligible destination.

(u) "Port value" means the net amount of the exporter's sales price of the commodity to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit or, if transhipped through Canada via the Great Lakes, at ports on the St. Lawrence River. The port value shall not include the ocean freight for a c. & f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale. The net amount of the exporter's sales price means the contract price for the commodities less any payments made by the importer and less any discounts, credits, or allowances to the importer.

(v) "United States" means the 50 States, the District of Columbia, and Puerto Rico.

(w) "U.S. bank" means a bank organized under the laws of the United States, a State, or the District of Columbia.

(x) "Vice President, CCC" means the Vice President who is the General Sales Manager, Export Marketing Service.

§ 1488.3 Submission of applications for financing.

(a) An eligible exporter may submit an application for financing. Except as otherwise provided in this paragraph (a), all applications for financing shall be submitted to the Assistant Sales Manager for Export Credit, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. An application for financing export sales of cotton under which the financing period will not exceed 12 months, the amount of financing will not exceed \$4 million, and the bank obligation will be issued by a U.S. bank, may be submitted to the Director, ASCS office, as provided in paragraph (e) of this section.

(b) CCC reserves the right to reject any and all applications.

(c) Applications submitted to the Assistant Sales Manager for Export Credit shall be in writing and shall refer to

GSM-4, thereby incorporating by reference into the application all the terms and conditions of GSM-4. On approval, the Assistant Sales Manager for Export Credit shall assign a financing approval number and issue the financing approval. The following information shall be included in the exporter's application:

(1) The name of the commodity to be exported, the class, grade or quality, as applicable, and the quantity.

(2) The country of destination.

(3) The approximate port value of the commodity to be exported.

(4) The financing period.

(5) Justification for a financing period in excess of 12 months for cotton, tobacco, and vegetable oils and 6 months for all other eligible commodities.

(6) Whether the bank obligation assuring payment of the account receivable will be issued by a U.S. bank, an agency or branch bank, or a foreign bank, and if by a foreign bank or an agency or branch bank, its name and address.

(7) The name and address of the foreign importer.

(d) A financing period in excess of 12 months for cotton, tobacco, and vegetable oils and 6 months for all other eligible commodities, but not in excess of 36 months, may be approved by the Assistant Sales Manager for Export Credit when such longer period will achieve one or more of the following results:

(1) Permit U.S. exporters to meet credit terms offered by competitors from other Free World countries.

(2) Prevent a loss or decline in established U.S. commercial export sales caused by noncommercial factors.

(3) Permit U.S. exporters to establish or retain U.S. markets in the face of penetration by Communist suppliers.

(4) Substitute commercial dollar sales for sales for local currencies and sales on long term credits.

(5) Result in a new use of the imported agricultural commodities in the importing country.

(6) Permit expanded consumption of agricultural commodities in an importing country and thereby increase total commercial sales of agricultural commodities to the importing country by the United States and other exporting countries.

In considering applications involving export of commodities to countries in a good financial and balance of payments situation, principal reliance will be placed on subparagraphs (1), (2), and (3) of this paragraph (d).

(e) Applications submitted to the ASCS office shall designate that the commodity is cotton and shall specify the financing period, the country of destination, the approximate port value of the commodity, the name and address of the foreign importer, and, if the bank obligation assuring payment of the account receivable will be issued by an agency or branch bank, the name and address of such bank. Application may be made by phone or in writing. On approval of an application, the ASCS office shall assign a financing approval number and issue the financing approval which shall refer

to GSM-4, thereby incorporating by reference into the approval all the terms and conditions of GSM-4, for financing approvals issued by the ASCS office, bank obligations must be irrevocable letters of credit issued by a U.S. or agency or branch bank. Confirmed or advised foreign bank obligations are not acceptable under this paragraph (e).

(f) If the Assistant Sales Manager for Export Credit or the ASCS office requires additional information, the applicant shall furnish it on request.

(g) The financing approval may contain such terms and conditions as the Assistant Sales Manager for Export Credit or the ASCS office deems in the interest of CCC not inconsistent with GSM-4.

(h) At any time before the issuance of the related bank obligations, the official who approved the financing application may, on written application of the exporter, amend the financing approval provided the provisions of such amendment are in conformity with the regulations in this Subpart A at the time of such amendment and are determined by such official to be in the interest of CCC. Such amendments may include an extension of the period for export required by § 1488.7(a) provided the exporter furnishes to CCC acceptable evidence of an export sale contract requiring deliveries during a longer period not in excess of 365 days from the date of the financing approval.

§ 1488.4 Coverage of bank obligations.

(a) U.S. banks and agency or branch banks shall be liable without regard to risks for payment of bank obligations issued by them.

(b) If the obligation is issued by a foreign bank, it must be confirmed and advised as provided in paragraphs (c), (d), and (e) of this section.

(c) A U.S. bank must confirm the full amount of an obligation issued by its foreign branch. CCC will look to the U.S. bank for payment without regard to risks.

(d) If an agency or branch bank confirms an obligation issued by a bank in the country in which the home office of the agency or branch bank is located, it must confirm the full amount thereof. CCC will look to the agency or branch bank for payment without regard to risks.

(e) Except as provided above in paragraphs (c) and (d) of this section, if a U.S. bank or an agency or branch bank confirms an obligation issued by a foreign bank, it must confirm at least 10 percent pro rata and must advise the remainder of the foreign bank obligation. For the confirmed amount, CCC will hold the U.S. bank or the agency or branch bank liable for commercial risks but not for political risks. For the advised amount, CCC will not hold the U.S. bank or the agency or branch bank liable for commercial or political risks. CCC will hold the foreign bank liable without regard to risks for all amounts not recovered from the U.S. bank or the agency or branch bank.

(f) Under special circumstances, on application in writing, the Vice President, CCC, may reduce or waive the requirement for 10 percent confirmation by a U.S. or agency or branch bank, but a bank will not be relieved from an obligation once it has been undertaken.

(g) Any bank obligation which provides for a bank acceptance of a time draft drawn by CCC (banker's acceptance) shall not be acceptable to CCC.

(h) CCC will consent to cancellation or reduction of a bank obligation to the extent that it receives payment from other sources of amounts otherwise payable under such bank obligation.

(i) Collection of accounts receivable purchased under this program will be effected through the issuance by CCC of sight drafts against the bank obligations, but this method of collection shall not be exclusive of any other collection procedures or rights available to CCC.

§ 1488.5 CCC drafts.

Under those bank obligations which are partially confirmed, CCC will draw separate drafts for the amounts confirmed and the amounts not confirmed, to which CCC will attach the related instruments evidencing the account receivable, endorsed to the U.S. bank or agency or branch bank. If a CCC draft is dishonored, the U.S. or agency or branch bank shall return the dishonored draft together with the related instrument and its statement of the reasons for nonpayment. For confirmed amounts, a U.S. or agency or branch bank may request refund from CCC of the amount paid if it certifies to CCC that it is unable to recover funds from the foreign bank due to a stipulated political risk which existed on the date payment was made to CCC under the draft. On approval by CCC of such request, the refund shall be promptly made, together with interest at the Federal Reserve Bank of New York discount rate from the date payment was originally made to CCC to but not including the date of refund by CCC, and the related instrument shall be returned to CCC. For unconfirmed amounts, remittance to CCC shall be considered final, and the U.S. bank or agency or branch bank shall not thereafter have recourse to CCC.

§ 1488.6 Interest charges.

The account receivable assigned to CCC and the related bank obligation(s) shall bear interest until paid. The Vice President, CCC, or his designee, shall from time to time establish rates of interest applicable to financing agreements, which shall be announced in the CCC Monthly Sales List. The interest rate applicable to a particular financing agreement shall be specified in the financing approval. The interest rate applicable to that portion of an account receivable, the payment of which is assured by a bank obligation issued by a U.S. bank or an agency or branch bank, or by a pro rata confirmation of a U.S. bank or an agency or branch bank, shall be 1 percent lower than the interest rate established for the remainder of the account receivable. The criteria to be used

in determining the rate of interest will be those established in consultation with and after approval by the National Advisory Council on International Monetary and Financial Policies. Interest shall accrue on the account receivable and the related bank obligation(s) from the date of delivery, or the weighted average delivery date, of the agricultural commodities exported under the financing agreement to the date of payment to CCC of such account receivable or related bank obligation(s), and shall be payable as specified in the financing approval.

§ 1488.7 Expiration of period for export.

(a) Unless export is made within such export period as may be provided in the financing approval or in any amendment thereof, or under paragraph (b) of this section, or, if no such period is so provided, within a period of 90 days from the date of the financing approval, the financing approval will no longer be valid. The date of export shall be the date of delivery.

(b) If the Vice President, CCC, or his designee, determines that delay in export was due solely to causes without the fault or negligence of the exporter, the period of export may be extended by CCC to include the period of such delay.

§ 1488.8 Advance payment.

If, before expiration of the financing period, the exporter or the U.S. bank or the agency or branch bank accepts payment from or on behalf of the foreign importer of any part of the account receivable, it shall be remitted promptly to CCC. Such prepayment shall be applied first to interest on the unpaid balance of the account receivable to the date CCC receives such prepayment and then to the principal.

§ 1488.9 Documents required after export.

(a) Within 45 days after date of delivery of the commodities exported under the financing agreement, the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation, Washington, D.C. 20250, telephone number DU 8-4042:

(1) A written application for disbursement, showing the financing approval number and the port value of the commodity exported.

(2) An assignment of the account receivable arising from the export sale, in form and substance acceptable to CCC. When the account receivable is evidenced by documents other than instruments, in accordance with § 1488.2(a), such documents shall be submitted with the assignment.

(3) A copy of the sales invoice to the foreign importer.

(4) A copy of the document evidencing export as provided in § 1488.10, and, if the consignee is other than the foreign importer, such additional information as CCC may request to show that export was made in accordance with the instructions of, or the export sale contract with, the foreign importer.

(5) A certification by the exporter that the agricultural commodities of the grade, quality, and quantity called for in the exporter's sale to the foreign importer have been delivered and that the exporter knows of no defenses to the account receivable assigned to CCC.

(6) A bank obligation or obligations in accordance with § 1488.4, paragraphs (d) and (e) of this section, and § 1488.11, payable to CCC, in form and substance acceptable to CCC, covering the financing agreement and including interest in accordance with § 1488.6.

(7) When the account receivable is evidenced by instruments, in accordance with § 1488.2(a), two (2) separate instruments evidencing the account receivable, one for the confirmed amount and one for the unconfirmed amount. If installment payments under the bank obligation are required by the financing approval, there shall be furnished two (2) such separate instruments for each such installment. Each instrument evidencing all or a part of the account receivable shall provide that it is assignable free of defenses and that in event of default by the importer or of the bankruptcy, insolvency, or other inability of the importer to meet its obligations or to continue in business on an unrestricted basis, the account receivable shall become immediately due and payable.

(b) On timely receipt of the documents described in paragraph (a) (1) through (6) of this section, the Treasurer, CCC, will pay promptly to the exporter the port value of the commodity exported or 110 percent of the amount specified in the financing approval, whichever is the lesser.

(c) If an acceptable application for disbursement and the supporting documents described in paragraph (a) (1) through (6) of this section have not been received by CCC within 45 days from the date of delivery, or any extension thereof approved by the Vice President, CCC, or his designee, the financing agreement shall be void.

(d) If the instruments described in paragraph (a) (7) of this section are not received by CCC within 45 days after date of delivery, and payment has been made by CCC, the account receivable and the bank obligation assuring the account receivable shall at the option of CCC become due and payable. However, if the use of a weighted average delivery date has been approved for starting the financing period, the 45 days will begin with the date of the last delivery.

(e) If for any reason a draft drawn under a foreign bank obligation is dishonored or if the issuing bank is insolvent, is in bankruptcy, receivership, or liquidation, has made an assignment for the benefit of creditors, or for any other reason discontinues or suspends payments to depositors or creditors or otherwise ceases to operate on an unrestricted basis, the obligation issued by that bank to CCC shall become immediately due and payable, and any balance due on the account receivable assured by the obligation issued by such bank shall, at the option of CCC, become immediately due

and payable. CCC may permit the substitution of another acceptable foreign bank obligation covering such balance due and confirmed in accordance with § 1488.4.

§ 1488.10 Evidence of export and warranty.

(a) If the commodity is exported by rail or truck, the exporter shall furnish a copy of the bill of lading, certified by the exporter as being a true copy, under which the commodity is exported, and an authenticated landing certificate or similar document issued by an official of the Government of the country to which the commodity is exported, showing the quantity, the place and date of entry, the gross landed weight of the commodity, and the name and address of both the exporter and the importer.

(b) If the commodity is exported by ocean carrier, the exporter shall furnish a nonnegotiable copy or photocopy or other type of copy of either (1) an on-board ocean bill of lading or (2) an ocean bill of lading with an on-board endorsement dated and signed or initialed on behalf of the carrier. The bill of lading must be certified by the exporter as being a true copy and must show the quantity, the date and place of loading the commodity, the name of the vessel, the destination of the commodity, and the name and address of both the exporter and the importer. If the exporter is unable to supply documentary evidence of export as specified in this paragraph (b) he shall submit such other documentary evidence as may be acceptable to CCC.

(c) By submitting documents evidencing export, the exporter represents and warrants that the commodity covered by such documents was not exported to, and has not been and will not be transhipped or caused to be transhipped by the exporter, to any country or area for which an export license is required under the regulations issued by the Bureau of International Commerce, U.S. Department of Commerce, unless a license for such export or transshipment thereto has been obtained from such Bureau.¹

(d) For commodities transhipped through Canada via the Great Lakes, the exporter shall certify that the commodity transhipped was produced in the United States.

§ 1488.11 Evidence of entry into country of destination.

For a financing agreement under which the financing period is in excess of 12 months for cotton, tobacco, and vegetable oils, or is in excess of 6 months for all other eligible commodities, within 90 days, or such extension of time as

¹ Information to exporters: The Department of Commerce regulations prohibit exportation or reexportation by anyone, including a foreign exporter, of the commodity exported pursuant to the terms of these regulations, to prohibited countries and areas. The attention of the exporter is invited to the "Notice to Exporters" which accompanies these regulations.

may be granted by the Assistant Sales Manager for Export Credit in writing, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall furnish to the Assistant Sales Manager for Export Credit documentary evidence satisfactory to the Assistant Sales Manager for Export Credit of customs entry of the commodity into the country of destination specified in the financing agreement. A certificate signed or authenticated by a customs official of the country of destination stationed in such country shall be satisfactory if it (a) identifies the agricultural commodity (or permits identification through supplementary documents which are furnished to the Assistant Sales Manager for Export Credit) as that exported under the financing agreement, (b) states the quantity of such commodity entered, and (c) states the date of entry. If the certificate is in other than the English language, the exporter shall also provide the Assistant Sales Manager for Export Credit with an English translation thereof. Within 10 days, or such extension of time as may be granted in writing by the Assistant Sales Manager for Export Credit, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall also furnish to the Assistant Sales Manager for Export Credit nonnegotiable copies or photocopies or other types of copies of all applicable bills of lading properly identified with the financing approval number. If such evidence is not furnished within the time specified, the financing agreement may be terminated by the Assistant Sales Manager for Export Credit and on such termination, if payment under the bank obligation or account receivable has not yet been received, at the option of CCC the bank obligation and the account receivable shall become due and payable. The remedy herein provided shall not be exclusive of other rights available to the Federal Government as a result of the entry of a commodity, exported under a financing agreement, into a country other than that specified in the financing agreement.

§ 1488.12 Liability for payment.

If exportation is made within the coverage of the bank obligation(s) submitted in accordance with § 1488.9, CCC will look to the obligating bank or banks and the foreign importer, rather than to the exporter, for payment of all amounts due at maturity of the instruments or other documents evidencing the account receivable and of the bank obligation(s), but the exporter shall remain liable for any loss arising from breach of any certification or warranty made by him, any amounts not covered by the bank obligation which are owing to CCC, and any remittance or refund required by §§ 1488.8 and 1488.14, together with interest thereon at the face rate of the related instruments or other documents evidencing the account receivable. The

liability of the bank and the importer under their respective obligations shall be several.

§ 1488.13 Assignment.

The exporter shall not assign any claim or rights to any amounts payable under the financing agreement, in whole or in part, without written approval of the Vice President, CCC, or his designee.

§ 1488.14 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure the financing agreement on an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right, without limitation on any other rights it may have, to annul the financing agreement without liability to CCC. Should the financing agreement be annulled, CCC will promptly consent to the reduction or cancellation of related bank obligations except for amounts outstanding under a financing agreement. Such outstanding amounts shall, on demand, be refunded to CCC by the exporter.

§ 1488.15 Shipment of commodities on vessels calling at Cuban and North Vietnamese ports.

Any commodity exported under the CCC financing agreement shall not be shipped from the United States on a vessel which has called at a Cuban port on or after January 1, 1963, or at a North Vietnamese port on or after January 25, 1966.

§ 1488.16 Officials not to benefit.

No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the financing agreement or to any benefit that may arise therefrom, but this provision shall not be construed to extend to the financing agreement if made with a corporation for its general benefit.

§ 1488.17 Exporter's records and accounts.

The Vice President, CCC, and his designees, shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the exporter involving transactions related to contracts between the exporter and the importer until the expiration of 3 years after maturity of the related financing agreement.

§ 1488.18 Communications.

Unless otherwise provided, any written requests, notifications, or communications by the applicant pertaining to the financing agreement shall be addressed to the Assistant Sales Manager for Export Credit, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(The recordkeeping and reporting requirements of the regulations of this subpart have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942)

SUPPLEMENT I—BEEF BREEDING CATTLE

Paragraph:

- A. Additional definitions.
- B. Submission of applications for financing.
- C. Additional documents required after export.
- D. Miscellaneous.
- E. Dual purpose breeds.

A. Additional definitions. 1. "Port value" means the net amount of the exporter's sales price for beef breeding cattle to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. points of flight if transported by air freight. The point of exportation for animals shall be designated by the Agricultural Research Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c. & f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) for registered bulls, \$1,200 each or, with prior approval of the Assistant Sales Manager for Export Credit, \$2,500 if performance has been superior to the performance records specified in Exhibit II to this supplement; (b) for registered females, \$600 each or, with prior approval of the Assistant Sales Manager for Export Credit, \$1,000 if performance has been superior to the performance records specified in Exhibit I to this supplement; (c) for non-registered females, an average, for the sale, of \$450 each or, with prior approval of the Assistant Sales Manager for Export Credit, \$650 if performance has been superior to the performance records specified in said Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), or (c) of this paragraph A.1. and the contract price for the individual animal, if registered, or the average contract price for the individual animal, if nonregistered, shall not be included as part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progeny of a nationally recognized beef cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;

(c) The animal must, at the time of export, have an eartag attached by USDA testing authority; and

(d) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for bulls.

6. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tattoo or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

7. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominantly of the color characteristics and body conformation of the beef breed stated in the contract between the exporter and the importer. (See Exhibits I and II.)

B. Submission of applications for financing. 1. In addition to the information required by § 1488.3(c) (2) through (7), applications for financing export credit sales of beef breeding cattle shall include the following:

(a) A general description by breed of the animals to be exported, separately describing the animals under the following classes:

- (1) Registered bulls;
- (2) Registered bred females;
- (3) Registered unbred females;
- (4) Nonregistered bred females; and
- (5) Nonregistered unbred females.

(b) A statement that such animals will conform to the general specification requirements set forth in Exhibits I or II, as applicable to the class of animals to be exported.

2. In addition to the justifications specified in § 1488.3(d), a financing period in excess of 6 months but not in excess of 36 months for beef breeding cattle may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. Additional documents required after export. In addition to the documents specified in § 1488.9(a) (1), (2), (3), (4), (6), and (7), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate animal tag lists for registered animals and for nonregistered animals, containing the following information:

- (a) Eartag identification number.
- (b) For each registered animal, shown separately opposite the identification number, the sales price as specified in the sales invoice to the foreign importer.
- (c) For nonregistered animals, shown for each lot group by tag list, the average sales price per animal based on the sales invoice for such nonregistered animals.

2. Performance records for animals for which a higher maximum port value has been approved by the Assistant Sales Manager for Export Credit as provided in paragraph A.1.

3. A certification by the exporter that animals of the description in the exporter's sales contract with the foreign importer have been delivered, and that the exporter knows of no defenses to the account receivable assigned to CCC.

D. Miscellaneous. The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. The certificates issued by an agent of the Consumer and Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the eartag number(s), corresponding registration certificate and tattoo numbers for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person

holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the eartag numbers and stating that the service bull was a registered bull of the same beef cattle breed as the female to which bred. (See Exhibit I.)

3. The certificates issued or endorsed by the Animal Health Division, Agricultural Research Service, listing the eartag number(s) and showing that such animal has been inspected for compliance with "Health" requirements. (See Exhibit I or II.)

4. The certificates issued by the Consumer and Marketing Service listing the eartag number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation grade, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by the Agricultural Research Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semen certification by a veterinarian accredited by the Agricultural Research Service, for bulls over 1 year of age.

E. *Dual purpose breeds.* When dual purpose breeds¹ are eligible for financing under the provisions of both Supplement I and Supplement II to GSM-4, as amended, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply.

EXHIBIT I TO SUPPLEMENT I

USDA APPROVED BEEF BREEDING CATTLE EXPORT SPECIFICATIONS—FEMALES

Option A (to be specified by purchaser).

1. Registered.^{1a}

Breed

- Angus.
- Hereford.
- Polled Hereford.
- Charolais.
- Santa Gertrudis.
- Shorthorn.
- Polled Shorthorn.
- Brahman.
- Milking Shorthorn.²
- Red Poll.³

k. Other beef cattle breeds described in Farmers' Bulletin No. 2228 entitled "Beef Cattle Breeds", issued January 1968.

2. Nonregistered.³

Predominant Breed

(Specify from breed above.)

Option B (to be specified by purchaser).

Age⁴

- Calf—(7 to 12 months).
- Yearling open—(12 to 18 months).
- Bred heifer—(18 to 36 months).
- Bred Cow—(24 to 48 months).
- Mature Cow—(24 to 48 months).⁵

General requirements:

A. Health.⁶

¹ Milking Shorthorn and Red Poll.

^{1a} Animals must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

² Dual Purpose Breeds (see paragraph E, Supplement I or II).

³ Nonregistered animals will be certified for breed by the C&MS agent.

⁴ Certification by C&MS agent.

⁵ See E3 of this Exhibit I.

⁶ Certification or endorsement furnished by Animal Health Division, Agricultural Research Service, USDA.

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.

3. Certified from a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

B. Minimum weight:⁷

1. Calf—(7 to 12 months) 400 pounds.

2. Yearling open—(12 to 18 months) 500 pounds.

3. Bred heifer—(18 to 24 months) 700 pounds; (24 to 36 months) 800 pounds.

4. Bred cow—(24 to 36 months) 800 pounds; (36 to 48 months) 950 pounds.

5. Mature cow—(24 to 36 months) 800 pounds; (36 to 48 months) 950 pounds.⁸

C. Minimum conformation—Choice.⁹

All nonregistered females must be dehorned or naturally polled unless otherwise specified in the application. Horn stubs in excess of 1 inch will not be acceptable on dehorned cattle.

D. Performance records* (optional, unless specified). (See attached Appendix I to Exhibits I and II.)

1. Minimum adjusted daily gain to weaning 1.6 pounds per day.

2. Minimum adjusted daily gain to weaning of offspring 1.6 pounds per day (if appropriate).

E. Statement of service or other requirement.

1. Bred females must have been bred to a registered bull of the same breed and the calf from a registered female must be eligible for registration.¹⁰

2. Bred females must be at least 2 months but no more than 6 months pregnant at time of inspection.¹⁰

3. Mature cows not qualifying as "bred cows" to be eligible for financing hereunder must be lactating and have her offspring not in excess of approximately 5 months of age at side at time of inspection by C&MS. Such calves, though not eligible for financing, may be supplied along with the parent cow if facilities for their care and safe transportation to destination point are adequate.

EXHIBIT II TO SUPPLEMENT I

USDA APPROVED BEEF BREEDING CATTLE EXPORT SPECIFICATION—BULLS

Option A (to be specified by purchaser).

Breed¹

- Angus.
- Hereford.
- Polled Hereford.
- Charolais.

¹ Certification furnished by Livestock Division, C&MS, USDA. Conformation grade to be based on official USDA Feeder Cattle Standards. (See Appendix II attached.)

² Official State records or National Breed Association records, or Performance Registry International records.

³ Must be certified to by the breeder of the female at time of sale to exporter.

⁴ Certification of pregnancy shall be issued by an accredited veterinarian.

⁵ All animals for delivery under these specifications must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

5. Santa Gertrudis.

6. Shorthorn.

7. Polled Shorthorn.

8. Brahman.

9. Milking Shorthorn.²

10. Red Poll.³

11. Other beef cattle breeds described in Farmers' Bulletin No. 2228 entitled "Beef Cattle Breeds", issued January 1968.

Option B (to be specified by purchaser).

Age⁴

1. Bull calf—(7 to 12 months).

2. Yearling bull—(12 to 18 months).

3. Bull—(18 to 24 months).

4. Mature bull—(24 to 48 months).

General Requirements:

A. Health.⁶

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier.

3. Certified from a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

B. Minimum weight.⁷

1. 7 to 12 months, 470 pounds.

2. 12 to 18 months, 790 pounds.

3. 18 to 24 months, 1100 pounds.

4. Over 24 months, 1350 pounds.

C. Minimum conformation—Prime.⁸

D. Performance records* (optional, unless specified). (See attached Appendix I to Exhibits I and II.)

1. Minimum adjusted daily gain to weaning, 1.9 pounds per day.

E. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over 1 year of age.⁹

APPENDIX I TO EXHIBITS I AND II

PERFORMANCE TESTING

Performance testing is known by several names in the United States, but practically all organizations evaluate similar characteristics in beef cattle. The principal factors used in evaluating performance are growth rate and conformation, but not necessarily both. Animals which are tested are weighed at birth and again at weaning. The weaning weight is adjusted to an equivalent of 205 days of age and is also adjusted depending on the age of the dam. This is done to make weights of calves from first-calf heifers comparable to weights of calves from older cows.

The adjusted daily gain from birth to weaning is indicative not only of inherited gaining ability also of the milking ability of the dam.

² Dual Purpose Breeds (see paragraph E, Supplement I or II).

³ Certification by C&MS agent.

⁴ Certification or endorsement furnished by Animal Health Division, Agricultural Research Service, USDA.

⁵ Certification furnished by Livestock Division, C&MS, USDA. Conformation grade based on official USDA Feeder Cattle Standards. (See Appendix II attached.)

⁶ Official State records or National Breed Association records, or Performance Registry International records.

⁷ Certification must be issued by an accredited veterinarian.

APPENDIX II TO EXHIBITS I AND II

SPECIFICATIONS FOR OFFICIAL U.S. STANDARDS FOR GRADES OF FEEDER CATTLE (STEERS, HEIFERS, AND COWS)¹

Prime

Feeder cattle which possess typical minimum qualifications for the Prime grade are very thickly muscled throughout. They are wide through the chest with well sprung ribs and are moderately wide and thick through the crops, back, and loin. The rounds tend to be thick and the twist is moderately deep. They usually have straight top and bottom lines and usually are moderately deep in the fore and rear flanks. The legs tend to be short, are set wide apart, and usually are straight. The head is usually short and wide and the neck usually is short and thick. They have large, rugged frames with moderately large but refined bone. They have a high degree of symmetry and smoothness throughout.

Choice

Feeder cattle which possess typical minimum qualifications for the Choice grade are thickly muscled throughout. They are moderately wide through the chest with a moderate spring of ribs and are slightly wide and thick through the crops, back, and loin. The rounds are slightly thick and the twist is slightly deep. They usually have straight top lines and usually are moderately deep in the fore and rear flanks. The legs are slightly short, and are set moderately wide apart and usually are straight. The head usually is moderately short and wide and the neck usually is slightly short and thick. They have moderately large, rugged frames, and the bone usually is moderately large, but may be slightly fine or slightly large and coarse. They have a moderate degree of symmetry and smoothness throughout.

SUPPLEMENT II—DAIRY BREEDING CATTLE

Paragraph:

- A. Additional definitions.
- B. Submission of applications for financing.
- C. Additional documents required after export.
- D. Miscellaneous.
- E. Dual purpose breeds.

A. *Additional definitions.* 1. "Port value" means the net amount of the exporter's sales price for dairy breeding cattle to be exported under the financing agreement, basis, f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. points of flight if transported by air freight. The point of exportation for animals shall be designated by the Agricultural Research Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c. & f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) \$1,200 each for registered bulls which have an Acceptable performance index as set out in paragraph D.1., Exhibit II to this supplement, or, with prior approval of the Assistant Sales Manager for Export Credit, \$2,500 if such animal has

a Superior performance index as set out in paragraph D.2. of Exhibit II; (b) \$750 each for registered females which have an Acceptable performance index as set out in paragraph D.1., Exhibit I to this supplement, or with prior approval of the Assistant Sales Manager for Export Credit, \$1,200 if such animal has a Superior performance index as set out in paragraph D.2. of Exhibit I; (c) with prior approval of the Assistant Sales Manager for Export Credit, \$1,200 each for registered mature cows which have a Superior performance index as set out in paragraph D.3. of Exhibit I; (d) with prior approval of the Assistant Sales Manager for Export Credit, \$750 each for nonregistered mature cows which have a Superior performance index as set out in paragraph D.3. of Exhibit I; or (e) \$600 average for the sale of nonregistered females, other than mature cows with a Superior performance index, if each such animal has an Acceptable performance index as set out in paragraph D.1. of Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), (c), (d), or (e) of this paragraph A.1. and the contract price for individual registered animals or nonregistered mature cows with a Superior performance index, or the average contract price for nonregistered females, other than mature cows with a Superior performance index, shall not be included as a part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progeny of a nationally recognized dairy cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;

(c) The animal must, at the time of export, have an eartag attached by USDA testing authority; and

(d) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for bulls.

6. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tattoo or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

7. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominantly of the color characteristics and body conformation of the dairy breed stated in the contract between the exporter and the importer. (See Exhibits I and II.)

B. *Submission of applications for financing.* 1. In addition to the information required by § 1488.3(c) (2) through (7), applications for financing export credit sales of dairy breeding cattle shall include the following:

(a) A general description by breed of the animals to be exported, separately describing the animals under the following classes:

- (1) Registered bulls;
- (2) Registered bred females;
- (3) Registered unbred females;
- (4) Nonregistered bred females; and
- (5) Nonregistered unbred females.

(b) A statement that such animals will conform to the general specification requirements set forth in Exhibits I or II, as applicable to the class of animals to be exported.

2. In addition to the justifications specified in § 1488.3(d), a financing period in excess of 6 months but not in excess of 36 months for dairy breeding cattle may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. *Additional documents required after export.* In addition to the documents specified in § 1488.9(a) (1), (2), (3), (4), (6), and (7), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate tag lists for each group of animals described in paragraphs A.1. (a), (b), (c), (d), and (e) of this supplement, containing the following information:

(a) Eartag identification number;

(b) For each registered animal or nonregistered mature cow with a Superior performance index, shown separately opposite the identification number, the sales price as specified in the sales invoice to the foreign importer;

(c) For nonregistered females other than mature cows with a Superior performance index, shown for each lot group by tag list, the average sales price per animal based on the sales invoice to the foreign importer.

2. Production Performance Index records as follows:

(a) For registered bulls the applicable Acceptable or Superior performance index records of Sire and Dam as described in paragraph D.1. or D.2. of Exhibit II;

(b) For registered females if applicable, the Superior performance index records of Sire and Dam as described in paragraph D.2. of Exhibit I;

(c) For registered or nonregistered mature cows if applicable, the Superior performance index records of Sire and Dam as described in paragraph D.3. of Exhibit I.

3. A certification by the exporter that animals of the description in the exporter's sales contract with the foreign importer have been delivered, and that the exporter knows of no defenses to the account receivable assigned to OCC.

D. *Miscellaneous.* The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. The certificates issued by an agent of the Consumer and Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the eartag number(s), corresponding registration certificate and tattoo numbers for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the eartag numbers and stating that the service bull was a registered bull of the same dairy cattle breed as the female to which bred. (See Exhibit I.)

3. The certificates issued or endorsed by the Animal Health Division, Agricultural Research Service, listing the eartag number(s) and showing that such animal has

¹ Adapted from Service and Regulatory Announcement C&MS 183, issued March 1965. A copy of this publication and charts picturing the grades of feeder cattle may be obtained upon request from the Livestock Division, C&MS, USDA, Washington, D.C. 20250.

been inspected for compliance with "Health" requirements. (See Exhibit I or II.)

4. The certificates issued by the Consumer and Marketing Service listing the ear tag number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation specifications, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by the Agricultural Research Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semen certification by a veterinarian accredited by the Agricultural Research Service, for bulls over 1 year of age.

E. *Dual purpose breeds.* When dual purpose breeds¹ are eligible for financing under the provisions of both Supplement I and Supplement II to GSM-4, as amended, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply with the exception that the Assistant Sales Manager for Export Credit is authorized, at the request of the applicant, to establish a minimum weight schedule and DHIR Milk Production Breed Average.

EXHIBIT I TO SUPPLEMENT II

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—FEMALES

Option A (to be specified by purchaser).
1. Registered.²

Breed

- Ayrshire.
- Brown Swiss.
- Guernsey.
- Holstein.
- Jersey.
- Milking Shorthorn.³
- Red Poll.³
- Nonregistered.²

Predominant Breed

(Specify from breed above.)

Option B (to be specified by purchaser).

Age⁴

- Calf—(6 to 12 months).
- Yearling open—(12 to 18 months).
- Heifer open—(18 to 30 months).
- Bred heifer—(18 to 30 months).
- Mature cow—(24 to 48 months).

General requirements:

A. Health.⁵

- Tested negative for tuberculosis within 30 days of loading aboard export carrier.
- Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuro-pneumonia has not existed since 1892, and rinderpest has never occurred.

¹ Milking Shorthorn and Red Poll.

² Animals must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

³ Dual purpose breeds (see paragraph E, Supplement I or II).

⁴ Nonregistered animals will be certified for breed by C&MS agent.

⁵ Certification by C&MS agent.

⁶ Certification or endorsement furnished by Animal Health Division, Agricultural Research Service.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

6. Mature cows must be physically examined at time of inspection for the presence of mastitis by manipulating and stripping the udder and found not to have evidence of such infection. The exporter, at his option, may require the person from whom he purchases a mature cow to supply additional evidence of nonmastitis infection as he sees fit.

B. Minimum weight.⁶

1⁷ Registered animals.

Age ¹	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months.....	360	295	260
b. 8 months.....	470	385	340
c. 10 months.....	565	455	410
d. 12 months.....	640	525	470
e. 14 months.....	710	585	520
f. 16 months.....	775	635	555
g. 18 months.....	835	685	600
h. 20 months.....	900	745	645
i. 22 months.....	970	790	695
j. 24 months.....	1,015	845	735
k. 26 months.....	1,045	870	760
l. 28 months.....	1,070	895	780
m. 30 months.....	1,090	910	790
n. 36 months and over.....	1,180	990	865

¹ Minimum weights for ages between the ages shown shall be determined proportionately.

2. Non-registered animals.

Class	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. Calf.....	360	295	260
b. Yearling open....	640	525	470
c. Heifer open.....	835	685	600
d. Heifer bred.....	835	685	600
e. Mature cow.....	1,015	845	735

C. Minimum Conformation.⁶

All animals must meet the minimum body conformation specifications as described in appendix to this Exhibit I.

D. Production Performance Index.⁷

1. *Acceptable.* An Acceptable performance index for *Registered* or *Nonregistered Females* will be considered to exist if such animals meet the minimum conformation of item C above.

2. *Superior.* A Superior performance index for a *Registered Female* will be considered to exist if:

(a) *Sire* has a Plus (+) USDA Predicted Difference⁸ equal to 2 percent of DHIR breed average as shown in item E below, and

⁶ Certification or endorsement furnished by Livestock Division, C&MS, USDA. Conformation specifications to be based on standards as set out in appendix to Exhibit I attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

⁷ DHIR or DHIR milk production records mature equivalent based on 305-day, two times day milking.

⁸ Source: USDA-DHIA Sire Summary Records—Agricultural Research Service.

(b) *Dam* has a DHIA or DHIR record⁹ equal to the DHIR breed average as shown in item E below.

3. *Superior.* A Superior performance index for a *Registered* or *Nonregistered Mature Cow* will be considered to exist if such animal has a DHIA or DHIR production record⁹ 15 percent above the DHIR breed average as shown in item E below.

E. DHIR Milk Production Breed Averages (Mature Equivalent)

The following breed averages are applicable to these specifications:

Breed	Breed average (pounds)	2 percent of breed average (pounds)	15 percent of breed average (pounds)
Ayrshire.....	12,556	251	1,883
Brown Swiss.....	13,187	264	1,978
Guernsey.....	10,483	210	1,572
Holstein.....	15,294	304	2,281
Jersey.....	9,465	189	1,420

F. Statement of service.

1. Bred females must have been bred to a registered bull of the same breed.¹⁰

2. Bred females must be at least 2 months pregnant but no more than 6 months pregnant at time of inspection.¹¹

APPENDIX TO EXHIBIT I

MINIMUM BODY CONFORMATION SPECIFICATIONS FOR FEMALES

In addition to meeting the minimum weight for the breed as specified in Exhibit I, the animal shall possess femininity, normal breed conformation, quality and body capacity. She shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with the legs straight, strong and well set. The mammary system, if sufficiently developed, shall be strongly attached, well balanced and of fine texture. The teats shall be of acceptable size. There shall be no evidence of lameness or other serious body defects. She shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Females officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

EXHIBIT II TO SUPPLEMENT II

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—BULLS

Option A (to be specified by purchaser).

Breed¹

- Ayrshire.
 - Brown Swiss.
 - Guernsey.
 - Holstein.
 - Jersey.
 - Milking Shorthorn.²
 - Red Poll.²
- Option B (to be specified by purchaser).

⁹ Source: Breed Association, or Dairy Records Processing Center serving the DHIA Association where tested.

¹⁰ Must be certified to by the breeder of the female at time of sale to exporter.

¹¹ The certification of pregnancy shall be by an accredited veterinarian.

¹ All animals for delivery under these specifications must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

² Dual purpose breeds (see paragraph E, Supplement I or II).

Age³

- a. Calf—(8 to 12 months).
- b. Yearling—(12 to 18 months).
- c. Young bull—(18 to 24 months).
- d. Mature bull—(24 to 48 months).

General requirements:

A. Health.⁴

1. Tested negative for tuberculosis and brucellosis within 30 days of loading aboard export carrier.

2. Animals come from farms that have not been under quarantine for any communicable disease during the past year.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto and free of mites, ticks, and ringworm or freed from the same.

B. Minimum weight.⁵

Age ¹	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months.....	450	370	315
b. 8 months.....	585	480	410
c. 10 months.....	710	555	490
d. 12 months.....	830	655	565
e. 14 months.....	930	755	645
f. 16 months.....	1,040	840	745
g. 18 months.....	1,155	920	815
h. 21 months.....	1,320	1,065	950
i. 24 months.....	1,455	1,210	1,050
j. 27 months.....	1,570	1,310	1,140
k. 30 months.....	1,670	1,395	1,215
l. 36 months and over.....	1,840	1,545	1,350

¹ Minimum weights for ages between the ages shown shall be determined proportionately.

C. Minimum conformation.⁶

All animals must meet the minimum body conformation as described in Appendix to Exhibit II.

D. Production Performance Index.⁷

1. Acceptable. An acceptable performance index for a Registered Bull will be considered to exist if:

- (a) Sire has a Plus (+) USDA Predicted Difference,⁸ and
- (b) Dam has a DHIA or DHIR record⁹ 15 percent above the DHIR breed average as shown in item E below.

2. Superior. A Superior performance index for a Registered Bull will be considered to exist if:

- (a) Sire has a Plus (+) USDA Predicted Difference⁷ equal to 2 percent of DHIR breed average as shown in item E below, and
- (b) Dam has a DHIA or DHIR record⁹ 25 percent above the DHIR breed average as shown in item E below.

³ Certified by C&MS agent.

⁴ Certification or endorsement furnished by Animal Health Division, Agricultural Research Service, USDA.

⁵ Certification or endorsement furnished by Livestock Division, C&MS, USDA. Conformation specifications to be based on standards as set out in appendix to Exhibit II attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

⁶ DHIA or DHIR milk production records. Mature equivalent based on 305-day, two times day milking.

⁷ Source: USDA-DHIA Sire Summary Records, Agricultural Research Service.

⁸ Source: Breed Association or Dairy Records Processing Center serving the DHIA Association where tested.

E. DHIR Milk Production Breed Averages (Mature Equivalent).

The following breed averages are applicable to these specifications:

Breed	Breed average (pounds)	2 percent of breed average (pounds)	15 percent of breed average (pounds)	25 percent of breed average (pounds)
Ayrshire.....	12,556	251	1,883	3,139
Brown Swiss.....	13,187	264	1,978	3,297
Guernsey.....	10,483	210	1,572	2,621
Holstein.....	15,204	304	2,281	3,801
Jersey.....	9,465	189	1,420	2,366

F. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over 1 year of age.¹⁰

APPENDIX TO EXHIBIT II

MINIMUM BODY CONFORMATION SPECIFICATIONS FOR BULLS

In addition to meeting the minimum weight for the breed as specified in Exhibit II, the animal shall possess masculinity, normal breed conformation, quality, and body capacity. He shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with legs straight, strong, and well set. There shall be no evidence of lameness or other serious body defects. He shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Bulls officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

Effective date. This reissuance of regulations shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 23, 1969.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation, and General Sales Manager, Export Marketing Service.

NOTICE TO EXPORTERS

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more

¹⁰ Certification must be issued by an accredited veterinarian.

detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 69-8860; Filed, July 30, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-CE-21]

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

Alteration of Transition Area

Correction

In F.R. Doc. 69-8580 appearing at page 12160 in the issue of Wednesday, July 23, 1969, in the description of the Independence, Kans., transition area, third line from the bottom, the word "extending" should read "excluding".

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 602—LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Correction

In F.R. Doc. 69-8723 appearing at page 12281 of the issue for Friday, July 25, 1969, in the ninth line of the first paragraph of the amendatory language the phrase now reading "Industry Committee No. 85-C" should read "Industry Committee No. 83-C".

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NON-METALLIC OPEN PIT MINES

In Part II of the FEDERAL REGISTER of January 16, 1969 (34 F.R. 656), there was published a notice of proposed rule-making setting forth proposed health and safety standards for metal and non-metallic open pit mines which are covered by the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 30 U.S.C. 721-740, Supp. IV, 1965-1968). The standards, which had been developed in conjunction with an Open Pit Mining Advisory Committee, were set forth in proposed new Part 55 of Title 30, Code of Federal Regulations. Interested persons were afforded a period of 60 days after the date of publication in which to submit comments and to request a public hearing on any proposed health and

safety standard which was designated as a mandatory standard and which had not been recommended as a mandatory standard by the advisory committee. In the FEDERAL REGISTER of March 14, 1969 (34 F.R. 5258), there was published a notice extending to May 1, 1969, the time within which to submit comments. In the FEDERAL REGISTER of April 22, 1969 (34 F.R. 6737), there was published a notice that a review of the proposed standards as published on January 16, 1969, had disclosed errors of a substantive nature. The proposed Part 55 of Title 30, Code of Federal Regulations, was corrected and revised and interested persons were afforded a period of 30 days after the date of publication in which to submit comments respecting only the proposed standards affected by corrections.

Comments have been received with respect to many of the proposed standards. These standards, as well as certain proposed definitions respecting which there are questions, are being reviewed and analyzed preparatory to taking further action. Standards about which there were no comments or objections, or that did not include terms for which the definitions have been questioned, are now promulgated in Part 55 as Health and Safety Standards—Metal and Nonmetallic Open Pit Mines, which as set forth below, is hereby added to Chapter I of Title 30 of the Code of Federal Regulations. In the interest of clarity and accuracy, technical changes have been made in the definitions of the terms "detonating fuse," "detonator," and "safety switch." Pursuant to section 22 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721, note, Supp. IV), sections 8 and 9 (30 U.S.C. 727, 728, Supp. IV), and subsection (b) and paragraph (1) of subsection (a) of section 14 (30 U.S.C. 733, Supp. IV) of that Act will become effective with respect to the mandatory standards now promulgated 1 year after their publication in the FEDERAL REGISTER. Changes have been made in the numbering and the relative order of certain standards in this part to make them consistent, insofar as possible, with the numbering and relative order of the standards in Part 57, relating to metal and nonmetallic underground mines, as promulgated on this date. Consequently, standards that are identically stated in Parts 55, 56, and 57 now have identical numbers following the decimal. For example, the text of standard 55.4-2 is identical with that of 56.4-2 and with that of 57.4-2. These changes will assist mine operators to achieve uniform and efficient compliance with the health and safety standards applicable to their operations and they will similarly assist mine inspectors in the uniform and efficient inspection of mine conditions and mining operations to determine if there is compliance with those standards that are applicable. Moreover, the changes will greatly facilitate the analysis, by use of data processing or by other means, of the effects of compliance with those stand-

ards on injury experience in the mining industry.

WALTER J. HICKEL,
Secretary of the Interior.

Sec.	
55.1	Purpose and scope.
55.2	Definitions.
55.3	Ground control.
55.4	Fire prevention and control.
55.5	Air quality.
55.6	Explosives.
55.7	Drilling.
55.8	Rotary jet piercing.
55.9	Loading, hauling, dumping.
55.10	Aerial tramways.
55.11	Travelways.
55.12	Electricity.
55.13	Compressed air and boilers.
55.14	Use of equipment.
55.15	Personal protection.
55.16	Materials storage and handling.
55.17	Illumination.
55.18	Safety programs.
55.19	Man hoisting.
55.20	Miscellaneous.
55.22	Savings provision.

AUTHORITY: The provisions of this Part 55 issued under sec. 6, Federal Metal and Nonmetallic Mine Safety Act, 80 Stat. 774; 30 U.S.C. 725.

§ 55.1 Purpose and scope.

The regulations in this part are promulgated pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and prescribe health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in open pit metal and nonmetallic mines which are subject to that Act. Each standard which is preceded by the word "Mandatory" is a mandatory standard. The violation of a mandatory standard will subject an operator to an order or notice under section 8 of the Act (30 U.S.C. 727).

§ 55.2 Definitions.

As used in this part:

"Approved" means tested and accepted for a specific purpose by a nationally recognized agency.

"Barricaded" means obstructed to prevent the passage of persons, vehicles, or flying materials.

"Blasting area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury.

"Blasting cap" means a detonator containing a charge of detonating compound, which is ignited by electric current or the spark of a fuse. Used for detonating explosives.

"Blasting circuit" means electric circuits used to fire electric detonators or to ignite an igniter cord by means of an electric starter.

"Blasting switch" means a switch used to connect a power source to a blasting circuit.

"Capped fuse" means a length of safety fuse to which a detonator has been attached.

"Combustible" means capable of being ignited and consumed by fire.

"Company official" means a member of the company supervisory or technical staff.

"Competent person" means a person having abilities and experience that fully qualify him to perform the duty to which he is assigned.

"Detonating cord" or "detonating fuse" means a flexible cord containing a core of high explosives.

"Detonator" means a device containing a small detonating charge that is used for detonating an explosive, including, but not limited to, blasting caps, exploders, electric detonators, and delay electric blasting caps.

"Distribution box" means a portable apparatus with an enclosure through which an electric circuit is carried to one or more cables from a single incoming feed line, each cable circuit being connected through individual overcurrent protective devices.

"Electric blasting cap" means a blasting cap designed for and capable of being initiated by means of an electric current.

"Electrical grounding" means to connect with the ground to make the earth part of the circuit.

"Employee" means a person who works for wages or salary in the service of an employer.

"Employer" means a person or organization which hires one or more persons to work for wages or salary.

"Face or bank" means that part of any mine where excavating is progressing or was last done.

"Flammable" means capable of being easily ignited and of burning rapidly.

"Flash point" means the minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure.

"Highway" means any public street, public alley, or public road.

"High potential" means more than 650 volts.

"Hoist" means a power driven windlass or drum used for raising ore, rock, or other material from a mine, and for lowering or raising men and material.

"Igniter cord" means a fuse, cordlike in appearance, which burns progressively along its length with an external flame at the zone of burning, and is used for lighting a series of safety fuses in the desired sequence.

"Lay" means the distance parallel to the axis of the rope in which a strand makes one complete turn about the axis of the rope.

"Low potential" means 650 volts or less.

"Major electrical installation" means an assemblage of stationary electrical equipment for the generation, transmission, distribution or conversion of electrical power.

"Man trip" means a trip on which men are transported to and from a work area.

"Mill" includes any ore mill, sampling works, concentrator, and any crushing, grinding, or screening plant used at, and in connection with, an excavation or mine.

"Misfire" means the complete or partial failure of a blasting charge to explode as planned.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores that are to be mined.

"Permissible" means a machine, material, apparatus, or device which has been investigated, tested, and approved by the Bureau of Mines and maintained in permissible condition.

"Potable" means fit for drinking.

"Reverse-current protection" means a method or device used on direct-current circuits or equipment to prevent the flow of current in the reverse direction.

"Roll protection" means a framework safety canopy or similar protection for the operator when equipment overturns.

"Safety can" means an approved container, of not more than 5 gallons capacity, having a spring-closing lid and spout cover.

"Safety fuse" means a train of powder enclosed in cotton, jute yarn, and waterproofing compounds, which burns at a uniform rate; used for firing a cap containing the detonating compound which in turn sets off the explosive charge.

"Safety switch" means a sectionalizing switch that also provides shunt protection in blasting circuits between the blasting switch and the shot area.

"Scaling" means removal of insecure material from a face or highwall.

"Secondary safety connection" means a second connection between a conveyance and rope, intended to prevent the conveyance from running away or falling in the event the primary connection fails.

"Shaft" means a vertical or inclined shaft; a slope, incline, or winze.

"Stray current" means that portion of a total electric current that flows through paths other than the intended circuit.

"Substantial construction" means construction of such strength, material, and workmanship that the object will withstand all reasonable shock, wear, and usage, to which it will be subjected.

"Suitable" means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstances.

"Travelway" means a passage, walk or way regularly used and designated for persons to go from one place to another.

"Trip light" means a light displayed on the opposite end of a train from the locomotive or engine.

"Wet drilling" means the continuous application of water through the central hole of hollow drill steel to the bottom of the drill hole.

"Working place" means any place in or about a mine where work is being performed.

where the equipment may hinder escape from falls or slides of the bank.

55.3-13 through 55.3-19 [Reserved]

§ 55.4 Fire prevention and control.

55.4-1 [Reserved]

55.4-2 *Mandatory.* Signs warning against smoking and open flames shall be posted so they can be readily seen in areas or places where fire or explosion hazards exist.

55.4-3 Areas surrounding flammable-liquid-storage tanks and electric substations and transformers should be kept free from grass (dry), weeds, underbrush, and other combustible materials for at least 25 feet in all directions.

55.4-4 *Mandatory.* Flammable liquids shall be stored in accordance with standards of the National Fire Protection Association or other recognized agencies approved by the Bureau of Mines. Small quantities of flammable liquids drawn from storage shall be kept in appropriately labeled safety cans.

55.4-5 Unburied flammable-liquid storage tanks should be mounted securely on firm foundations. Outlet piping should be provided with flexible connections or other special fittings to prevent adverse effects from tank settling.

55.4-6 Buildings or rooms in which oil, grease, flammable liquids, or similar flammable materials are stored should be of fire-resistant construction and well-ventilated.

55.4-7 Means should be provided to confine, remove, control, or drain away spilled or flowing flammable liquids.

55.4-8 *Mandatory.* Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards.

55.4-9 *Mandatory.* All heat sources, including lighting equipment, capable of producing combustion shall be insulated or isolated from combustible materials.

55.4-10 *Mandatory.* Power wires and cables shall be adequately insulated where they pass through doors or walls or where they present a fire hazard.

55.4-11 *Mandatory.* Abandoned electrical circuits shall be deenergized and isolated so that they cannot become energized inadvertently.

55.4-12 Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

55.4-13 Materials such as oily waste and rags, which are subject to spontaneous combustion, should be placed in tightly covered metal containers until disposed of properly.

55.4-14 *Mandatory.* Solvents with flash points lower than 100° F. (38° C.) shall not be used for cleaning.

55.4-15 *Mandatory.* Solvents shall not be used near an open flame or other ignition source, or near any source of heat, or in an atmosphere that can elevate the temperature of the solvent above the flash point.

55.4-16 Drip pans should be provided to catch leakage or spillage when oil or flammable liquids are dispensed in a place or manner which may create a hazard.

55.4-17 Floors around drip pans should be covered with sand or other suitable non-combustible material and such sand or material should be replaced as necessary.

55.4-18 and 55.4-19 [Reserved]

55.4-20 *Mandatory.* Battery-charging stations shall be located in well-ventilated areas.

55.4-21 through 55.4-23 [Reserved]

55.4-24 Fire extinguishers should be:

(a) Of the appropriate type for the particular fire hazard involved;

(b) Adequate in number and size for the particular fire hazard involved;

(c) Replaced immediately with fully charged extinguishers after any discharge is made from the extinguisher;

(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations;

(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Bureau of Mines

55.4-25 through 55.4-28 [Reserved]

55.4-29 *Mandatory.* When welding or cutting near combustible materials, suitable precautions shall be taken to ensure that smoldering metal or sparks do not result in fire.

55.4-30 and 55.4-31 [Reserved]

55.4-32 All employees should be instructed on current escape and evacuation plans, fire-alarm signals, and applicable procedures to be followed in case of fire.

55.4-33 [Reserved]

55.4-34 Belt conveyors in locations where fire would create a hazard to personnel should be provided with safety switches to stop the drive pulley automatically in the event of excessive slippage.

55.4-35 through 55.4-49 [Reserved]

§ 55.5 Air quality.

55.5-1 [Reserved]

55.5-2 *Mandatory.* Dust, gas, mist, and fume surveys shall be conducted as frequently as necessary to determine the adequacy of control measures.

55.5-3 through 55.5-14 [Reserved]

§ 55.6 Explosives.

STORAGE

55.6-1 through 55.6-24 [Reserved]

TRANSPORTATION

55.6-40 through 55.6-56 [Reserved]

55.6-57 *Mandatory.* Nonconductive containers with tight-fitting covers shall be used to transport or carry capped fuses and electric detonators to blasting sites.

55.6-58 through 55.6-74 [Reserved]

USE

55.6-90 through 55.6-99 [Reserved]

55.6-100 *Mandatory.* Tamping poles shall be blunt and squared at one end and made of wood, nonsparking material, or of special plastic acceptable to the Bureau of Mines.

55.6-101 through 55.6-109 [Reserved]

55.6-110 *Mandatory.* Fuses shall be cut and capped in safe, dry locations posted with "No Smoking" signs.

55.6-111 *Mandatory.* Blasting caps shall be crimped to fuses only with implements designed for that specific purpose.

55.6-112 through 55.6-114 [Reserved]

55.6-115 A safe interval of time should be allowed to light a round and evacuate the blasting area.

55.6-116 and 55.6-117 [Reserved]

55.6-118 Timing should be such that the fuse in the last hole to fire is burning within the hole before the first hole fires.

55.6-119 and 55.6-120 [Reserved]

55.6-121 Completely wired rounds should be tested with a blasting galvanometer before connections are made to the blasting line.

55.6-122 *Mandatory.* Permanent blasting lines shall be properly supported, insulated, and kept in good repair.

55.6-123 and 55.6-124 [Reserved]

55.6-125 *Mandatory.* If branch circuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast areas shall be provided in addition to the main blasting switch.

55.6-126 [Reserved]

55.6-127 *Mandatory.* Blasting switches shall be locked in the open position, except when closed to fire and blast. Lead wires

§ 55.3 Ground control.

55.3-1 and 55.3-2 [Reserved]

55.3-3 *Mandatory.* To ensure safe operation, the width and height of benches shall be governed by the type of equipment to be used and the operation to be performed.

55.3-4 through 55.3-11 [Reserved]

55.3-12 *Mandatory.* Men shall not work between equipment and the pit wall or bank

shall not be connected to the blasting switch until the shot is ready to be fired.

55.6-128 [Reserved]
55.6-129 *Mandatory*. Electric circuits from the blasting switches to the blast area shall not be grounded.

55.6-130 At least a 5-foot air gap should be provided between the blasting circuit and the power circuit.

55.6-131 Power sources should be suitable for the number of electric detonators to be fired and for the type of circuits used.

55.6-132 through 55.6-165 [Reserved]
55.6-166 *Mandatory*. All detonating-cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

55.6-167 through 55.6-174 [Reserved]

SENSITIZED AMMONIUM NITRATE BLASTING AGENTS

55.6-190 through 55.6-193 [Reserved]

55.6-194 *Mandatory*. Pneumatic loading equipment shall not be grounded to waterlines, air lines, rails, or the permanent electrical grounding systems.

55.6-195 through 55.6-197 [Reserved]

§ 55.7 Drilling.

55.7-1 and 55.7-2 [Reserved]
55.7-3 *Mandatory*. The drilling area shall be inspected for hazards before starting the drilling operations.

55.7-4 and 55.7-5 [Reserved]
55.7-6 Receptacles or racks should be provided for drill steel stored on drills.

55.7-7 Tools and other objects should not be left loose on the mast or drill platform.

55.7-8 [Reserved]

55.7-9 The drill helper, when used, should be in sight of the operator at all times while the drill is being moved to a new location.

55.7-10 *Mandatory*. In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

55.7-11 *Mandatory*. The drill stem shall be resting on the bottom of the hole or on the platform with the stem secured to the mast before attempts are made to straighten a crossed cable on a reel.

55.7-12 *Mandatory*. While in operation, drills shall be attended at all times.

55.7-13 [Reserved]

55.7-14 Men operating or working near jackhammers or jackleg drills and other drilling machines should position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.

55.7-15 Men should not drill from positions that hinder their access to the control levers, or from insecure footing or staging, or from stop equipment not designed for this purpose.

55.7-16 through 55.7-24 [Reserved]

§ 55.8 Rotary jet piercing.

55.8-1 Jet drills should be provided with:

- A system to pressurize operators cabs;
- A protective cover over the oxygen flow indicator.

55.8-2 *Mandatory*. Safety chains or other suitable locking devices shall be provided across connections to and between high pressure oxygen hose lines of 1-inch inside diameter or larger.

55.8-3 *Mandatory*. A suitable means of protection shall be provided for the employee when lighting the burner.

55.8-4 With equipment requiring refueling at locations other than fueling stations, a system for fueling from the ground without spill should be provided.

55.8-5 *Mandatory*. Men shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines. Signs warning against smoking and open flames shall be posted in these areas.

§ 55.9 Loading, hauling, dumping.

55.9-1 and 55.9-2 [Reserved]

55.9-3 *Mandatory*. Powered mobile equipment shall be provided with adequate brakes.

55.9-4 Powered mobile haulage equipment should be provided with audible warning devices. Lights should be provided on both ends when required.

55.9-5 *Mandatory*. Operators shall be certain by signal or other means, that all persons are clear before starting or moving equipment.

55.9-6 and 55.9-7 [Reserved]
55.9-8 Adequate protection should be provided at dumping locations where men may be endangered by falling material.

55.9-9 *Mandatory*. Operators shall sound warning before starting trains, when trains approach crossings or other trains on adjacent tracks, and where vision is obscured.

55.9-10 Operators' cabs should be constructed to permit operators to see without straining and should be reasonably comfortable.

55.9-11 *Mandatory*. Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.

55.9-12 *Mandatory*. Cabs of mobile equipment shall be kept free of extraneous materials.

55.9-13 *Mandatory*. Adequate backstops or brakes shall be installed on inclined-conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.

55.9-14 *Mandatory*. No person shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the belt is specifically designed for the transportation of persons.

55.9-15 [Reserved]

55.9-16 Roadbeds, rails, joints, switches, frogs, and other elements on railroads should be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.

55.9-17 Equipment operating speeds should be prudent and consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.

55.9-18 Dust control measures should be taken where dust significantly reduces visibility of equipment operators.

55.9-19 and 55.9-20 [Reserved]

55.9-21 Vehicles should follow at a safe distance; passing should be limited to areas of adequate clearance and visibility.

55.9-22 [Reserved]

55.9-23 *Mandatory*. Trackless haulage equipment shall be operated under power control at all times.

55.9-24 *Mandatory*. Mobile equipment operators shall have full control of the equipment while it is in motion.

55.9-25 *Mandatory*. Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.

55.9-26 [Reserved]

55.9-27 *Mandatory*. When an operator is present, men shall notify him before getting on or off equipment.

55.9-28 *Mandatory*. Switch throws shall be installed so as to provide adequate clearance for switchmen.

55.9-29 Operators should sit facing the direction of travel while operating equipment with dual controls.

55.9-30 *Mandatory*. Men shall not work or pass under the buckets or booms of loaders in operation.

55.9-31 *Mandatory*. When traveling between work areas, the equipment shall be secured in the travel position.

55.9-32 *Mandatory*. Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.

55.9-33 and 55.9-34 [Reserved]

55.9-35 Movements of two or more pieces of rail equipment operating independently on the same track should be regulated by an efficient signal block, telephone, or radio system; movements on complex haulage systems should be adequately controlled.

55.9-36 through 55.9-38 [Reserved]

55.9-39 *Mandatory*. Men shall not get on or off moving equipment, except that trainmen may get on or off of slowly moving trains.

55.9-40 *Mandatory*. Men shall not ride on top of loaded haulage equipment.

55.9-41 *Mandatory*. Only authorized persons shall be permitted to ride on trains or locomotives and they shall ride in a safe position.

55.9-42 Rocker-bottom or bottom-dump cars should be equipped with positive locking devices.

55.9-43 *Mandatory*. Men shall not ride outside the cabs and beds of mobile equipment.

55.9-44 [Reserved]

55.9-45 *Mandatory*. Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.

55.9-46 [Reserved]

55.9-47 *Mandatory*. Parked railcars, unless held effectively by brakes shall be blocked securely.

55.9-48 [Reserved]

55.9-49 Long material should be transported by a method designed to prevent any overhang from creating a hazard.

55.9-50 *Mandatory*. Railcars shall not be left on side tracks unless ample clearance is provided for traffic on adjacent tracks.

55.9-51 *Mandatory*. Persons shall not go over, under, or between cars unless the train is stopped and the motorman has been notified and the notice acknowledged.

55.9-52 [Reserved]

55.9-53 Dumping locations and haulage roads should be kept reasonably free of water, debris, and spillage.

55.9-54 [Reserved]

55.9-55 Where the ground at a dumping place may fail to support the weight of a loaded dump truck, trucks should be dumped back from the edge of the bank.

55.9-56 Where necessary, bumper blocks or the equivalent should be provided at all track dead ends.

55.9-57 Grizzlies, grates, and other sizing devices at dump and transfer points should be anchored securely in place.

55.9-58 *Mandatory*. If truck spotters are used, they shall be well in the clear while trucks are backing into dumping positions and dumping; lights shall be used at night to direct trucks.

55.9-59 *Mandatory*. Public and permanent railroad crossings shall be posted with warning signs or signals, or shall be guarded when trains are passing and shall be planked or otherwise filled between the rails.

55.9-60 *Mandatory*. Where overhead clearance is restricted, warning devices shall be installed and the restricted area shall be conspicuously marked.

55.9-61 and 55.9-62 [Reserved]

55.9-63 Ramps and dumps should be of solid construction, of ample width, have ample side clearance and headroom, and be kept reasonably free of spillage.

55.9-64 through 55.9-66 [Reserved]

55.9-67 *Mandatory*. Facilities used to transport men to and from work areas shall not be overcrowded.

55.9-68 through 55.9-70 [Reserved]

55.9-71 Traffic rules, signals, and warning signs should be standardized at each mine and posted.

55.9-72 through 55.9-82 [Reserved]
 55.9-83 *Mandatory*. Where possible at least 30 inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30-inch clearance shall be marked conspicuously.

55.9-84 and 55.9-85 [Reserved]
 55.9-86 Any load extending more than 4 feet beyond the rear of the vehicle body should be marked clearly with a red flag by day and a red light at night.

55.9-87 through 55.9-94 [Reserved]

§ 55.10 Aerial tramways.

55.10-1 Buckets should not be overloaded, and feed should be regulated to prevent spillage.

55.10-2 Carriers, including loading and unloading mechanisms, should be inspected each shift; brakes should be inspected daily; ropes and supports should be inspected as recommended by the manufacturer or as physical conditions warrant. Records of rope maintenance and inspections should be kept.

55.10-3 *Mandatory*. Any hazardous defects shall be corrected before the equipment is used.

55.10-4 Positive-action-type brakes should be provided on aerial tramways.

55.10-5 Track cable connections should be designed to offer minimum obstruction to the passage of wheels.

55.10-6 Guards should be installed to prevent swaying buckets from hitting towers.

55.10-7 [Reserved]

55.10-8 *Mandatory*. Persons other than maintenance men shall not ride aerial tramways unless the following features are provided:

(a) Two independent brakes, each capable of holding the maximum load;

(b) Direct communication between terminals;

(c) Power drives with emergency power available in case of primary power failure;

(d) Buckets equipped with positive locks to prevent accidental tripping or dumping.

55.10-9 *Mandatory*. Men shall not ride loaded buckets.

55.10-10 *Mandatory*. Where possible, aerial tramways shall not be started until the operator has ascertained that everyone is in the clear.

§ 55.11 Travelways.

55.11-1 *Mandatory*. Safe means of access shall be provided and maintained to all working places.

55.11-2 *Mandatory*. Crossovers, elevated walkways, elevated ramps, and stairways shall be of substantial construction, provided with handrails, and maintained in good condition. Where necessary, toeboards shall be provided.

55.11-3 *Mandatory*. Ladders shall be of substantial construction and maintained in good condition.

55.11-4 Portable straight ladders should be provided with nonslip bases, should be placed against a safe backing, and set on secure footing.

55.11-5 *Mandatory*. Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

55.11-6 *Mandatory*. Fixed ladders shall project at least 3 feet above landings, or substantial handholds shall be provided above the landings.

55.11-7 [Reserved]

55.11-8 Ladderways, stairways, walkways, and ramps should be kept free of loose rock and extraneous materials.

55.11-9 *Mandatory*. Railed walkways shall be provided wherever persons are regularly required to walk alongside conveyor belts.

Inclined railed walkways shall be nonskid or provided with cleats.

55.11-10 [Reserved]

55.11-11 Men climbing or descending ladders should face the ladders and have both hands free for climbing.

55.11-12 *Mandatory*. Openings above, below, or near travelways through which men or materials may fall shall be protected by railings, barriers, or covers. Where it is impractical to install such protective devices, adequate warning signals shall be installed.

55.11-13 *Mandatory*. Crossovers shall be provided where it is necessary to cross conveyors.

55.11-14 *Mandatory*. Moving conveyors shall be crossed only at designated crossover points.

55.11-15 Slippery walkways should be provided with cleats and handrails and/or ropes.

55.11-16 *Mandatory*. Regularly used walkways and travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.

55.11-17 Fixed ladders should not incline backwards at any point unless provided with backguards.

55.11-18 through 55.11-24 [Reserved]

55.11-25 Fixed ladders should be offset and have substantial railed landings at least every 30 feet unless backguards are provided.

55.11-26 Steep fixed ladders (70° to 90° from the horizontal), 30 feet or more in length, should be provided with backguards, cages, or equivalent protection, starting at a point not more than 7 feet from the bottom of the ladder.

55.11-27 *Mandatory*. Scaffolds and working platforms shall be of substantial construction and provided with handrails and maintained in good condition. Floor boards shall be laid properly and the scaffolds and working platform shall not be overloaded. Working platforms shall be provided with toeboards when necessary.

55.11-28 through 55.11-34 [Reserved]

§ 55.12 Electricity.

55.12-1 through 55.12-3 [Reserved]

55.12-4 Power wires and cables should have adequate current-carrying capacity and should be protected from mechanical injury.

55.12-5 Neither crawler-mounted nor rubber-tired equipment should run over trailing cables, unless the cables are properly bridged or protected.

55.12-6 Distribution boxes should be provided with disconnect switches.

55.12-7 *Mandatory*. Trailing-cable and power-cable connections to junction boxes shall not be made or broken under load.

55.12-8 Power wires and cable should be insulated adequately where they pass into or out of electrical compartments.

55.12-9 [Reserved]

55.12-10 Telephone and low-potential electric signal wires should be protected from contacting energized powerlines.

55.12-11 *Mandatory*. High-potential transmission cables shall be covered, insulated, or placed according to acceptable electrical codes to prevent contact with low-potential circuits.

55.12-12 The potential on bare signal wires accessible to personal contact should not exceed 40 volts.

55.12-13 Splices in power cables, including ground conductors, where provided, should be:

(a) Mechanically strong with adequate electrical conductivity;

(b) Effectively insulated and sealed to exclude moisture;

(c) Provided with mechanical protection and electrical conductivity as near as possible to that of the original.

55.12-14 *Mandatory*. Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.

55.12-15 through 55.12-17 [Reserved]

55.12-18 *Mandatory*. Principal power switches shall be labeled to show which units they control, unless identification can be made readily by location.

55.12-19 and 55.12-20 [Reserved]

55.12-21 *Mandatory*. Suitable danger signs shall be posted at all major electrical installations.

55.12-22 [Reserved]

55.12-23 *Mandatory*. Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless protection is provided by location.

55.12-24 Reverse-current protection should be provided at storage-battery charging stations.

55.12-25 *Mandatory*. All metal enclosing or encasing electrical circuits shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

55.12-26 *Mandatory*. Metal fencing and metal buildings enclosing transformers and switchgear shall be grounded.

55.12-27 *Mandatory*. Frame grounding or equivalent protection shall be provided for mobile equipment powered through trailing cables.

55.12-28 *Mandatory*. Continuity and resistance of grounding systems shall be tested immediately after installation.

55.12-29 Electric equipment and wiring should be inspected by a competent person as often as necessary to assure safe operating conditions.

55.12-30 *Mandatory*. When a potentially dangerous condition is found it shall be corrected before equipment or wiring is energized.

55.12-31 [Reserved]

55.12-32 Inspection and cover plates on electrical equipment should be kept in place at all times except during testing or repairs.

55.12-33 *Mandatory*. Hand-held electric tools shall not be operated at high potential voltages.

55.12-34 Portable extension lights and other lights that may present a shock or burn hazard should be guarded.

55.12-35 Lamp sockets exposed to the weather should be of a weather-proof type.

55.12-36 [Reserved]

55.12-37 *Mandatory*. Fuse tongs or hot line tools shall be used when fuses are removed or replaced in high-potential circuits.

55.12-38 Trailing cables should be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections.

55.12-39 Surplus trailing cables to shovels, cranes, and similar equipment should be stored in cable boats or on reels mounted on the equipment or otherwise protected from mechanical damage.

55.12-40 *Mandatory*. Operating controls shall be installed so that they can be operated without danger of contact with energized conductors.

55.12-41 *Mandatory*. Switches and starting boxes shall be of safe design and capacity.

55.12-42 and 55.12-43 [Reserved]

55.12-44 Lightning-arrester grounds should be connected to earth at least 10 feet from the track or mine return circuit.

55.12-45 *Mandatory*. Overhead high-potential powerlines shall be installed as specified by the National Electrical Code.

55.12-46 and 55.12-47 [Reserved]

55.12-48 *Mandatory*. Telegraph, telephone, or signal wires shall not be installed on the same crossarm with power conductors. When carried on poles supporting powerlines, they shall be installed as specified by the National Electrical Code.

55.12-49 Men should not stand on the ground in the vicinity of an electrically powered shovel or other similar heavy equipment during an electrical storm.

55.12-50 through 55.12-53 [Reserved]
 55.12-54 Tools and supplies should be carried in the hands and not on the shoulders when men travel near bare power conductors.

55.12-55 through 55.12-64 [Reserved]
 55.12-65 *Mandatory*. Powerlines, including trolley wires, and telephone circuits shall be protected against short circuits and lightning.

55.12-66 *Mandatory*. Where metallic tools or equipment can come in contact with trolley wires or bare powerlines, the lines shall be guarded or deenergized.

55.12-67 *Mandatory*. Transformers shall be totally enclosed, or shall be placed at least 8 feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least 6 feet high and at least 3 feet from any energized parts, casings, or wiring.

55.12-68 through 55.12-70 [Reserved]

§ 55.13 Compressed air and boilers.

GENERAL

55.13-1 *Mandatory*. All boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the standards and specifications of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

55.13-2 through 55.13-9 [Reserved]

COMPRESSED AIR

55.13-10 Air compressors should be equipped with automatic temperature-activated shutoff mechanisms set for 400° F., or with fusible plugs installed in the compressor discharge lines as near the compressors as possible. Fusible plugs should melt at temperatures 50° less than the flash points of the lubricating oils.

55.13-11 Compressors and compressed-air receivers should be equipped with automatic pressure-release valves, pressure gauges, and drain valves.

55.13-12 Compressor air intakes should be installed to insure that only clean, uncontaminated air enters the compressors.

55.13-13 [Reserved]

55.13-14 Compressed-air receivers should have inspection openings which should be manholes when the tanks are over 36 inches in diameter.

55.13-15 [Reserved]

55.13-16 Compressors should be operated and lubricated in accordance with the manufacturer's recommendations.

55.13-17 Compressor discharge pipes should be cleaned periodically.

55.13-18 [Reserved]

55.13-19 *Mandatory*. Repairs involving the pressure system of compressors, receivers, or compressed-air-powered equipment shall not be attempted until the pressure has been bled off.

55.13-20 *Mandatory*. At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury.

55.13-21 through 55.13-29 [Reserved]

BOILERS

55.13-30 Boilers should be equipped with guarded, well-maintained water gages and pressure gages placed so that they can be observed easily. Water gages and pipe passages to the gages should be kept clean and free of scale and rust.

55.13-31 [Reserved]

55.13-32 Boiler installations should be provided with safety devices, acceptable to the Bureau of Mines, to protect against hazards of flame-outs, fuel interruptions, and low water level.

55.13-33 Blowoff valves should be piped outside the building and should have outlets so located or protected that persons passing by, near, or under them will not be scalded.

55.13-34 Boilers should be inspected internally at least once a year by licensed inspectors; records of such inspections should be kept.

§ 55.14 Use of equipment.

GUARDS

55.14-1 through 55.14-3 [Reserved]

55.14-4 Openings where conveyors pass through walls or floors should be guarded.

55.14-5 Protruding set screws on revolving parts should be guarded.

55.14-6 *Mandatory*. Except when testing the machinery, guards shall be securely in place while machinery is being operated.

55.14-7 Guards should be sufficiently strong and maintained to provide the required protection.

55.14-8 *Mandatory*. Stationary grinding machines other than special bit grinders shall be equipped with:

(a) Peripheral hoods (less than 90° throat opening) capable of withstanding the force of a bursting wheel;

(b) Adjustable tool rests set as close as practical to the wheel;

(c) Safety washers.

55.14-9 *Mandatory*. Grinding wheels shall be operated within the specifications of the manufacturer of the wheel.

55.14-10 *Mandatory*. Hand-held power tools, other than rock drills; shall be equipped with controls requiring constant hand or finger pressure to operate the tools or shall be equipped with friction or other equivalent safety devices.

55.14-11 Guards or shields should be provided in areas where flying or falling materials present a hazard.

55.14-12 and 55.14-13 [Reserved]

55.14-14 *Mandatory*. Face shields or goggles, in good condition, shall be worn when operating a grinding wheel.

55.14-15 through 55.14-24 [Reserved]

METHODS AND PROCEDURES

55.14-25 Machinery and equipment should be maintained properly.

55.14-26 and 55.14-27 [Reserved]

55.14-28 Adequate clearance should be provided at machine installations.

55.14-29 *Mandatory*. Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery-motion is necessary to make adjustments.

55.14-30 *Mandatory*. Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile-work-platforms.

55.14-31 *Mandatory*. Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

55.14-32 *Mandatory*. Belts, chains, and ropes shall not be guided onto power-driven moving pulleys, sprockets, or drums with the hands except on slow-moving equipment especially designed for hand-feeding.

55.14-33 [Reserved]

55.14-34 *Mandatory*. Belt dressing shall not be applied manually while belts are in motion unless an aerosol-type dressing is used.

55.14-35 *Mandatory*. Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

55.14-36 Tools and equipment should be used only for the purpose and within the

capacity for which they were intended and designed.

55.14-37 through 55.14-54 [Reserved]

§ 55.15 Personal protection.

55.15-1 *Mandatory*. Adequate first-aid materials, including stretchers and blankets, shall be provided at places convenient to all working areas. Water or neutralizing agents shall be available where corrosive chemicals or other harmful substances are stored, handled, or used.

55.15-2 through 55.15-7 [Reserved]

55.15-8 Snug-fitting clothing should be worn around moving equipment and machinery.

55.15-9 Protective gloves should be worn by employees handling materials which may cause injury.

55.15-10 Gloves should not be worn where they could create a hazard by becoming entwined or caught in moving parts of machinery.

55.15-11 through 55.15-20 [Reserved]

§ 55.16 Materials storage and handling.

55.16-1 Materials should be stored and stacked in a manner which minimizes stumbling or fall-of-material hazards.

55.16-2 Men working on surge piles or storage piles should not walk or stand immediately above a reclaiming area during reclaiming.

55.16-3 *Mandatory*. Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner that minimizes the dangers.

55.16-4 [Reserved]

55.16-5 *Mandatory*. Compressed and liquid gas cylinders shall be secured in a safe manner.

55.16-6 *Mandatory*. Valves on compressed gas cylinders shall be protected by covers when being transported or stored, and by a safe location when the cylinders are in use.

55.16-7 Hitches and slings used to hoist materials should be designed and used properly for the particular material handled.

55.16-8 [Reserved]

55.16-9 *Mandatory*. Men shall stay clear of suspended loads.

55.16-10 [Reserved]

55.16-11 *Mandatory*. Men shall not ride on loads being moved by cranes or derricks, nor shall they ride the hoisting hooks unless such method eliminates a greater hazard.

55.16-12 Substances that react violently or liberate dangerous fumes when mixed should be stored in such a manner that they cannot come in contact with each other.

55.16-13 Only men wearing protective equipment should stand near pots or ladles when molten material is being handled; warning should be given before a pour is made or the pot is moved.

55.16-14 *Mandatory*. Operator-carrying overhead cranes shall be provided with:

(a) Bumpers at each end of each rail;

(b) Automatic switches to halt or travel of the blocks before they strike the hoist;

(c) Effective audible warning signals within easy reach of the operator;

(d) A means to lockout the disconnect switch.

55.16-15 [Reserved]

55.16-16 Forklift trucks should be moved with the load in a low position and should descend ramps with the load behind.

55.16-17 through 55.16-34 [Reserved]

§ 55.17 Illumination.

55.17-1 *Mandatory*. Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and work areas.

55.17-2 through 55.17-9 [Reserved]

§ 55.18 Safety programs.

55.18-1 The employer should establish a definite, effective, and continually functioning safety program and make every attempt to prevent accidents and increase safety. Employees should actively participate in the safety program.

55.18-2 and 55.18-3 [Reserved]

55.18-4 Company safety regulations pertinent to the various operations should be published or posted for employee information.

55.18-5 [Reserved]

55.18-6 *Mandatory.* New employees shall be indoctrinated in safety rules and safe work procedures.

55.18-7 [Reserved]

55.18-8 Each working place should be visited by a supervisor or a designated person at least once each shift and more frequently as necessary to insure that work is being done in a safe manner.

55.18-9 [Reserved]

55.18-10 Selected supervisors should be trained in first aid. First aid training should be made available to all employees.

55.18-11 [Reserved]

55.18-12 *Mandatory.* Emergency telephone numbers shall be posted at appropriate telephones.

55.18-13 Where telephone service is not available, emergency communications should be provided to the nearest point of assistance.

55.18-14 *Mandatory.* Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons.

55.18-15 through 55.18-24 [Reserved]

§ 55.19 Man hoisting.

The hoisting standards in this section apply to those hoists and appurtenances used for hoisting men. However, where men may be endangered by hoists and appurtenances used solely for handling ore, rock, and materials, the appropriate standards should be applied.

Hoists

55.19-1 *Mandatory.* Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used.

55.19-2 *Mandatory.* Hoists shall be anchored securely.

55.19-3 *Mandatory.* Belt, rope, or chains shall not be used to connect driving mechanisms to man hoists.

55.19-4 *Mandatory.* Any hoist used to hoist men shall be equipped with a brake or brakes which shall be capable of holding its fully loaded cage, skip, or bucket at any point in the shaft.

55.19-5 *Mandatory.* The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake to prevent accidental withdrawal of the clutch.

55.19-6 *Mandatory.* Automatic hoists shall be provided with devices that automatically apply the brakes in the event of power failure.

55.19-7 *Mandatory.* Man hoists shall be provided with devices to prevent overtravel and overspeed.

55.19-8 Friction hoists should be provided with synchronizing mechanisms that recalibrate the overtravel devices and position indicators to correct for rope creep or stretch.

55.19-9 [Reserved]

55.19-10 *Mandatory.* Hoist controls shall be placed or housed so that the noise from machinery or other sources will not prevent hoistmen from hearing signals.

55.19-11 [Reserved]
55.19-12 Where grooved drums are used, the grooves should be of the proper size and pitch for the ropes used.

55.19-13 through 55.19-19 [Reserved]

Wire Rope

55.19-20 The United States of America Standards Institute specifications cited in "Wire Rope for Mines," M11.1-1960, or the latest revision thereof, should be used as a guide in the selection, installation, and maintenance of wire ropes used for hoisting, except in those instances where the recommendations cited herein are more stringent.

55.19-21 *Mandatory.* The following static-load safety factors shall be used for selecting ropes to be used for hoisting men and for determining when such ropes shall be removed from man hoists:

Length of rope in shaft (feet)	Minimum factor of safety (new rope)	Minimum factor of safety (remove)
500 or less.....	8	6.4
501-1,000.....	7	5.8
1,001-2,000.....	6	5.0
2,001-3,000.....	5	4.3
3,001 or more.....	4	3.6

55.19-22 At least three wraps of rope should be left on the drum when the conveyance is at the bottom of the hoistway. This provision does not apply to friction hoists.

55.19-23 and 55.19-24 [Reserved]

55.19-25 New ropes should be broken in, in accordance with the manufacturer's recommendations.

55.19-26 Corrosion of hoist ropes at the attachment of safety connections should be minimized by the design of the attachment devices and by lubrication.

55.19-27 Where possible, conveyances attached to single ropes used to hoist men should be provided with secondary safety connections.

55.19-28 through 55.19-34 [Reserved]

HEADFRAMES AND SHEAVES

55.19-35 Headframes should be designed and constructed to withstand pulls by the hoists greater than the breaking strengths of the hoist ropes.

55.19-36 [Reserved]

55.19-37 Fleet angles should not exceed 1½ degrees.

55.19-38 *Mandatory.* Platforms with toe-boards and handrails shall be provided around elevated head sheaves.

55.19-39 Diameters of head sheaves and hoist drums should conform to the following specifications:

Rope construction	Diameter of sheave and drum	
	Recommended	Minimum
	Times rope diameter	Times rope diameter
6 x 7 classification.....	72	42
6 x 19.....	45	30
6 x 37.....	27	18
6 x 25 type B, flattened strand.....	45	30
6 x 27 type H, flattened strand.....	45	30
6 x 30 type G, flattened strand.....	45	30
18 x 7 classification.....	51	34

55.19-40 Head, idler, knuckle, and curve sheaves should have grooves that support the ropes properly. Before installing new ropes, the grooves should be inspected and where

necessary machined to the proper contour and the proper groove diameter.

55.19-41 through 55.19-44 [Reserved]

CONVEYANCES

55.19-45 *Mandatory.* Man cages and skips used for hoisting or lowering employees or other persons in any vertical shaft or any incline-shaft with an angle of inclination of forty-five (45) degrees from the horizontal, shall be covered with a metal bonnet.

55.19-46 through 55.19-48 [Reserved]

55.19-49 *Mandatory.* Buckets shall not be used to hoist men except during shaft sinking operations, inspection, maintenance, and repairs.

55.19-50 *Mandatory.* Buckets used to hoist men during shaft sinking operation shall have:

(a) Crossheads equipped with safety catches and protective bonnets when the shaft depth exceeds 50 feet.

(b) Devices to prevent accidental dumping.

(c) Sufficient depth to transport men safely in a standing position.

55.19-51 through 55.19-54 [Reserved]

HOISTING PROCEDURES

55.19-55 *Mandatory.* When a manually operated hoist is used, a qualified hoistman shall remain within hearing of the telephone or signal device at all times while any person is underground.

55.19-56 [Reserved]

55.19-57 Hoistmen should be physically fit and should undergo yearly examinations to determine their continued fitness; certification to this effect should be available at the mine.

55.19-58 *Mandatory.* Only experienced hoistmen shall operate the hoist except in cases of emergency and in the training of new hoistmen.

55.19-59 [Reserved]

55.19-60 Hoistmen should use extreme caution when hoisting or lowering men.

55.19-61 through 55.19-64 [Reserved]

55.19-65 *Mandatory.* Conveyances shall not be lowered by the brakes alone except during emergencies.

55.19-66 Management should designate the maximum number of men permitted to ride on a trip at one time; this limit should be posted on each landing.

55.19-67 Authorized persons should be in charge of all man trips.

55.19-68 Men should enter, ride, and leave conveyances in an orderly manner.

55.19-69 *Mandatory.* Men shall not enter or leave conveyances which are in motion or after a signal to move the conveyance has been given to the hoistman.

55.19-70 *Mandatory.* Cage doors or gates shall be closed while men are being hoisted; they shall not be opened until the cage has come to a stop.

55.19-71 *Mandatory.* Men shall not ride in skips or buckets with muck, supplies, materials, or tools other than small hand tools.

55.19-72 When combinations of cages and skips are used, the skips should be empty while men are being transported.

55.19-73 *Mandatory.* Rock or supplies shall not be hoisted in the same shaft as men during shift changes, unless the compartments and dumping bins are partitioned to prevent spillage into the cage compartment.

55.19-74 Men should not ride the ball, rim, or bonnet of any shaft conveyance, except where necessary for the inspection and maintenance of the shaft and lining.

55.19-75 *Mandatory.* Open hooks shall not be used to hoist buckets or other conveyances.

55.19-76 When men are hoisted, bucket speeds should not exceed 500 feet a minute.

and should not exceed 200 feet a minute when within 100 feet of a landing.

55.19-77 *Mandatory*. Buckets shall be stopped about 15 feet from the shaft bottom to await a signal from one of the crew on the bottom for further lowering.

55.19-78 Buckets should be stopped after being raised 3 feet when men are hoisted from the bottom; a second hoisting signal should be given after the bucket has been stabilized. Hoisting should be at a minimum speed and the bellcord should be attended constantly until the crosshead has been engaged.

55.19-79 *Mandatory*. Where mine cars are hoisted by cage or skip, means for blocking cars shall be provided at all landings and also on the cage.

55.19-80 *Mandatory*. When tools, timbers, or other materials are being lowered or raised in a shaft by means of a bucket, skip, or cage, they shall be secured or so placed that they will not strike the sides of the shaft.

55.19-81 Conveyances not in use should be released and raised or lowered at least 10 feet from the floor of the landing.

55.19-82 through 55.19-89 [Reserved]

SIGNALING

55.19-90 *Mandatory*. There shall be at least two effective approved methods of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

55.19-91 Hoistmen should not accept hoisting instructions by telephone unless the regular signaling systems are out of order. During such an emergency one person should be designated to direct movement of the conveyance.

55.19-92 and 55.19-93 [Reserved]

55.19-94 *Mandatory*. A legible signal code shall be posted prominently in the hoist house within easy view of the hoistman, and at each place where signals are given or received.

55.19-95 Hoisting signal devices should be maintained within easy reach of men on the shaft bottom during sinking operation.

55.19-96 *Mandatory*. Any person responsible for receiving or giving signals for cages, skips, and man trips when men or materials are being transported shall be familiar with the posted signaling code.

55.19-97 through 55.19-99 [Reserved]

SHAFTS

55.19-100 *Mandatory*. Shaft landings shall be equipped with substantial safety gates so constructed that materials will not go through or under them; gates shall be closed except when loading or unloading shaft conveyances.

55.19-101 *Mandatory*. Positive stopblocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

55.19-102 Guides should be provided in each hoisting compartment in shafts inclined more than 45° from the horizontal.

55.19-103 Dumping facilities should be so constructed as to minimize spillage into the shaft.

55.19-104 Adequate clearance should be maintained at shaft stations to allow men to pass safely and to allow materials to be handled safely.

55.19-105 *Mandatory*. A safe means of passage around open shaft compartments shall be provided on landings with more than one entrance to the shaft.

55.19-106 Shaft timbers should be kept clean of rocks and other loose material.

55.19-107 *Mandatory*. Hoistmen shall be informed when men are working in a compartment affected by that hoisting operation and a "Men Working in Shaft" sign shall be posted at the hoist.

55.19-108 and 55.19-109 [Reserved]

55.19-110 *Mandatory*. A substantial bulkhead or equivalent protection shall be provided above men at work deepening a shaft.

55.19-111 Substantial fixed ladders should be maintained as near the shaft bottom as practical during shaft-sinking operations. Chain, wire rope, or other extension ladders should be used from the fixed ladder to the shaft bottom.

55.19-112 through 55.19-119 [Reserved]

INSPECTION AND MAINTENANCE

55.19-120 [Reserved]

55.19-121 Complete records should be kept of installation, lubrication, inspection, tests, and maintenance of shafts and hoisting equipment.

55.19-122 Parts used to repair hoists should have properties equal to or better than the original parts; replacement parts should be designed to fit the original installation.

55.19-123 Ropes should be kept well lubricated from end to end as recommended by the manufacturer.

55.19-124 and 55.19-125 [Reserved]

55.19-126 Ropes should be calipered at regular intervals as necessary to effectively determine the rate of wear and damage. Caliper measurements should be taken:

(a) Immediately above the socket or clips and above the safety connection;

(b) Where the ropes rest on the sheaves;

(c) Where the ropes leave the drums when the conveyances are at the regular stopping points;

(d) Where a layer of rope begins to overlap another layer on the drum.

55.19-127 Electromagnetic or other non-destructive rope testing systems should be used only as supplements to and not as substitutes for recommended inspections and tests.

55.19-128 *Mandatory*. Ropes shall not be used for hoisting when they have:

(a) More than six broken wires in any lay;

(b) Crown wires worn to less than 65 percent of the original diameter;

(c) A marked amount of corrosion or distortion;

(d) A combination of similar factors individually less severe than those above but which in aggregate might create an unsafe condition.

55.19-129 [Reserved]

55.19-130 Empty conveyances should be operated up and down shafts at least one round trip before hoisting men after any shaft or equipment repairs and before regular man trips are hoisted or lowered.

55.19-131 Rope and conveyance-connections to conveyances should be inspected daily.

55.19-132 Safety catches should be inspected daily; drop tests should be made at the time of installation. Every 2 months the cage should be rested on chairs or proper blocking to check the operation or activation of the safety catches by allowing the rope to slacken suddenly.

55.19-133 [Reserved]

55.19-134 Sheaves should be inspected daily and kept properly lubricated.

55.19-135 Rollers used in inclined shafts should be lubricated, properly aligned, and kept in good repair.

§ 55.20 Miscellaneous.

55.20-1 [Reserved]

55.20-2 *Mandatory*. Potable water shall be available to all employees during working hours.

55.20-3 Good housekeeping should be practiced in and around a mine.

55.20-4 Men should not engage in horseplay.

55.20-5 *Mandatory*. Carbon tetrachloride shall not be used.

55.20-6 Protruding nails which may cause injury should be removed or completely bent over.

55.20-7 Employees should be constantly alert to the potential of accidents on their jobs.

55.20-8 [Reserved]

55.20-9 *Mandatory*. Dusts suspected of being explosive shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

55.20-10 *Mandatory*. If failure of a water or silt retaining dam will create a hazard, it shall be of substantial construction and inspected at regular intervals.

55.20-11 through 55.20-29 [Reserved]

§ 55.22 Savings provision.

55.22-1 through 55.22-3 [Reserved]

[F.R. Doc. 69-8970; Filed, July 30, 1969; 8:45 a.m.]

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

In Part II of the FEDERAL REGISTER of January 16, 1969 (34 F.R. 666), there was published a notice of proposed rulemaking setting forth proposed health and safety standards for sand, gravel, and crushed stone operations which are covered by the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 30 U.S.C. 721-740, Supp. IV, 1965-1968). The standards, which had been developed in conjunction with a Sand, Gravel, and Crushed Stone Operations Advisory Committee, were set forth in proposed new Part 56 of Title 30, Code of Federal Regulations. Interested persons were afforded a period of 60 days after the date of publication in which to submit comments and to request a public hearing on any proposed health and safety standard which was designated as a mandatory standard and which had not been recommended as a mandatory standard by the advisory committee. In the FEDERAL REGISTER of March 14, 1969 (34 F.R. 5258), there was published a notice extending to May 1, 1969, the time within which to submit comments. In the FEDERAL REGISTER of April 22, 1969 (34 F.R. 6737), there was published a notice that a review of the proposed standards as published on January 16, 1969, had disclosed errors of a substantive nature. The proposed Part 56 of Title 30, Code of Federal Regulations, was corrected and revised and interested persons were afforded a period of 30 days after the date of publication in which to submit comments respecting only the proposed standards affected by corrections.

Comments have been received with respect to many of the proposed standards. These standards, as well as certain proposed definitions respecting which there are questions, are being reviewed and analyzed preparatory to taking further action. Standards about which there were no comments or objections, or that did not include terms for which the definitions have been questioned, are now promulgated in Part 56 as Health

and Safety Standards—Sand, Gravel, and Crushed Stone Operations, which as set forth below, is hereby added to Chapter I of Title 30 of the Code of Federal Regulations. In the interest of clarity and accuracy, technical changes have been made in the definitions of the terms "detonating fuse," "detonator," and "safety switch." Pursuant to section 22 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721, note, Supp. IV), section 8 and 9 (30 U.S.C. 727, 728, Supp. IV), and subsection (b) and paragraph (1) of subsection (a) of section 14 (30 U.S.C. 733, Supp. IV) of that Act will become effective with respect to the mandatory standards now promulgated 1 year after their publication in the FEDERAL REGISTER. Changes have been made in the numbering and the relative order of certain standards in this part to make them consistent, insofar as possible, with the numbering and relative order of the standards in Part 57, relating to metal and nonmetallic underground mines, as promulgated on this date. Consequently, standards that are identically stated in Parts 55, 56, and 57 now have identical numbers following the decimal. For example, the text of standard 55.4-2 is identical with that of 56.4-2 and with that of 57.4-2. These changes will assist mine operators to achieve uniform and efficient compliance with the health and safety standards applicable to their operations and they will similarly assist mine inspectors in the uniform and efficient inspection of mine conditions and mining operations to determine if there is compliance with those standards that are applicable. Moreover, the changes will greatly facilitate analysis, by use of data processing or by other means, of the effects of compliance with those standards on injury experience in the mining industry.

WALTER J. HICKEL,
Secretary of the Interior.

56.1	Purpose and scope.
56.2	Definitions.
56.3	Ground control.
56.4	Fire prevention and control.
56.5	Air quality.
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56.7	Drilling.
56.8	Rotary jet piercing.
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56.10	Aerial tramways.
56.11	Travelways.
56.12	Electricity.
56.13	Compressed air and boilers.
56.14	Use of equipment.
56.15	Personal protection.
56.16	Materials storage and handling.
56.17	Illumination.
56.18	Safety programs.
56.19	Manhoisting.
56.20	Miscellaneous.
56.22	Savings provision.

AUTHORITY: The provisions of this Part 56 issued under sec. 6, Federal Metal and Nonmetallic Mine Safety Act, 30 Stat. 774; 30 U.S.C. 725.

§ 56.1 Purpose and scope.

The regulations in this part are promulgated pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and prescribe

health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in sand (including industrial sands), gravel and crushed stone operations which are subject to that Act. Each standard which is preceded by the word "Mandatory" is a mandatory standard. The violation of a mandatory standard will subject an operator to an order or notice under section 8 of the Act (30 U.S.C. 727).

§ 56.2 Definitions.

As used in this part:

"Approved" means tested and accepted for a specific purpose by a nationally recognized agency.

"Barricaded" means obstructed to prevent the passage of persons, vehicles, or flying materials.

"Blasting area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury.

"Blasting caps" means a detonator containing a charge of detonating compound, which is ignited by electric current or by the spark of a fuse. Used for detonating explosives.

"Blasting circuit" means electric circuits used to fire electric detonators or to ignite an igniter cord by means of an electric starter.

"Blasting switch" means a switch used to connect a power source to a blasting circuit.

"Capped fuse" means a length of safety fuse to which a detonator has been attached.

"Combustible" means capable of being ignited and consumed by fire.

"Company official" means a member of the company supervisory or technical staff.

"Competent person" means a person having abilities and experience that fully qualify him to perform the duty to which he is assigned.

"Detonating cord" or "detonating fuse" means a flexible cord containing a core of high explosives.

"Detonator" means a device containing a small detonating charge that is used for detonating an explosive, including, but not limited to, blasting caps, exploders, electric detonators, and delay electric blasting caps.

"Distribution box" means a portable apparatus with an enclosure through which an electric circuit is carried to one or more cables from a single incoming feed line, each cable circuit being connected through individual overcurrent protective devices.

"Electric blasting cap" means a blasting cap designed for and capable of being initiated by means of an electric current.

"Electrical grounding" means to connect with the ground to make the earth part of the circuit.

"Employee" means a person who works for wages or salary in the service of an employer.

"Employer" means a person or organization which hires one or more persons to work for wages or salary.

"Face or bank" means that part of any mine where excavating is progressing or was last done.

"Flammable" means capable of being easily ignited and of burning rapidly.

"Flash point" means the minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure.

"Highway" means any public street, public alley, or public road.

"High potential" means more than 650 volts.

"Hoist" means a power driven windlass or drum used for raising ore, rock, or other material from a mine, and for lowering or raising men and material.

"Igniter cord" means a fuse, cordlike in appearance, which burns progressively along its length with an external flame at the zone of burning, and is used for lighting a series of safety fuses in the desired sequence.

"Lay" means the distance parallel to the axis of the rope in which a strand makes one complete turn about the axis of the rope.

"Low potential" means 650 volts or less.

"Major electrical installation" means an assemblage of stationary electrical equipment for the generation, transmission, distribution, or conversion of electrical power.

"Man trip" means a trip on which men are transported to and from a work area.

"Mill" includes any ore mill, sampling works, concentrator, and any crushing, grinding, or screening plant used at, and in connection with, an excavation or mine.

"Misfire" means the complete or partial failure of a blasting charge to explode as planned.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores that are to be mined.

"Permissible" means a machine, material, apparatus, or device that has been investigated, tested, and approved by the Bureau of Mines and maintained in permissible condition.

"Potable" means fit for drinking.

"Reverse-current protection" means a method or device used on direct-current circuits or equipment to prevent the flow of current in the reverse direction.

"Roll protection" means a framework safety canopy or similar protection for the operator when equipment overturns.

"Safety can" means an approved container, of not over five gallons capacity, having a spring-closing lid and spout cover.

"Safety fuse" means a train of powder enclosed in cotton, jute yarn, and waterproofing compounds, which burns at a uniform rate; used for firing a cap containing the detonating compound which in turn sets off the explosive charge.

"Safety switch" means a sectionalizing switch that also provides shunt protection in blasting circuits between the blasting switch and the shot area.

"Scaling" means removal of insecure material from a face or high-wall.

"Secondary safety connection" means a second connection between a conveyance and rope, intended to prevent the conveyance from running away or falling in the event the primary connection fails.

"Shaft" means a vertical or inclined shaft; a slope, incline or winze.

"Stray current" means that portion of a total electric current that flows through paths other than the intended circuit.

"Substantial construction" means construction of such strength, material, and workmanship that the object will withstand all reasonable shock, wear, and usage, to which it will be subjected.

"Suitable" means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

"Travelway" means a passage, walk or way regularly used and designated for persons to go from one place to another.

"Trip light" means a light displayed on the opposite end of a train from the locomotive or engine.

"Wet drilling" means the continuous application of water through the central hole of hollow drill steel to the bottom of the drill hole.

"Working place" means any place in or about a mine where work is being performed.

§ 56.3 Ground control.

56.3-1 through 56.3-2 [Reserved]

56.3-3 *Mandatory*. To ensure safe operation, the width and height of benches shall be governed by the type of equipment to be used and the operation to be performed.

56.3-4 through 56.3-11 [Reserved]

56.3-12 *Mandatory*. Men shall not work between equipment and the pit wall or bank where the equipment may hinder escape from falls or slides of the bank.

56.3-13 through 56.3-19 [Reserved]

§ 56.4 Fire prevention and control.

56.4-1 [Reserved]

56.4-2 *Mandatory*. Signs warning against smoking and open flames shall be posted so they can be readily seen in areas or places where fire or explosion hazards exist.

56.4-3 Areas surrounding flammable-liquid-storage tanks and electric substations and transformers should be kept free from grass (dry), weeds, underbrush, and other combustible materials for at least 25 feet in all directions.

56.4-4 *Mandatory*. Flammable liquids shall be stored in accordance with standards of the National Fire Protection Association or other recognized agencies approved by the Bureau of Mines. Small quantities of flammable liquids drawn from storage shall be kept in appropriately labeled safety cans.

56.4-5 Unburied flammable-liquid storage tanks should be mounted securely on firm foundations. Outlet piping should be provided with flexible connections or other special fittings to prevent adverse effects from tank settling.

56.4-6 Buildings or rooms in which oil, grease, flammable liquids, or similar flammable materials are stored should be of fire-resistant construction and well-ventilated.

56.4-7 Means should be provided to confine, remove, control, or drain away spilled or flowing flammable liquids.

56.4-8 *Mandatory*. Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards.

56.4-9 *Mandatory*. All heat sources, including lighting equipment, capable of producing combustion shall be insulated or isolated from combustible materials.

56.4-10 *Mandatory*. Power wires and cables shall be adequately insulated where they pass through doors or walls or where they present a fire hazard.

56.4-11 *Mandatory*. Abandoned electrical circuits shall be deenergized and isolated so that they cannot become energized inadvertently.

56.4-12 Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

56.4-13 Materials such as oily waste and rags, which are subject to spontaneous combustion, should be placed in tightly covered metal containers until disposed of properly.

56.4-14 *Mandatory*. Solvents with flash points lower than 100° F. (38° C.) shall not be used for cleaning.

56.4-15 *Mandatory*. Solvents shall not be used near an open flame or other ignition source, or near any source of heat, or in an atmosphere that can elevate the temperature of the solvent above the flash point.

56.4-16 Drip pans should be provided to catch leakage or spillage when oil or flammable liquids are dispensed in a place or manner which may create a hazard.

56.4-17 Floors around drip pans should be covered with sand or other suitable non-combustible material and such sand or material should be replaced as necessary.

56.4-18 and 56.4-19 [Reserved]

56.4-20 *Mandatory*. Battery-charging stations shall be located in well-ventilated areas.

56.4-21 through 56.4-23 [Reserved]

56.4-24 Fire extinguishers should be:

(a) Of the appropriate type for the particular fire hazard involved;

(b) Adequate in number and size for the particular fire hazard involved;

(c) Replaced immediately with fully charged extinguishers after any discharge is made from the extinguisher;

(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations;

(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Bureau of Mines.

56.4-25 through 56.4-28 [Reserved]

56.4-29 *Mandatory*. When welding or cutting near combustible materials, suitable precautions shall be taken to ensure that smoldering metal or sparks do not result in a fire.

56.4-30 and 56.4-31 [Reserved]

56.4-32 All employees should be instructed on current escape and evacuation plans, fire-alarm signals, and applicable procedures to be followed in case of fire.

56.4-33 [Reserved]

56.4-34 Belt conveyors in locations where fire would create a hazard to personnel should be provided with safety switches to stop the drive pulley automatically in the event of excessive slippage.

56.4-35 through 56.4-49 [Reserved]

§ 56.5 Air quality.

56.5-1 [Reserved]

56.5-2 *Mandatory*. Dust, gas, mist, and fume surveys shall be conducted as frequently as necessary to determine the adequacy of control measures.

§ 56.6 Explosives.

STORAGE

56.6-1 through 56.6-24 [Reserved]

56.6-119 and 56.6-120 [Reserved]

56.6-121 Completely wired rounds should be tested with a blasting galvanometer be-

fore connections are made to the blasting line.

56.6-122 *Mandatory*. Permanent blasting lines shall be properly supported, insulated, and kept in good repair.

56.6-123 and 56.6-124 [Reserved]

56.6-125 *Mandatory*. If branch circuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast areas shall be provided in addition to the main blasting switch.

56.6-126 [Reserved]

56.6-127 *Mandatory*. Blasting switches shall be locked in the open position, except when closed to fire the blast. Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.

56.6-128 [Reserved]

56.6-129 *Mandatory*. Electric circuits from the blasting switches to the blast area shall not be grounded.

56.6-130 At least a 5-foot air gap should be provided between the blasting circuit and the power circuit.

56.6-131 Power sources should be suitable for the number of electric detonators to be fired and for the type of circuits used.

56.6-132 through 56.6-165 [Reserved]

56.6-166 *Mandatory*. All detonating-cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

56.6-167 through 56.6-174 [Reserved]

SENSITIZED AMMONIUM NITRATE BLASTING AGENTS

56.6-190 through 56.6-193 [Reserved]

56.6-194 *Mandatory*. Pneumatic loading equipment shall not be grounded to waterlines, air lines, rails, or the permanent electrical grounding systems.

56.6-195 through 56.6-197 [Reserved]

§ 56.7 Drilling.

56.7-1 and 56.7-2 [Reserved]

56.7-3 *Mandatory*. The drilling area shall be inspected for hazards before starting the drilling operations.

56.7-4 and 56.7-5 [Reserved]

56.7-6 Receptacles or racks should be provided for drill steel stored on drills.

56.7-7 Tools and other objects should not be left loose on the mast or drill platform.

56.7-8 [Reserved]

56.7-9 The drill helper, when used, should be in sight of the operator at all times while the drill is being moved to a new location.

56.7-10 *Mandatory*. In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

56.7-11 *Mandatory*. The drill stem shall be resting on the bottom of the hole or on the platform with the stem secured to the mast before attempts are made to straighten a crossed cable on a reel.

56.7-12 *Mandatory*. While in operation, drills shall be attended at all times.

56.7-13 [Reserved]

56.7-14 Men operating or working near jackhammers or jackleg drills and other drilling machines should position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.

56.7-15 Men should not drill from positions that hinder their access to the control levers, or from insecure footing or staging, or from atop equipment not designed for this purpose.

56.7-16 through 56.7-24 [Reserved]

§ 56.8 Rotary jet piercing.

56.8-1 Jet drill should be provided with:
(a) A system to pressurize operators cabs;
(b) A protective cover over the oxygen flow indicator.

56.8-2 *Mandatory*. Safety chains or other suitable locking devices shall be provided across connections to and between high pressure oxygen hose lines of 1-inch inside diameter or larger.

56.8-3 *Mandatory*. A suitable means of protection shall be provided for the employee when lighting the burner.

56.8-4 With equipment requiring refueling at locations other than fueling stations, a system for fueling from the ground without spill should be provided.

56.8-5 *Mandatory*. Men shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines. Signs warning against smoking and open flames shall be posted in these areas.

§ 56.9 Loading, hauling, dumping.

56.9-1 and 56.9-2 [Reserved]

56.9-3 *Mandatory*. Powered mobile equipment shall be provided with adequate brakes.

56.9-4 Powered mobile haulage equipment should be provided with audible warning devices. Lights should be provided on both ends when required.

56.9-5 *Mandatory*. Operators shall be certain, by signal or other means, that all persons are clear before starting or moving equipment.

56.9-6 and 56.9-7 [Reserved]

56.9-8 Adequate protection should be provided at dumping locations where men may be endangered by falling material.

56.9-9 *Mandatory*. Operators shall sound warning before starting trains, when trains approach crossings or other trains on adjacent tracks, and where vision is obscured.

56.9-10 Operators' cabs should be constructed to permit operators to see without straining and should be reasonably comfortable.

56.9-11 *Mandatory*. Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.

56.9-12 *Mandatory*. Cabs of mobile equipment shall be kept free of extraneous materials.

56.9-13 *Mandatory*. Adequate backstops or brakes shall be installed on inclined-conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.

56.9-14 *Mandatory*. No person shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the belt is specifically designed for the transportation of persons.

56.9-15 [Reserved]

56.9-16 Roadbeds, rails, joints, switches, frogs, and other elements on railroads should be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.

56.9-17 Equipment operating speeds should be prudent and consistent with conditions of roadway, grades, clearance, visibility traffic, and the type of equipment used.

56.9-18 Dust control measures should be taken where dust significantly reduces visibility of equipment operators.

56.9-19 and 56.9-20 [Reserved]

56.9-21 Vehicles should follow at a safe distance; passing should be limited to areas of adequate clearance and visibility.

56.9-22 [Reserved]

56.9-23 *Mandatory*. Trackless haulage equipment shall be operated under power control at all times.

56.9-24 *Mandatory*. Mobile equipment operators shall have full control of the equipment while it is in motion.

56.9-25 *Mandatory*. Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.

56.9-26 [Reserved]

56.9-27 *Mandatory*. When an operator is present, men shall notify him before getting on or off equipment.

56.9-28 *Mandatory*. Switch throws shall be installed so as to provide adequate clearance for switchmen.

56.9-29 Operators should sit facing the direction of travel while operating equipment with dual controls.

56.9-30 *Mandatory*. Men shall not work or pass under the buckets or booms of loaders in operation.

56.9-31 *Mandatory*. When traveling between work areas, the equipment shall be secured in the travel position.

56.9-32 *Mandatory*. Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.

56.9-33 and 56.9-34 [Reserved]

56.9-35 Movements of two or more pieces of rail equipment operating independently on the same track should be regulated by an efficient signal block, telephone, or radio system; movements on complex haulage systems should be adequately controlled.

56.9-36 through 56.9-38 [Reserved]

56.9-39 *Mandatory*. Men shall not get on or off moving equipment, except that trainmen may get on or off of slowly moving trains.

56.9-40 *Mandatory*. Men shall not ride on top of loaded haulage equipment.

56.9-41 *Mandatory*. Only authorized persons shall be permitted to ride on trains or locomotives and they shall ride in a safe position.

56.9-42 Rocker-bottom or bottom-dump cars should be equipped with positive locking devices.

56.9-43 *Mandatory*. Men shall not ride outside the cabs and beds of mobile equipment.

56.9-44 [Reserved]

56.9-45 *Mandatory*. Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.

56.9-46 [Reserved]

56.9-47 *Mandatory*. Parked railcars, unless held effectively by brakes shall be blocked securely.

56.9-48 [Reserved]

56.9-49 Long material should be transported by a method designed to prevent any overhang from creating a hazard.

56.9-50 *Mandatory*. Railcars shall not be left on side tracks unless ample clearance is provided for traffic on adjacent tracks.

56.9-51 *Mandatory*. Persons shall not go over, under, or between cars unless the train is stopped and the motorman has been notified and the notice acknowledged.

56.9-52 [Reserved]

56.9-53 Dumping locations and haulage roads should be kept reasonably free of water, debris, and spillage.

56.9-54 [Reserved]

56.9-55 Where the ground at a dumping place may fall to support the weight of a loaded dump truck, trucks should be dumped back from the edge of the bank.

56.9-56 Where necessary, bumper blocks or the equivalent should be provided at all track dead ends.

56.9-57 Grizzlies, grates, and other sizing devices at dump and transfer points should be anchored securely in place.

56.9-58 *Mandatory*. If truck spotters are used, they shall be well in the clear while trucks are backing into dumping positions and dumping; lights shall be used at night to direct trucks.

56.9-59 *Mandatory*. Public and permanent railroad crossings shall be posted with warning signs or signals, or shall be guarded when trains are passing and shall be planked or otherwise filled between the rails.

56.9-60 *Mandatory*. Where overhead clearance is restricted, warning devices shall be installed and the restricted area shall be conspicuously marked.

56.9-61 and 56.9-62 [Reserved]

56.9-63 Ramps and dumps should be of solid construction, of ample width, have ample side clearance and headroom, and be kept reasonably free of spillage.

56.9-64 through 56.9-66 [Reserved]

56.9-67 *Mandatory*. Facilities used to transport men to and from work areas shall not be overcrowded.

56.9-68 through 56.9-70 [Reserved]

56.9-71 Traffic rules, signals and warning signs should be standardized at each mine and posted.

56.9-72 through 56.9-82 [Reserved]

56.9-83 *Mandatory*. Where possible at least 30 inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30-inch clearance shall be marked conspicuously.

56.9-84 and 56.9-85 [Reserved]

56.9-86 Any load extending more than 4 feet beyond the rear of the vehicle body should be marked clearly with a red flag by day and a red light at night.

56.9-87 and 56.9-94 [Reserved]

§ 56.10 Aerial tramways.

56.10-1 Buckets should not be overloaded, and feed should be regulated to prevent spillage.

56.10-2 Carriers, including loading and unloading mechanisms, should be inspected each shift; brakes should be inspected daily; ropes and supports should be inspected as recommended by the manufacturer or as physical conditions warrant. Records of rope maintenance and inspections should be kept.

56.10-3 *Mandatory*. Any hazardous defects shall be corrected before the equipment is used.

56.10-4 Positive-action-type brakes should be provided on aerial tramways.

56.10-5 Track cable connections should be designed to offer minimum obstruction to the passage of wheels.

56.10-6 Guards should be installed to prevent swaying buckets from hitting towers.

56.10-7 [Reserved]

56.10-8 *Mandatory*. Persons other than maintenance men shall not ride aerial tramways unless the following features are provided:

- (a) Two independent brakes, each capable of holding the maximum load;
- (b) Direct communication between terminals;
- (c) Power drives with emergency power available in case of primary power failure;
- (d) Buckets equipped with positive locks to prevent accidental tripping or dumping.

56.10-9 *Mandatory*. Men shall not ride loaded buckets.

56.10-10 *Mandatory*. Where possible, aerial tramways shall not be started until the operator has ascertained that everyone is in the clear.

§ 56.11 Travelways.

56.11-1 *Mandatory*. Safe means of access shall be provided and maintained to all working places.

56.11-2 *Mandatory*. Crossovers, elevated walkways, elevated ramps, and stairways shall be of substantial construction provided with handrails, and maintained in good condition. Where necessary, toeboards shall be provided.

56.11-3 *Mandatory*. Ladders shall be of substantial construction and maintained in good condition.

56.11-4 Portable straight ladders should be provided with nonslip bases, should be placed against a safe backing, and set on secure footing.

56.11-5 *Mandatory*. Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

56.11-6 *Mandatory*. Fixed ladders shall project at least 3 feet above landings, or substantial handholes shall be provided above the landings.

56.11-7 [Reserved]

56.11-8 Ladderways, stairways, walkways, and ramps should be kept free of loose rock and extraneous materials.

56.11-9 *Mandatory*. Railed walkways shall be provided wherever persons are regularly required to walk alongside conveyor belts. Inclined railed walkways shall be nonskid or provided with cleats.

56.11-10 [Reserved]

56.11-11 Men climbing or descending ladders should face the ladders and have both hands free for climbing.

56.11-12 *Mandatory*. Openings above, below, or near travelways through which men or materials may fall shall be protected by railings, barriers, or covers. Where it is impractical to install such protective devices, adequate warning signals shall be installed.

56.11-13 *Mandatory*. Crossovers shall be provided where it is necessary to cross conveyors.

56.11-14 *Mandatory*. Moving conveyors shall be crossed only at designated crossover points.

56.11-15 Slippery walkways should be provided with cleats and handrails and/or ropes.

56.11-16 *Mandatory*. Regularly used walkways and travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.

56.11-17 Fixed ladders should not incline backwards at any point unless provided with backguards.

56.11-18 through 56.11-24 [Reserved]

56.11-25 Fixed ladders should be offset and have substantial railed landings at least every 30 feet unless backguards are provided.

56.11-26 Steep fixed ladders (70° to 90° from the horizontal) 30 feet or more in length should be provided with backguards, cages or equivalent protection, starting at a point not more than seven feet from the bottom of the ladder.

56.11-27 *Mandatory*. Scaffolds and working platforms shall be of substantial construction and provided with handrails and maintained in good condition. Floor boards shall be laid properly and the scaffolds and working platforms shall not be overloaded. Working platforms shall be provided with toeboards when necessary.

56.11-28 through 56.11-34 [Reserved]

§ 56.12 Electricity.

56.12-1 through 56.12-3 [Reserved]

56.12-4 Power wires and cables should have adequate current-carrying capacity and should be protected from mechanical injury.

56.12-5 Neither crawler-mounted nor rubber-tired equipment should run over trailing cables, unless cables are properly bridged or protected.

56.12-6 Distribution boxes should be provided with disconnect switches.

56.12-7 *Mandatory*. Trailing cables and power-cable connections to junction boxes shall not be made or broken under load.

56.12-8 Power wires and cable should be insulated adequately where they pass into or out of electrical compartments.

56.12-9 [Reserved]

56.12-10 Telephone and low-potential electric signal wires should be protected from contacting energized powerlines.

56.12-11 *Mandatory*. High-potential transmission cables shall be covered, insulated, or placed according to acceptable electrical codes to prevent contact with low-potential circuits.

56.12-12 The potential on bare signal wires accessible to personal contact should not exceed 40 volts.

56.12-13 Splices in power cables, including ground conductors, where provided, should be:

(a) Mechanically strong with adequate electrical conductivity;

(b) Effectively insulated and sealed to exclude moisture;

(c) Provided with mechanical protection and electrical conductivity as near as possible to that of the original.

56.12-14 *Mandatory*. Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.

56.12-15 through 56.12-17 [Reserved]

56.12-18 *Mandatory*. Principal power switches shall be labeled to show which units they control, unless identification can be made readily by location.

56.12-19 and 56.12-20 [Reserved]

56.12-21 *Mandatory*. Suitable danger signs shall be posted at all major electrical installations.

56.12-22 [Reserved]

56.12-23 *Mandatory*. Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless protection is provided by location.

56.12-24 Reverse-current protection should be provided at storage-battery charging stations.

56.12-25 *Mandatory*. All metal enclosing or encasing electrical circuits shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

56.12-26 *Mandatory*. Metal fencing and metal buildings enclosing transformers and switchgear shall be grounded.

56.12-27 *Mandatory*. Frame grounding or equivalent protection shall be provided for mobile equipment powered through trailing cables.

56.12-28 *Mandatory*. Continuity and resistance of grounding systems shall be tested immediately after installation.

56.12-29 Electric equipment and wiring should be inspected by a competent person as often as necessary to assure safe operating conditions.

56.12-30 *Mandatory*. When a potentially dangerous condition is found it shall be corrected before equipment or wiring is energized.

56.12-31 [Reserved]

56.12-32 Inspection and cover plates on electrical equipment should be kept in place at all times except during testing or repairs.

56.12-33 *Mandatory*. Hand-held electric tools shall not be operated at high potential voltages.

56.12-34 Portable extension lights and other lights that may present a shock or burn hazard should be guarded.

56.12-35 Lamp sockets exposed to the weather should be of a weather-proof type.

56.12-36 [Reserved]

56.12-37 *Mandatory*. Fuse tongs or hot line tools shall be used when fuses are removed or replaced in high-potential circuits.

56.12-38 Trailing cables should be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections.

56.12-39 Surplus trailing cables to shovels, cranes, and similar equipment should be stored in cable boats or on reels mounted on the equipment or otherwise protected from mechanical damage.

56.12-40 *Mandatory*. Operating controls shall be installed so that they can be operated without danger of contact with energized conductors.

56.12-41 *Mandatory*. Switches and starting boxes shall be of safe design and capacity.

56.12-42 and 56.12-43 [Reserved]

56.12-44 Lightning-arrested grounds should be connected to earth at least 10 feet from the track or mine return circuit.

56.12-45 *Mandatory*. Overhead high-potential powerlines shall be installed as specified by the National Electrical Code.

56.12-46 and 56.12-47 [Reserved]

56.12-48 *Mandatory*. Telegraph, telephone, or signal wires shall not be installed on the same crossarm with power conductors. When carried on poles supporting powerlines, they shall be installed as specified by the National Electrical Code.

56.12-49 Men should not stand on the ground in the vicinity of an electrically powered shovel or other similar heavy equipment during an electrical storm.

56.12-50 through 56.12-53 [Reserved]

56.12-54 Tools and supplies should be carried in the hands and not on the shoulders when men travel near bare power conductors.

56.12-55 through 56.12-64 [Reserved]

56.12-65 *Mandatory*. Powerlines, including trolley wires, and telephone circuits shall be protected against short circuits and lightning.

56.12-66 *Mandatory*. Where metallic tools or equipment can come in contact with trolley wires or bare powerlines, the lines shall be guarded or deenergized.

56.12-67 *Mandatory*. Transformers shall be totally enclosed, or shall be placed at least 8 feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least 6 feet high and at least 3 feet from any energized parts, casings, or wirings.

56.12-68 through 56.12-79 [Reserved]

§ 56.13 Compressed air and boilers.

GENERAL

56.13-1 *Mandatory*. All boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the standards and specifications of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

56.13-2 through 56.13-9 [Reserved]

COMPRESSED AIR

56.13-10 Air compressors should be equipped with automatic temperature-activated shutoff mechanisms set for 400° F., or with fusible plugs installed in the compressor discharge lines as near the compressors as possible. Fusible plugs should melt at temperatures 50° less than the flash point of the lubricating oils.

56.13-11 Compressors and compressed-air receivers should be equipped with automatic pressure-release valves, pressure gauges, and drain valves.

56.13-12 Compressor air intakes should be installed to insure that only clean, uncontaminated air enters the compressors.

56.13-13 [Reserved]

56.13-14 Compressed-air receivers should have inspection openings which should be manholes when the tanks are over 36 inches in diameter.

56.13-15 [Reserved]

56.13-16 Compressors should be operated and lubricated in accordance with the manufacturer's recommendations.

56.13-17 Compressor discharge pipes should be cleaned periodically.

56.13-18 [Reserved]

56.13-19 *Mandatory*. Repairs involving the pressure system of compressors, receivers, or compressed-air-powered equipment shall not be attempted until the pressure has been bled off.

56.13-20 *Mandatory*. At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury.

56.13-21 through 56.13-29 [Reserved]

BOILERS

56.13-30 Boilers should be equipped with guarded, well-maintained water gages and pressure gages placed so that they can be observed easily. Water gages and pipe passages to the gages should be kept clean and free of scale and rust.

56.13-31 [Reserved]

56.13-32 Boiler installations should be provided with safety devices, acceptable to the Bureau of Mines, to protect against hazards of flame-outs, fuel interruptions, and low water level.

56.13-33 Blowoff valves should be piped outside the building and should have outlets so located or protected that persons passing by, near, or under them will not be scalded.

56.13-34 Boilers should be inspected internally at least once a year by licensed inspectors; records of such inspections should be kept.

§ 56.14 Use of equipment.

GUARDS

56.14-1 through 56.14-3 [Reserved]

56.14-4 Openings where conveyors pass through walls or floors should be guarded.

56.14-5 Protruding set screws on revolving parts should be guarded.

56.14-6 *Mandatory.* Except when testing the machinery, guards shall be securely in place while machinery is being operated.

56.14-7 Guards should be sufficiently strong and maintained to provide the required protection.

56.14-8 *Mandatory.* Stationary grinding machines other than special bit grinders shall be equipped with:

(a) Peripheral hoods (less than 90° throat openings) capable of withstanding the force of a bursting wheel;

(b) Adjustable tool rests set as close as practical to the wheel;

(c) Safety washers.

56.14-9 *Mandatory.* Grinding wheels shall be operated within the specifications of the manufacturer of the wheel.

56.14-10 *Mandatory.* Hand-held power tools, other than rock drills, shall be equipped with controls requiring constant hand or finger pressure to operate the tools or shall be equipped with friction or other equivalent safety devices.

56.14-11 Guards or shields should be provided in areas where flying or falling materials present a hazard.

56.14-12 and 56.14-13 [Reserved]

56.14-14 *Mandatory.* Face shields or goggles, in good condition, shall be worn when operating a grinding wheel.

56.14-15 through 56.14-24 [Reserved]

METHODS AND PROCEDURES

56.14-25 Machinery and equipment should be maintained properly.

56.14-26 and 56.14-27 [Reserved]

56.14-28 Adequate clearance should be provided at machine installations.

56.14-29 *Mandatory.* Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make adjustments.

56.14-30 *Mandatory.* Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

56.14-31 *Mandatory.* Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

56.14-32 *Mandatory.* Belts, chains, and ropes shall not be guided onto power-driven moving pulleys, sprockets, or drums with the hands except on slow moving equipment especially designed for hand feeding.

56.14-33 [Reserved]

56.14-34 *Mandatory.* Belt dressing shall not be applied manually while belts are in motion unless an aerosol-type dressing is used.

56.14-35 *Mandatory.* Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

56.14-36 Tools and equipment should be used only for the purpose and within the capacity for which they were intended and designed.

56.14-37 through 56.14-54 [Reserved]

§ 56.15 Personal protection.

56.15-1 *Mandatory.* Adequate first-aid materials, including stretchers and blankets, shall be provided at places convenient to all working areas. Water or neutralizing agents shall be available where corrosive chemicals or other harmful substances are stored, handled, or used.

56.15-2 through 56.15-7 [Reserved]

56.15-8 Snug-fitting clothing should be worn around moving equipment and machinery.

56.15-9 Protective gloves should be worn by employees handling materials which may cause injury.

56.15-10 Gloves should not be worn where they could create a hazard by becoming entwined or caught in moving parts of machinery.

56.15-11 through 56.15-20 [Reserved]

§ 56.16 Materials storage and handling.

56.16-1 Materials should be stored and stacked in a manner which minimizes stumbling or fall-of-material hazards.

56.16-2 Men working on surge piles or storage piles should not walk or stand immediately above a reclaiming area during reclaiming.

56.16-3 *Mandatory.* Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner that minimizes the dangers.

56.16-4 [Reserved]

56.16-5 *Mandatory.* Compressed and liquid gas cylinders shall be secured in a safe manner.

56.16-6 *Mandatory.* Valves on compressed gas cylinder shall be protected by covers when being transported or stored, and by a safe location when the cylinders are in use.

56.16-7 Hitches and slings used to hoist materials should be designed and used properly for the particular material handled.

56.16-8 [Reserved]

56.16-9 *Mandatory.* Men shall stay clear of suspended loads.

56.16-10 [Reserved]

56.16-11 *Mandatory.* Men shall not ride on loads being moved by cranes or derricks, nor shall they ride the hoisting hooks unless such method eliminates a greater hazard.

56.16-12 Substances that react violently or liberate dangerous fumes when mixed should be stored in such a manner that they cannot come in contact with each other.

56.16-13 Only men wearing protective equipment should stand near pots or ladles when molten material is being handled; warning should be given before a pour is made or the pot is moved.

56.16-14 *Mandatory.* Operator-carrying overhead cranes shall be provided with:

(a) Bumpers at each end of each rail;

(b) Automatic switches to halt uptravel of the blocks before they strike the hoist;

(c) Effective audible warning signals within easy reach of the operator;

(d) A means to lock out the disconnect switch.

56.16-15 [Reserved]

56.16-16 Forklift trucks should be moved with the load in a low position and should descend ramps with the load behind.

56.16-17 through 56.16-34 [Reserved]

§ 56.17 Illumination.

56.17-1 *Mandatory.* Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and work areas.

56.17-2 through 56.17-9 [Reserved]

§ 56.18 Safety programs.

56.18-1 The employer should establish a definite, effective, and continually functioning safety program and make every attempt to prevent accidents and increase safety. Employees should actively participate in the safety program.

56.18-2 and 56.18-3 [Reserved]

56.18-4 Company safety regulations pertinent to the various operations should be published or posted for employee information.

56.18-5 [Reserved]

56.18-6 *Mandatory.* New employees shall be indoctrinated in safety rules and safe work procedures.

56.18-7 [Reserved]

56.18-8 Each working place should be visited by a supervisor or a designated person at least once each shift and more frequently as necessary to insure that work is being done in a safe manner.

56.18-9 [Reserved]

56.18-10 Selected supervisors should be trained in first-aid. First-aid training should be made available to all employees.

56.18-11 [Reserved]

56.18-12 *Mandatory.* Emergency telephone numbers shall be posted at appropriate telephones.

56.18-13 Where telephone service is not available, emergency communications should be provided to the nearest point of assistance.

56.18-14 *Mandatory.* Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons.

56.18-15 through 56.18-24 [Reserved]

§ 56.19 Man hoisting.

The hoisting standards in this section apply to those hoists and appurtenances used for hoisting men. However, where men may be endangered by hoists and appurtenances used solely for handling ore, rock and materials, the appropriate standards should be applied.

HOISTS

56.19-1 *Mandatory.* Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used.

56.19-2 *Mandatory.* Hoists shall be anchored securely.

56.19-3 *Mandatory.* Belt, rope, or chains shall not be used to connect driving mechanisms to man hoists.

56.19-4 *Mandatory.* Any hoist used to hoist men shall be equipped with a brake or brakes which shall be capable of holding its fully loaded cage, skip, or bucket at any point in the shaft.

56.19-5 *Mandatory.* The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake to prevent accidental withdrawal of the clutch.

56.19-6 *Mandatory.* Automatic hoists shall be provided with devices that automatically apply the brakes in the event of power failure.

56.19-7 *Mandatory.* Man hoists shall be provided with devices to prevent overtravel and overspeed.

56.19-8 Friction hoists should be provided with synchronizing mechanisms that recalibrate the overtravel devices and position indicators to correct for rope creep or stretch.

56.19-9 [Reserved]

56.19-10 **Mandatory.** Hoist controls shall be placed or housed so that the noise from machinery or other sources will not prevent hoistmen from hearing signals.

56.19-11 [Reserved]

56.19-12 Where grooved drums are used, the grooves should be of the proper size and pitch for the ropes used.

56.19-13 through 56.19-19 [Reserved]

WIRE ROPE

56.19-20 The United States of America Standards Institute specifications cited in "Wire Rope for Mines," M11.1-1960, or the latest revision thereof, should be used as a guide in the selection, installation, and maintenance of wire ropes used for hoisting, except in those instances where the recommendations cited herein are more stringent.

56.19-21 **Mandatory.** The following static-load safety factors shall be used for selecting ropes to be used for hoisting men and for determining when such ropes shall be removed from man hoists:

Length of rope in shaft (feet)	Minimum factor of safety (new rope)	Minimum factor of safety (remove)
500 or less	5	6.4
501-1,000	7	5.8
1,001-2,000	6	5.0
2,001-3,000	5	4.3
3,001 or more	4	3.6

56.19-22 At least three wraps of rope should be left on the drum when the conveyance is at the bottom of the hoistway. This provision does not apply to friction hoists.

56.19-23 and 56.19-24 [Reserved]

56.19-25 New ropes should be broken in, in accordance with the manufacturer's recommendations.

56.19-26 Corrosion of hoist ropes at the attachment of safety connections should be minimized by the design of the attachment devices and by lubrication.

56.19-27 Where possible, conveyances attached to single ropes used to hoist men should be provided with secondary safety connections.

56.19-28 through 56.19-34 [Reserved]

HEADFRAMES AND SHEAVES

56.19-35 Headframes should be designed and constructed to withstand pulls by the hoists greater than the breaking strengths of the hoist ropes.

56.19-36 [Reserved]

56.19-37 Fleet angles should not exceed 1½ degrees.

56.19-38 **Mandatory.** Platforms with toeboards and handrails shall be provided around elevated head sheaves.

56.19-39 Diameters of head sheaves and hoist drums should conform to the following specifications:

Rope construction	Diameter of sheave and drum	
	Recommended	Minimum
	<i>Times rope diameter</i>	<i>Times rope diameter</i>
6 x 7 classification	72	42
6 x 19	45	30
6 x 37	27	18
6 x 26 type B, flattened strand	45	30
6 x 27 type H, flattened strand	45	30
6 x 30 type G, flattened strand	45	30
18 x 7 classification	51	34

56.19-40 Head, idler, knuckle, and curve sheaves should have grooves that support the ropes properly. Before installing new ropes, the grooves should be inspected and where necessary machined to the proper contour and the proper groove diameter.

56.19-41 through 56.19-44 [Reserved]

CONVEYANCES

56.19-45 **Mandatory.** Man cages and skips used for hoisting or lowering employees or other persons in any vertical shaft or any incline shaft with an angle of inclination of forty-five (45) degrees from the horizontal, shall be covered with a metal bonnet.

56.19-46 through 56.19-48 [Reserved]

56.19-49 **Mandatory.** Buckets shall not be used to hoist men except during shaft sinking operations, inspection, maintenance, and repairs.

56.19-50 **Mandatory.** Buckets used to hoist men during shaft sinking operation shall have:

(a) Crossheads equipped with safety catches and protective bonnets when the shaft depth exceeds 50 feet.

(b) Devices to prevent accidental dumping.

(c) Sufficient depth to transport men safely in a standing position.

56.19-51 through 56.19-54 [Reserved]

HOISTING PROCEDURES

56.19-55 **Mandatory.** When a manually operated hoist is used, a qualified hoistman shall remain within hearing of the telephone or signal device at all times while any person is underground.

56.19-56 [Reserved]

56.19-57 Hoistmen should be physically fit and should undergo yearly examinations to determine their continued fitness; certification to this effect should be available at the mine.

56.19-58 **Mandatory.** Only experienced hoistmen shall operate the hoist except in cases of emergency and in the training of new hoistmen.

56.19-59 [Reserved]

56.19-60 Hoistmen should use extreme caution when hoisting or lowering men.

56.19-61 through 56.19-64 [Reserved]

56.19-65 **Mandatory.** Conveyances shall not be lowered by the brakes alone except during emergencies.

56.19-66 Management should designate the maximum number of men permitted to ride on a trip at one time; this limit should be posted on each landing.

56.19-67 Authorized persons should be in charge of all man trips.

56.19-68 Men should enter, ride, and leave conveyances in an orderly manner.

56.19-69 **Mandatory.** Men shall not enter or leave conveyances which are in motion or after a signal to move the conveyance has been given to the hoistman.

56.19-70 **Mandatory.** Cage doors or gates shall be closed while men are being hoisted; they shall not be opened until the cage has come to a stop.

56.19-71 **Mandatory.** Men shall not ride in skips or buckets with muck, supplies, materials, or tools other than small hand tools.

56.19-72 When combinations of cages and skips are used, the skips should be empty while men are being transported.

56.19-73 **Mandatory.** Rock or supplies shall not be hoisted in the same shaft as men during shift changes, unless the compartments and dumping bins are partitioned to prevent spillage into the cage compartment.

56.19-74 Men should not ride the ball, rim, or bonnet of any shaft conveyance, except where necessary for the inspection and maintenance of the shaft and lining.

56.19-75 **Mandatory.** Open hooks shall not be used to hoist buckets or other conveyances.

56.19-76 When men are hoisted, bucket speeds should not exceed 500 feet a minute, and should not exceed 200 feet a minute when within 100 feet of a landing.

56.19-77 **Mandatory.** Buckets shall be stopped about 15 feet from the shaft bottom to await a signal from one of the crew on the bottom for further lowering.

56.19-78 Buckets should be stopped after being raised 3 feet when men are hoisted from the bottom; a second hoisting signal should be given after the bucket has been stabilized. Hoisting should be at a minimum speed and the bellcord should be attended constantly until the crosshead has been engaged.

56.19-79 **Mandatory.** Where mine cars are hoisted by cage or skip, means for blocking cars shall be provided at all landings and also on the cage.

56.19-80 **Mandatory.** When tools, timbers, or other materials are being lowered or raised in a shaft by means of a bucket, skip, or cage, they shall be secured or so placed that they will not strike the sides of the shaft.

56.19-81 Conveyances not in use should be released and raised or lowered at least 10 feet from the floor of the landing.

56.19-82 through 56.19-89 [Reserved]

SIGNALING

56.19-90 **Mandatory.** There shall be at least two effective approved methods of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

56.19-91 Hoistmen should not accept hoisting instructions by telephone unless the regular signaling systems are out of order. During such an emergency one person should be designated to direct movement of the conveyance.

56.19-92 and 56.19-93 [Reserved]

56.19-94 **Mandatory.** A legible signal code shall be posted prominently in the hoist house within easy view of the hoistman, and at each place where signals are given or received.

56.19-95 Hoisting signal devices should be maintained within easy reach of men on the shaft bottom during sinking operation.

56.19-96 **Mandatory.** Any person responsible for receiving or giving signals for cages, skips, and man trips when men or materials are being transported shall be familiar with the posted signaling code.

56.19-97 through 56.19-99 [Reserved]

SHAFTS

56.19-100 **Mandatory.** Shaft landings shall be equipped with substantial safety gates so constructed that materials will not go through or under them; gates shall be closed except when loading or unloading shaft conveyances.

56.19-101 **Mandatory.** Positive stopblocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

56.19-102 Guides should be provided in each hoisting compartment in shafts inclined more than 45° from the horizontal.

56.19-103 Dumping facilities should be so constructed as to minimize spillage into the shaft.

56.19-104 Adequate clearance should be maintained at shaft stations to allow men to pass safely and to allow materials to be handled safely.

56.19-105 **Mandatory.** A safe means of passage around open shaft compartments shall be provided on landings with more than one entrance to the shaft.

56.19-106 Shaft timbers should be kept clean of rocks and other loose material.

56.19-107 **Mandatory.** Hoistmen shall be informed when men are working in a compartment affected by that hoisting operation and a "Men Working in Shaft" sign shall be posted at the hoist.

56.19-108 and 56.19-109 [Reserved]
 56.19-110 *Mandatory*. A substantial bulkhead or equivalent protection shall be provided above men at work deepening a shaft.
 56.19-111 Substantial fixed ladders should be maintained as near the shaft bottom as practical during shaft-sinking operations. Chain, wire rope, or other extension ladders should be used from the fixed ladder to the shaft bottom.
 56.19-112 through 56.19-119 [Reserved]

INSPECTION AND MAINTENANCE

56.19-120 [Reserved]
 56.19-121 Complete records should be kept of installation, lubrication, inspection, tests, and maintenance of shafts and hoisting equipment.
 56.19-122 Parts used to repair hoists should have properties equal to or better than the original parts; replacement parts should be designed to fit the original installation.
 56.19-123 Ropes should be kept well lubricated from end to end as recommended by the manufacturer.

56.19-124 and 56.19-125 [Reserved]
 56.19-126 Ropes should be calipered at regular intervals as necessary to effectively determine the rate of wear and damage. Caliper measurements should be taken:

- (a) Immediately above the socket or clips and above the safety connection;
- (b) Where the ropes rest on the sheaves;
- (c) Where the ropes leave the drums when the conveyances are at the regular stopping points;
- (d) Where a layer of rope begins to overlap another layer on the drum.

56.19-127 Electromagnetic or other non-destructive rope testing systems should be used only as supplements to and not as substitutes for recommended inspections and tests.

56.19-128 *Mandatory*. Ropes shall not be used for hoisting when they have:

- (a) More than six broken wires in any lay;
- (b) Crown wires worn to less than 65 percent of the original diameter;
- (c) A marked amount of corrosion or distortion;
- (d) A combination of similar factors individually less severe than those above but which in aggregate might create an unsafe condition.

56.19-129 [Reserved]
 56.19-130 Empty conveyances should be operated up and down shafts at least one round trip before hoisting men after any shaft or equipment repairs and before regular man trips are hoisted or lowered.

56.19-131 Rope and conveyance connections to conveyances should be inspected daily.

56.19-132 Safety catches should be inspected daily; drop tests should be made at the time of installation. Every 2 months the cage should be rested on chairs or proper blocking to check the operation or activation of the safety catches by allowing the rope to slacken suddenly.

56.19-133 [Reserved]
 56.19-134 Sheaves should be inspected daily and kept properly lubricated.

56.19-135 Rollers used in inclined shafts should be lubricated, properly aligned, and kept in good repair.

§ 56.20 Miscellaneous.

56.20-1 [Reserved]
 56.20-2 *Mandatory*. Potable water shall be available to all employees during working hours.
 56.20-3 Good housekeeping should be practiced in and around a mine.
 56.20-4 Men should not engage in horseplay.

56.20-5 *Mandatory*. Carbon tetrachloride shall not be used.

56.20-6 Protruding nails which may cause injury should be removed or completely bent over.

56.20-7 Employees should be constantly alert to the potential of accidents on their jobs.

56.20-8 [Reserved]
 56.20-9 *Mandatory*. Dusts suspected of being explosive shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

56.20-10 *Mandatory*. If failure of a water or silt retaining dam will create a hazard, it shall be of substantial construction and inspected at regular intervals.

56.20-11 through 56.20-29 [Reserved]

§ 56.22 Savings provision.

56.22-1 through 56.22-3 [Reserved]
 [P.R. Doc. 69-8971; Filed, July 30, 1969; 8:45 a.m.]

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NON-METALLIC UNDERGROUND MINES

In Part II of the FEDERAL REGISTER of January 16, 1969 (34 F.R. 677), there was published a notice of proposed rule-making setting forth proposed health and safety standards for metal and non-metallic underground mines which are covered by the Federal Metal and Non-metallic Mine Safety Act (80 Stat. 772, 30 U.S.C. 721-740, Supp. IV, 1965-1968). The standards, which had been developed in conjunction with an Underground Mines Advisory Committee, were set forth in proposed new Part 57 of Title 30, Code of Federal Regulations. Interested persons were afforded a period of 60 days after the date of publication in which to submit comments and to request a public hearing on any proposed health and safety standard which was designated as a mandatory standard and which had not been recommended as a mandatory standard by the advisory committee. In the FEDERAL REGISTER of March 14, 1969 (34 F.R. 5258), there was published a notice extending to May 1, 1969, the time within which to submit comments. In the FEDERAL REGISTER of April 22, 1969 (34 F.R. 6737), there was published a notice that a review of the proposed standards as published on January 16, 1969, had disclosed errors of a substantive nature. The proposed Part 57 of Title 30, Code of Federal Regulations, was corrected and revised and interested persons were afforded a period of 30 days after the date of publication in which to submit comments respecting only the proposed standards affected by corrections.

Comments have been received with respect to many of the proposed standards. These standards, as well as certain proposed definitions respecting which there are questions, are being reviewed and analyzed preparatory to taking further action. Standards about which there were no comments or objections, or that did not include terms for which the definitions have been questioned, are now promulgated in Part 57 as Health and Safety Standards—Metal and Non-

metallic Underground Mines, which as set forth below, is hereby added to Chapter I of Title 30 of the Code of Federal Regulations. In the interest of clarity and accuracy, technical changes have been made in the definitions of the terms "detonating fuse," "detonator," and "safety switch." Pursuant to section 22 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721, note, Supp. IV), sections 8 and 9 (30 U.S.C. 727, 728, Supp. IV), and subsection (b) and paragraph (1) of subsection (a) of section 14 (30 U.S.C. 733, Supp. IV) of that Act will become effective with respect to the mandatory standards now promulgated 1 year after their publication in the FEDERAL REGISTER. Changes have been made in the numbering of sections and standards in Part 57 set forth below. Standards on air quality, ventilation, and radiation are combined as § 57.5 and standards on travelways and escapeways are combined as § 57.13. Other sections of this part have been renumbered to conform to those changes.

The changes provide that, insofar as practicable, sections which deal with a given subject will have identical decimal numbers in the three sets of regulations which deal with open pit mines, sand, gravel, and crushed stone operations, and underground mines. Thus, the standards on drilling in the three sets of regulations will appear in §§ 55.7, 56.7, and 57.7, respectively; and standards on materials handling and storage will appear in §§ 55.16, 56.16, and 57.16. These changes will assist mine operators to achieve uniform and efficient compliance with those health and safety standards applicable to their operations. The changes will similarly assist mine inspectors in the uniform and efficient inspection of mine conditions and operations to determine if there is compliance with applicable standards. Moreover, the changes will greatly facilitate analysis of effects of compliance with those standards on injury experience through use of data processing.

WALTER J. HICKEL,
 Secretary of the Interior.

Sec.	Purpose and scope.
57.1	Purpose and scope.
57.2	Definitions.
57.3	Ground control.
57.4	Fire prevention and control.
57.5	Air quality, ventilation, and radiation.
57.6	Explosives.
57.7	Drilling.
57.8	Rotary jet piercing.
57.9	Loading, hauling, dumping.
57.10	Aerial tramways.
57.11	Travelways and escapeways.
57.12	Electricity.
57.13	Compressed air and boilers.
57.14	Use of equipment.
57.15	Personal protection.
57.16	Materials storage and handling.
57.17	Illumination.
57.18	Safety programs.
57.19	Man hoisting.
57.20	Miscellaneous.
57.21	Gassy mines.
57.22	Savings provisions.

AUTHORITY: The provisions of this Part 57 issued under sec. 6, Federal Metal and Non-metallic Mine Safety Act, 80 Stat. 774; 30 U.S.C. 725.

§ 57.1 Purpose and scope.

The regulations in this part are promulgated pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and prescribe health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in underground metal and nonmetallic mines which are subject to that Act. Each standard which is preceded by the word "Mandatory" is a mandatory standard. The violation of a mandatory standard will subject an operator to an order or notice under section 8 of the Act (30 U.S.C. 727). Those regulations in each subpart appearing under the heading "General—Surface and Underground" apply both to the underground and surface operations of underground mines; those appearing under the heading "Surface Only" apply only to the surface operations of underground mines; those appearing under the heading "Underground Only" apply only to the underground operations of underground mines.

§ 57.2 Definitions.

As used in this part:

"Abandoned mine" means all work has stopped on the mine premises and an office with a responsible person in charge is no longer maintained at the mine.

"Abandoned workings" means deserted mine areas in which further work is not intended.

"Active workings" means areas at, in, or around a mine or plant where men work or travel.

"Approved" means tested and accepted for a specific purpose by a nationally recognized agency.

"Auxiliary fan" means a fan used to deliver air to a working place off the main airstream; generally used with ventilation tubing.

"Barricaded" means obstructed to prevent the passage of persons, vehicles, or flying materials.

"Blasting area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury.

"Blasting cap" means a detonator containing a charge of detonating compound, which is ignited by electric current, or the spark of a fuse. Used for detonating explosives.

"Blasting circuit" means electric circuits used to fire electric detonators or to ignite an igniter cord by means of an electric starter.

"Blasting switch" means a switch used to connect a power source to a blasting circuit.

"Booster fan" means a fan installed in the main airstream or a split of the main airstream to increase airflow through a section or sections of a mine.

"Capped fuse" means a length of safety fuse to which a detonator has been attached.

"Combustible" means capable of being ignited and consumed by fire.

"Company official" means a member of the company supervisory or technical staff.

"Competent person" means a person having abilities and experience that fully qualify him to perform the duty to which he is assigned.

"Detonating cord" or "detonating fuse" means a flexible cord containing a core of high explosive.

"Detonator" means a device containing a small detonating charge that is used for detonating an explosive, including, but not limited to blasting caps, exploders, electric detonators, and delay electric blasting caps.

"Distribution box" means a portable apparatus with an enclosure through which an electric circuit is carried to one or more cables from a single incoming feed line; each cable circuit being connected through individual overcurrent protective devices.

"Electric blasting cap" means a blasting cap designed for and capable of being initiated by means of an electric current.

"Electrical grounding" means to connect with the ground to make the earth part of the circuit.

"Employee" means a person who works for wages or salary in the service of an employer.

"Employer" means a person or organization which hires one or more persons to work for wages or salary.

"Escapeway" means a passageway by which persons may leave if the ordinary exit is obstructed.

"Face or bank" means that part of any mine where excavating is progressing or was last done.

"Flammable" means capable of being easily ignited and of burning rapidly.

"Flash point" means the minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure.

"Highway" means any public street, public alley or public road.

"High potential" means more than 650 volts.

"Hoist" means a power-driven windlass or drum used for raising ore, rock, or other material from a mine, and for lowering or raising men and material.

"Igniter cord" means a fuse, cordlike in appearance, which burns progressively along its length with an external flame at the zone of burning, and is used for lighting a series of safety fuses in the desired sequence.

"Lay" means the distance parallel to the axis of the rope in which a strand makes one complete turn about the axis of the rope.

"Low potential" means 650 volts or less.

"Main fan" means a fan that controls the entire airflow of the mine, or the airflow of one of the major air circuits.

"Major electrical installation" means an assemblage of stationary electrical equipment for the generation, transmission, distribution, or conversion of electrical power.

"Man trip" means a trip on which men are transported to and from a work area.

"Mill" includes any ore mill, sampling works, concentrator, and any crushing,

grinding, or screening plant used at, and in connection with, an excavation or mine.

"Mine opening" means any opening or entrance from the surface into a mine.

"Misfire" means the complete or partial failure of a blasting charge to explode as planned.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores that are to be mined.

"Permissible" means a machine, material, apparatus, or device which has been investigated, tested, and approved by the Bureau of Mines, and is maintained in permissible condition.

"Potable" means fit for drinking.

"Reverse-current protection" means a method or device used on direct-current circuits or equipment to prevent the flow of current in a reverse direction.

"Roll protection" means a framework, safety canopy or similar protection for the operator when equipment overturns.

"Safety can" means an approved container, of not over 5 gallons capacity, having a spring-closing lid and spout cover.

"Safety fuse" means a train of powder enclosed in cotton, jute yarn, and water-proofing compounds, which burns at a uniform rate; used for firing a cap containing the detonating compound which in turn sets off the explosive charge.

"Safety switch" means a sectionalizing switch that also provides shunt protection in blasting circuits between the blasting switch and the shot area.

"Scaling" means removal of insecure material from a face or highwall.

"Secondary safety connection" means a second connection between a conveyance and rope, intended to prevent the conveyance from running away or falling in the event the primary connection fails.

"Shaft" means a vertical or inclined shaft; a slope, incline, or winze.

"Stray current" means that portion of a total electric current that flows through paths other than the intended circuit.

"Substantial construction" means construction of such strength, material, and workmanship that the object will withstand all reasonable shock, wear, and usage to which it will be subjected.

"Suitable" means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

"Travelway" means a passage, walk or way regularly used and designated for persons to go from one place to another.

"Trip light" means a light displayed on the opposite end of a train from the locomotive or engine.

"Wet drilling" means the continuous application of water through the central hole of hollow drill steel to the bottom of the drill hole.

"Working place" means any place in or about a mine where work is being performed.

§ 57.3 Ground control.

SURFACE ONLY

57.3-1 and 57.3-2 [Reserved]
 57.3-3 *Mandatory*. To ensure safe operation, the width and height of benches shall be governed by the type of equipment to be used and the operation to be performed.
 57.3-4 through 57.3-11 [Reserved]
 57.3-12 *Mandatory*. Men shall not work between equipment and the pit wall or bank where the equipment may hinder escape from falls or slides of the bank.
 57.3-13 through 57.3-19 [Reserved]

UNDERGROUND ONLY

57.3-20 *Mandatory*. Ground support shall be used if the operating experience of the mine, or any particular area of the mine, indicates that it is required. If it is required, support, including timbering, rock bolting, or other methods shall be consistent with the nature of the ground and the mining method used.
 57.3-21 Men should be trained in the proper methods of testing for, taking down, and supporting loose ground.
 57.3-22 and 57.3-23 [Reserved]
 57.3-24 Picks or other short tools that would place the user in danger of falling rock should not be used for barring down.
 57.3-25 Timbers should be blocked tightly.
 57.3-26 Damaged or dislodged timbers which create a hazardous condition should be repaired or replaced promptly.
 57.3-27 Temporary ground support should be installed as needed.
 57.3-28 When necessary, permanent, or temporary ground support should be installed near enough to the bottom of the shaft during shaft sinking to prevent falls of rocks from the sides of the shaft.
 57.3-29 Shaft pillars should have sufficient strength to protect operating shafts.
 57.3-30 Rock-bolt installations should be installed in a manner to provide safe and effective ground support.
 57.3-31 Rock-bolting materials should meet the applicable standards of the United States of America Standards Institute.
 57.3-32 When needed, rock bolts should be installed as soon as possible after an area is exposed.
 57.3-33 [Reserved]

§ 57.4 Fire prevention and control.

GENERAL—SURFACE AND UNDERGROUND

57.4-1 [Reserved]
 57.4-2 *Mandatory*. Signs warning against smoking and open flames shall be posted so they can be readily seen in areas or places where fire or explosion hazards exist.
 57.4-3 Areas surrounding flammable-liquid-storage tanks and electric substations and transformers should be kept free from grass (dry), weeds, underbrush, and other combustible materials for at least 25 feet in all directions.
 57.4-4 *Mandatory*. Flammable liquids shall be stored in accordance with standards of the National Fire Protection Association or other recognized agencies approved by the Bureau of Mines. Small quantities of flammable liquids drawn from storage shall be kept in appropriately labeled safety cans.
 57.4-5 Unburied flammable-liquid storage tanks should be mounted securely on firm foundations. Outlet piping should be provided with flexible connections or other special fittings to prevent adverse effects from tank settling.
 57.4-6 Buildings or rooms in which oil, grease, flammable liquids, or similar flammable materials are stored should be of fire-resistant construction and well ventilated.

57.4-7 Means should be provided to confine, remove, control, or drain away spilled or flowing flammable liquids.
 57.4-8 *Mandatory*. Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards.
 57.4-9 *Mandatory*. All heat sources, including lighting equipment, capable of producing combustion shall be insulated or isolated from combustible materials.
 57.4-10 *Mandatory*. Power wires and cables shall be adequately insulated where they pass through doors or walls or where they present a fire hazard.
 57.4-11 *Mandatory*. Abandoned electrical circuits shall be deenergized and isolated so that they cannot become energized inadvertently.
 57.4-12 Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.
 57.4-13 Materials, such as oily waste and rags, which are subject to spontaneous combustion should be placed in tightly covered metal containers until disposed of properly.
 57.4-14 *Mandatory*. Solvents with flash points lower than 100° F. (38° C.) shall not be used for cleaning.
 57.4-15 *Mandatory*. Solvents shall not be used near an open flame or other ignition source, or near any source of heat, or in an atmosphere that can elevate the temperature of the solvent above the flash point.
 57.4-16 Drip pans should be provided to catch leakage or spillage when oil or flammable liquids are dispensed in a place or manner which may create a hazard.
 57.4-17 Floors around drip pans should be covered with sand or other suitable non-combustible material and such sand or material should be replaced as necessary.
 57.4-18 and 57.4-19 [Reserved]
 57.4-20 *Mandatory*. Battery-charging stations shall be located in well-ventilated areas.
 57.4-21 through 57.4-23 [Reserved]
 57.4-24 Fire extinguishers should be:
 (a) Of the appropriate type for the particular fire hazard involved.
 (b) Adequate in number and size for the particular fire hazard involved.
 (c) Replaced immediately with fully charged extinguishers after any discharge is made from the extinguisher.
 (d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations.
 (e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Bureau of Mines.
 57.4-25 through 57.4-28 [Reserved]
 57.4-29 *Mandatory*. When welding or cutting near combustible materials, suitable precautions shall be taken to ensure that smoldering metal or sparks do not result in a fire.
 57.4-30 and 57.4-31 [Reserved]
 57.4-32 All employees should be instructed on current escape and evacuation plans, fire alarm signals, and applicable procedures to be followed in case of fire.
 57.4-33 [Reserved]
 57.4-34 Belt-conveyors in locations where fire would create a hazard to personnel should be provided with safety switches to stop the drive pulley automatically in the event of excessive slippage.
 57.4-35 through 57.4-39 [Reserved]

SURFACE ONLY

57.4-40 through 57.4-43 [Reserved]
 57.4-44 Areas surrounding main fan installations and other mine openings should be kept free from grass, weeds, underbrush,

and other combustible materials for a safe distance in all directions.
 57.4-45 Blacksmith shops should be:
 (a) A safe distance from mine openings and not in buildings or snowsheds adjoining mine openings.
 (b) Of fire-resistant construction.
 (c) Well ventilated and equipped with exhaust hoods over the forge and welding areas.
 (d) Occupied when the forge fire is burning.
 (e) Inspected carefully for smoldering fires at the end of the shift.
 57.4-46 *Mandatory*. Gasoline, diesel fuel, liquefied petroleum gases, and other flammable liquids when not buried, shall not be stored within 100 feet of the following:
 (a) Mine openings.
 (b) Buildings or snowsheds connected to mine openings.
 (c) Fan installations or housings.
 (d) Hoist houses.
 57.4-47 through 57.4-49 [Reserved]

UNDERGROUND ONLY

57.4-50 *Mandatory*. Specific escape and evacuation plans shall be established and kept current. Escape routes shall be marked plainly.
 57.4-51 through 57.4-53 [Reserved]
 57.4-54 *Mandatory*. Oil, grease, or diesel fuel stored underground shall be kept in suitable tightly sealed containers in fire-resistant areas, at safe distances from explosives' magazines, electrical installations, and shaft stations.
 57.4-55 Transformer stations, pump rooms, compressor rooms, and similar installations should be in fire-resistant areas.
 57.4-56 Oil or fuel storage areas should not be located in main ventilation airways.
 57.4-57 Trailing cables should be fire-resistant.
 57.4-58 *Mandatory*. Fires shall not be built underground; open-flame torches and candles shall not be left underground.
 57.4-59 through 57.4-62 [Reserved]
 57.4-63 Waterline outlets should be located so as to be accessible if a fire is at a station.
 57.4-64 All air lines in timbered mines should be readily convertible into waterlines if a water supply is available, unless the air lines are paralleled by waterlines.
 57.4-65 [Reserved]
 57.4-66 Adequate fire extinguishers or equivalent fire protection should be provided at the head, tail, and drive pulleys of belt conveyors and at suitable intervals along the belt line.
 57.4-67 [Reserved]
 57.4-68 Mines at which individual mine rescue stations are not maintained should affiliate with central or cooperative mine rescue stations.
 57.4-69 through 57.4-71 [Reserved]
 57.4-72 Only trained mine rescue men should participate in firefighting operations in advance of the fresh air base.

§ 57.5 Air quality, ventilation, and radiation.

GENERAL—SURFACE AND UNDERGROUND

57.5-1 [Reserved]
 57.5-2 *Mandatory*. Dust, gas, mist, and fume surveys shall be conducted as frequently as necessary to determine the adequacy of control measures.
 57.5-3 through 57.5-9 [Reserved]

SURFACE ONLY

57.5-10 [Reserved]
 57.5-11 through 57.5-14 [Reserved]

UNDERGROUND ONLY

57.5-15 Atmospheres in all active areas should contain at least 20 percent oxygen.
57.5-16 [Reserved]
57.5-17 through 57.5-19 [Reserved]

VENTILATION

UNDERGROUND ONLY

57.5-20 and 57.5-21 [Reserved]
57.5-22 *Mandatory*. Fan housings and air ducts connecting main fans to underground openings shall be fire-resistant.
57.5-23 and 57.5-24 [Reserved]
57.5-25 Main fans should be inspected and maintained properly.

57.5-26 Instruments should be provided to test the mine atmosphere quantitatively for carbon monoxide, nitrogen dioxide, and other gases that occur in the mine. Tests should be conducted as frequently as necessary to assure that the required quality of air is maintained.

57.5-27 Flame safety lamps or other suitable devices should be used to test for acute oxygen deficiency.

57.5-28 *Mandatory*. Unventilated areas shall be sealed, or barricaded and posted against entry.

57.5-29 through 57.5-36 [Reserved]

RADIATION

UNDERGROUND ONLY

57.5-37 through 57.5-43 [Reserved]

§ 57.6 Explosives.

STORAGE

GENERAL—SURFACE AND UNDERGROUND

57.6-1 through 57.6-19 [Reserved]

SURFACE ONLY

57.6-20 through 57.6-24 [Reserved]

UNDERGROUND ONLY

57.6-25 through 57.6-39 [Reserved]

TRANSPORTATION

GENERAL—SURFACE AND UNDERGROUND

57.6-40 through 57.6-56 [Reserved]
57.6-57 *Mandatory*. Nonconductive containers with tight-fitting covers shall be used to transport or carry capped fuses and electric detonators to blasting sites.

57.6-58 through 57.6-64 [Reserved]

SURFACE ONLY

57.6-65 through 57.6-74 [Reserved]

UNDERGROUND ONLY

57.6-75 through 57.6-89 [Reserved]

USE

GENERAL—SURFACE AND UNDERGROUND

57.6-90 through 57.6-99 [Reserved]
57.6-100 *Mandatory*. Tamping poles shall be blunt and squared at one end and made of wood, nonsparking material, or of special plastic acceptable to the Bureau of Mines.
57.6-101 through 57.6-109 [Reserved]
57.6-110 *Mandatory*. Fuses shall be cut and capped in safe, dry locations posted with "No Smoking" signs.

57.6-111 *Mandatory*. Blasting caps shall be crimped to fuses only with implements designed for that specific purpose.

57.6-112 through 57.6-114 [Reserved]

57.6-115 A safe interval of time should be allowed to light a round and evacuate the blasting area.

57.6-116 and 57.6-117 [Reserved]

57.6-118 Timing should be such that the fuse in the last hole to fire is burning within the hole before the first hole fires.

57.6-119 and 57.6-120 [Reserved]

57.6-121 Completely wired rounds should be tested with a blasting galvanometer before

connections are made to the blasting line.

57.6-122 *Mandatory*. Permanent blasting lines shall be properly supported, insulated, and kept in good repair.

57.6-123 and 57.6-124 [Reserved]

57.6-125 *Mandatory*. If branch circuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast areas shall be provided in addition to the main blasting switch.

57.6-126 [Reserved]

57.6-127 *Mandatory*. Blasting switches shall be locked in the open position, except when closed to fire the blast. Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.

57.6-128 [Reserved]

57.6-129 *Mandatory*. Electric circuits from the blasting switches to the blast area shall not be grounded.

57.6-130 At least a 5-foot airgap should be provided between the blasting circuit and the power circuit.

57.6-131 Power sources should be suitable for the number of electrical detonators to be fired and for the type of circuits used.

57.6-132 through 57.6-159 [Reserved]

SURFACE ONLY

57.6-160 through 57.6-165 [Reserved]

57.6-166 *Mandatory*. All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

57.6-167 through 57.6-174 [Reserved]

UNDERGROUND ONLY

57.6-175 *Mandatory*. Ample warning shall be given before blasts are fired. All persons shall be cleared and removed from areas endangered by the blast. Clear access to exists shall be provided for personnel firing the rounds.

57.6-176 Blasting areas should not be reentered after firing until concentrations of smoke, dust, and fumes have been reduced to safe limits.

57.6-177 and 57.6-178 [Reserved]

57.6-179 Blastholes should be cleaned before charging is begun.

57.6-180 through 57.6-189 [Reserved]

SENSITIZED AMMONIUM NITRATE BLASTING AGENTS

GENERAL—SURFACE AND UNDERGROUND

57.6-190 through 57.6-193 [Reserved]

57.6-194 *Mandatory*. Pneumatic loading equipment shall not be grounded to waterlines, air lines, rails, or the permanent electrical grounding systems.

57.6-195 through 57.6-199 [Reserved]

§ 57.7 Drilling.

SURFACE ONLY

57.7-1 and 57.7-2 [Reserved]

57.7-3 *Mandatory*. The drilling area shall be inspected for hazards before starting the drilling operations.

57.7-4 and 57.7-5 [Reserved]

57.7-6 Receptacles or racks should be provided for drill steel stored on drills.

57.7-7 Tools and other objects should not be left loose on the mast or drill platform.

57.7-8 [Reserved]

57.7-9 The drill helper, when used, should be in sight of the operator at all times while the drill is being moved to a new location.

57.7-10 *Mandatory*. In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

57.7-11 *Mandatory*. The drill stem shall be resting on the bottom of the hole or on the platform with the stem secured to the mast before attempts are made to straighten a crossed cable on a reel.

57.7-12 *Mandatory*. While in operation, drills shall be attended at all times.

57.7-13 [Reserved]

57.7-14 Men operating or working near jackhammers or jackleg drills and other drilling machines should position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.

57.7-15 Men should not drill from positions that hinder their access to the control levers, or from insecure footing or staging, or from atop equipment not designed for this purpose.

57.7-16 through 57.7-24 [Reserved]

UNDERGROUND ONLY

57.7-25 Men operating or working near drilling machines should position themselves so that they will not be struck or lose their balance if the steel breaks or sticks.

57.7-26 Men should not attempt to operate drills from positions that hinder their access to the control levers.

57.7-27 Drilling should not be attempted from insecure footing or staging, or from atop equipment not designed for this purpose.

57.7-28 [Reserved]

57.7-29 Air should be turned off before moving portable drills from one face to another.

57.7-30 Receptacles or racks should be provided for drill steel stored on jumbos.

57.7-31 Before drilling cycle is started, warning should be given to men working below jumbo decks.

57.7-32 Drills on columns should be anchored firmly before drilling is started and should be retightened frequently thereafter.

§ 57.8 Rotary jet piercing.

SURFACE ONLY

57.8-1 Jet drills should be provided with:
(a) A system to pressurize operator's cabs.

(b) A protective cover over the oxygen flow indicator.

57.8-2 *Mandatory*. Safety chains or other suitable locking devices shall be provided across connections to and between high pressure oxygen hose lines of 1-inch inside diameter or larger.

57.8-3 *Mandatory*. A suitable means of protection shall be provided for the employee when lighting the burner.

57.8-4 With equipment requiring refueling at locations other than fueling stations, a system for fueling from the ground without spill should be provided.

57.8-5 *Mandatory*. Men shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines. Signs warning against smoking and open flames shall be posted in these areas.

§ 57.9 Loading, hauling, dumping.

GENERAL—SURFACE AND UNDERGROUND

57.9-1 and 57.9-2 [Reserved]

57.9-3 *Mandatory*. Powered mobile equipment shall be provided with adequate brakes.

57.9-4 Powered mobile haulage equipment should be provided with audible warning devices. Lights should be provided on both ends when required.

57.9-5 *Mandatory*. Operators shall be certain, by signal or other means, that all persons are clear before starting or moving equipment.

57.9-6 and 57.9-7 [Reserved]

57.9-8 Adequate protection should be provided at dumping locations where men may be endangered by falling material.

57.9-9 *Mandatory*. Operators shall sound warning before starting trains, when trains approach crossings or other trains on adjacent tracks, and where vision is obscured.

57.9-10 Operators' cabs should be constructed to permit operators to see without straining and should be reasonably comfortable.

57.9-11 *Mandatory*. Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.

57.9-12 *Mandatory*. Cabs of mobile equipment shall be kept free of extraneous materials.

57.9-13 *Mandatory*. Adequate backstops or brakes shall be installed on inclined-conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.

57.9-14 *Mandatory*. No person shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the belt is specifically designed for the transportation of persons.

57.9-15 [Reserved]

57.9-16 Roadbeds, rails, joints, switches, frogs, and other elements on railroads should be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.

57.9-17 Equipment operating speeds should be prudent and consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.

57.9-18 Dust control measures should be taken where dust significantly reduces visibility of equipment operators.

57.9-19 and 57.9-20 [Reserved]

57.9-21 Vehicles should follow at a safe distance; passing should be limited to areas of adequate clearance and visibility.

57.9-22 [Reserved]

57.9-23 *Mandatory*. Trackless haulage equipment shall be operated under power control at all times.

57.9-24 *Mandatory*. Mobile equipment operators shall have full control of the equipment while it is in motion.

57.9-25 *Mandatory*. Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.

57.9-26 [Reserved]

57.9-27 *Mandatory*. When an operator is present, men shall notify him before getting on or off equipment.

57.9-28 *Mandatory*. Switch throws shall be installed so as to provide adequate clearance for switchmen.

57.9-29 Operators should sit facing the direction of travel while operating equipment with dual controls.

57.9-30 *Mandatory*. Men shall not work or pass under the buckets or booms of loaders in operation.

57.9-31 *Mandatory*. When traveling between work areas, the equipment shall be secured in the travel position.

57.9-32 *Mandatory*. Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.

57.9-33 and 57.9-34 [Reserved]

57.9-35 Movements of two or more pieces of rail equipment operating independently on the same track should be regulated by an efficient signal block, telephone, or radio system; movements on complex haulage systems should be adequately controlled.

57.9-36 and 57.9-37 [Reserved]

57.9-38 When dumping cars by hand, the car dumps should be provided with tiedown chains or bumper blocks to prevent cars from overturning.

57.9-39 *Mandatory*. Men shall not get on or off moving equipment, except that trainmen may get on or off of slowly moving trains.

57.9-40 *Mandatory*. Men shall not ride on top of loaded haulage equipment.

57.9-41 *Mandatory*. Only authorized persons shall be permitted to ride on trains or

locomotives and they shall ride in a safe position.

57.9-42 Rocker-bottom or bottom-dump cars should be equipped with positive locking devices.

57.9-43 *Mandatory*. Men shall not ride outside the cabs and beds of mobile equipment.

57.9-44 Men should not ride in conveyances equipped with unloading devices unless a positive means is provided to prevent accidental starting of the unloading mechanism.

57.9-45 *Mandatory*. Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.

57.9-46 Backpolling of trolley poles should be avoided wherever possible; where backpolling is necessary, it should be done only at slow speeds.

57.9-47 *Mandatory*. Parked railcars, unless held effectively by brakes, shall be blocked securely.

57.9-48 [Reserved]

57.9-49 Long material should be transported by a method designed to prevent any overhang from creating a hazard.

57.9-50 *Mandatory*. Railcars shall not be left on side tracks unless ample clearance is provided for traffic on adjacent tracks.

57.9-51 *Mandatory*. Persons shall not go over, under, or between cars unless the train is stopped and the motorman has been notified and the notice acknowledged.

57.9-52 [Reserved]

57.9-53 Dumping locations and haulage roads should be kept reasonably free of water, debris, and spillage.

57.9-54 [Reserved]

57.9-55 Where the ground at a dumping place may fail to support the weight of a loaded dump truck, trucks should be dumped back from the edge of the bank.

57.9-56 Where necessary, bumper blocks or the equivalent should be provided at all track dead ends.

57.9-57 Grizzlies, grates, and other sizing devices at dump and transfer points should be anchored securely in place.

57.9-58 *Mandatory*. If truck spotters are used, they shall be well in the clear while trucks are backing into dumping position and dumping; lights shall be used at night to direct trucks.

57.9-59 *Mandatory*. Public and permanent railroad crossings shall be posted with warning signs or signals, or shall be guarded when trains are passing and shall be planked or otherwise filled between the rails.

57.9-60 *Mandatory*. Where overhead clearance is restricted, warning devices shall be installed and the restricted area shall be conspicuously marked.

57.9-61 and 57.9-62 [Reserved]

57.9-63 Ramps and dumps should be of solid construction, of ample width, have ample clearance and headroom, and be kept reasonably free of spillage.

57.9-64 and 57.9-65 [Reserved]

57.9-66 A locomotive on one track should not be used to move equipment on a different track unless a chain or drawbar is used.

57.9-67 *Mandatory*. Facilities used to transport men to and from work areas shall not be overcrowded.

57.9-68 through 57.9-80 [Reserved]

SURFACE ONLY

57.9-81 and 57.9-82 [Reserved]

57.9-83 *Mandatory*. Where possible at least 30 inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30-inch clearance shall be marked conspicuously.

57.9-84 Traffic rules, signals, and warning signs should be standardized at each mine and posted.

57.9-85 [Reserved]

57.9-86 Any load extending more than 4 feet beyond the rear of the vehicle body should be marked clearly with a red flag by day and a red light at night.

57.9-87 through 57.9-94 [Reserved]

UNDERGROUND ONLY

57.9-95 [Reserved]

57.9-96 Supplies, materials, or tools, except properly secured rerailing devices, should not be carried on top of locomotives.

57.9-97 *Mandatory*. Trains shall be brought to a complete stop, then moved very slowly when coupling or uncoupling cars manually.

57.9-98 *Mandatory*. Makeshift couplings shall not be used.

57.9-99 [Reserved]

57.9-100 Pneumatic-powered loading equipment should be provided with a valve to close the air line at the machine; this valve should be closed except when the machine is being operated.

57.9-101 [Reserved]

57.9-102 *Mandatory*. When a signalman is used during shushing operations he shall be positioned in a safe place.

57.9-103 *Mandatory*. Collars of open draw holes shall be kept free of muck and material.

57.9-104 Warning devices or conspicuous markings should be installed when chute lips create a hazard to personnel.

57.9-105 Empty chutes should be properly guarded prior to filling or sufficient material should be left in the chute bottom to prevent rock from flying out when broken material is dumped into the chute.

57.9-106 *Mandatory*. Ample warning shall be given to men who may be affected by the draw or otherwise exposed to danger from chute-pulling operations.

57.9-107 *Mandatory*. Men shall not stand on broken rock or ore over draw points if there is danger that the chute will be pulled. Suitable platforms or safety lines shall be provided when work must be done in such areas.

57.9-108 Men attempting to loosen hang-ups should work with extreme caution.

57.9-109 Men should not work or pass under hung draw openings unless the openings are blocked effectively.

57.9-110 and 57.9-111 [Reserved]

57.9-112 Trip lights or approved reflectors should be used on the rear of pulled trips and on the front of pushed trips.

57.9-113 *Mandatory*. Man trips shall be operated at speeds consistent with the condition of tracks and equipment used.

57.9-114 *Mandatory*. Where man trips are used, discharge and boarding points shall be designated. Men shall not board or leave moving man-trip cars.

57.9-115 [Reserved]

57.9-116 *Mandatory*. During shift changes the movement of rock or material trains shall be limited to areas where such trains could not present a hazard to men coming on or going off shift.

57.9-117 *Mandatory*. Men shall not ride between cars or on top of loaded cars.

§ 57.10 Aerial tramways.

SURFACE ONLY

57.10-1 Buckets should not be overloaded, and feed should be regulated to prevent spillage.

57.10-2 Carriers, including loading and unloading mechanisms, should be inspected each shift; brakes should be inspected daily; ropes and supports should be inspected as recommended by the manufacturer or as physical conditions warrant. Records of rope maintenance and inspections should be kept.

57.10-3 *Mandatory*. Any hazardous defects shall be corrected before the equipment is used.

57.10-4 Positive-action type brakes should be provided on aerial tramways.

57.10-5 Track cable connections should be designed to offer minimum obstruction to the passage of wheels.

57.10-6 Guards should be installed to prevent swaying buckets from hitting towers.

57.10-7 [Reserved]

57.10-8 **Mandatory.** Persons other than maintenance men shall not ride aerial tramways unless the following features are provided:

(a) Two independent brakes, each capable of holding the maximum load.

(b) Direct communication between terminals.

(c) Power drives with emergency power available in case of primary power failure.

(d) Buckets equipped with positive locks to prevent accidental tripping or dumping.

57.10-9 **Mandatory.** Men shall not ride loaded buckets.

57.10-10 **Mandatory.** Where possible aerial tramways shall not be started until the operator has ascertained that everyone is in the clear.

§ 57.11 Travelways and escapeways.

TRAVELWAYS

GENERAL—SURFACE AND UNDERGROUND

57.11-1 **Mandatory.** Safe means of access shall be provided and maintained to all working places.

57.11-2 **Mandatory.** Crossovers, elevated walkways, elevated ramps, and stairways shall be of substantial construction, provided with handrails, and maintained in good condition. Where necessary, toeboards shall be provided.

57.11-3 **Mandatory.** Ladders shall be of substantial construction and maintained in good condition.

57.11-4 Portable straight ladders should be provided with nonslip bases, should be placed against a safe backing, and set on secure footing.

57.11-5 **Mandatory.** Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

57.11-6 **Mandatory.** Fixed ladders shall project at least 3 feet above landings, or substantial handholds shall be provided above the landings.

57.11-7 [Reserved]

57.11-8 Ladderways, stairways, walkways, and ramps should be kept free of loose rock and extraneous materials.

57.11-9 **Mandatory.** Railed walkways shall be provided wherever persons are regularly required to walk alongside conveyor belts. Inclined railed walkways shall be nonskid or provided with cleats.

57.11-10 [Reserved]

57.11-11 Men climbing or descending ladders should face the ladders and have both hands free for climbing.

57.11-12 **Mandatory.** Openings above, below, or near travelways through which men or materials may fall shall be protected by railings, barriers, or covers. Where it is impractical to install such protective devices, adequate warning signals shall be installed.

57.11-13 **Mandatory.** Crossovers shall be provided where it is necessary to cross conveyors.

57.11-14 **Mandatory.** Moving conveyors shall be crossed only at designated crossover points.

57.11-15 Slippery walkways should be provided with cleats and handrails and/or ropes.

57.11-16 **Mandatory.** Regularly used walkways and travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.

57.11-17 Fixed ladders should not incline backwards at any point unless provided with backguards.

57.11-18 through 57.11-24 [Reserved]

SURFACE ONLY

57.11-25 Fixed ladders should be offset and have substantial railed landings at least every 30 feet unless backguards are provided.

57.11-26 Steep fixed ladders (70° to 90° from the horizontal) 30 feet or more in length, should be provided with backguards, cages, or equivalent protection, starting at a point not more than 7 feet from the bottom of the ladder.

57.11-27 **Mandatory.** Scaffolds and working platforms shall be of substantial construction and provided with handrails and maintained in good condition. Floorboards shall be laid properly and the scaffolds and working platform shall not be overloaded. Working platforms shall be provided with toeboards when necessary.

57.11-28 through 57.11-34 [Reserved]

UNDERGROUND ONLY

57.11-35 Flexible ladders should be used only where rigid ladders may be impractical.

57.11-36 **Mandatory.** Trap doors or adequate guarding shall be provided in ladderways at each level. Doors shall be kept operable.

57.11-37 The minimum, unobstructed cross-sectional opening in ladderways should be 24 inches by 24 inches.

57.11-38 Warning should be given and acknowledged before entering a manway above or below where men are working.

57.11-39 and 57.11-40 [Reserved]

57.11-41 Ladders with an inclination of more than 70° off the horizontal should be offset and have landing gates, backguards or substantial landings at least every 30 feet.

57.11-42 through 57.11-49 [Reserved]

ESCAPEWAYS

UNDERGROUND ONLY

57.11-50 [Reserved]

57.11-51 **Mandatory.** Escape routes shall be:

(a) Inspected at regular intervals and maintained in safe, travelable condition.

(b) Marked with conspicuous and easily read direction signs that clearly indicate the ways of escape.

57.11-52 **Mandatory.** Refuge areas shall be:

(a) Of fire-resistant construction, preferably in untimbered areas of the mine.

(b) Large enough to accommodate readily the normal number of men in the particular area of the mine.

(c) Constructed so they can be made gastight.

(d) Provided with compressed air lines, waterlines, suitable handtools, and stopping materials.

57.11-53 [Reserved]

57.11-54 **Mandatory.** Telephone or other voice communication shall be provided between the surface and refuge chambers and such systems shall be independent of the mine power supply.

57.11-55 **Mandatory.** Designated escapeways inclined more than 30° from the horizontal shall be equipped with stairways, ladders, cleated walkways, or emergency hoisting facilities.

57.11-56 Emergency hoisting facilities should conform to the extent possible to safety requirements for other man hoists, should be adequate to remove the men from the mine with a minimum of delay, be maintained in ready condition, and be tested at least every 30 days; records should be kept of these tests.

§ 57.12 Electricity.

GENERAL—SURFACE AND UNDERGROUND

57.12-1 through 57.12-3 [Reserved]

57.12-4 Power wires and cables should have adequate current-carrying capacity and should be protected from mechanical injury.

57.12-5 Neither crawler-mounted nor rubber-tired equipment should run over trailing cables, unless the cables are properly bridged or protected.

57.12-6 Distribution boxes should be provided with disconnect switches.

57.12-7 **Mandatory.** Trailing cable and power-cable connections to junction boxes shall not be made or broken under load.

57.12-8 Power wires and cables should be insulated adequately where they pass into or out of electrical compartments.

57.12-9 [Reserved]

57.12-10 Telephone and low-potential electric signal wires should be protected from contacting energized powerlines.

57.12-11 **Mandatory.** High-potential transmission cables shall be covered, insulated, or placed according to acceptable electrical codes to prevent contact with low-potential circuits.

57.12-12 The potential on bare signal wires accessible to personal contact should not exceed 40 volts.

57.12-13 Splices in power cables, including ground conductor, where provided, should be:

(a) Mechanically strong with adequate electrical conductivity.

(b) Effectively insulated and sealed to exclude moisture.

(c) Provided with mechanical protection and electrical conductivity as near as possible to that of the original.

57.12-14 **Mandatory.** Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.

57.12-15 through 57.12-17 [Reserved]

57.12-18 **Mandatory.** Principal power switches shall be labeled to show which units they control, unless identification can be made readily by location.

57.12-19 and 57.12-20 [Reserved]

57.12-21 **Mandatory.** Suitable danger signs shall be posted at all major electrical installations.

57.12-22 [Reserved]

57.12-23 **Mandatory.** Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless protection is provided by location.

57.12-24 Reverse-current protection should be provided at storage-battery charging stations.

57.12-25 **Mandatory.** All metal enclosing or encasing electrical circuits shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

57.12-26 **Mandatory.** Metal fencing and metal buildings enclosing transformers and switchgear shall be grounded.

57.12-27 **Mandatory.** Frame grounding or equivalent protection shall be provided for mobile equipment powered through trailing cables.

57.12-28 **Mandatory.** Continuity and resistance of grounding systems shall be tested immediately after installation.

57.12-29 Electric equipment and wiring should be inspected by a competent person as often as necessary to assure safe operating conditions.

57.12-30 **Mandatory.** When a potentially dangerous condition is found it shall be corrected before equipment or wiring is energized.

57.12-31 [Reserved]

57.12-32 Inspection and cover plates on electrical equipment should be kept in place at all times except during testing or repairs.

57.12-33 *Mandatory*. Hand-held electric tools shall not be operated at high potential voltages.

57.12-34 Portable extension lights and other lights that may present a shock or burn hazard should be guarded.

57.12-35 Lamp sockets exposed to the weather should be of a weatherproof type.

57.12-36 [Reserved]

57.12-37 *Mandatory*. Fuse tongs or hot-line tools shall be used when fuses are removed or replaced in high-potential circuits.

57.12-38 Trailing cables should be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections.

57.12-39 Surplus trailing cables to shovels, cranes, and similar equipment should be stored in cable boats or on reels mounted on the equipment or otherwise protected from mechanical damage.

57.12-40 *Mandatory*. Operating controls shall be installed so that they can be operated without danger of contact with energized conductors.

57.12-41 *Mandatory*. Switches and starting boxes shall be of safe design and capacity.

57.12-42 and 57.12-43 [Reserved]

57.12-44 Lightning arrester grounds should be connected to earth at least 10 feet from the track or mine return circuit.

57.12-45 *Mandatory*. Overhead high-potential powerlines shall be installed as specified by the National Electrical Code.

57.12-46 and 57.12-47 [Reserved]

57.12-48 *Mandatory*. Telegraph, telephone, or signal wires shall not be installed on the same crossarm with power conductors. When carried on poles supporting powerlines, they shall be installed as specified by the National Electrical Code.

57.12-49 Men should not stand on the ground in the vicinity of an electrically powered shovel or other similar heavy equipment during an electrical storm.

57.12-50 through 57.12-53 [Reserved]

57.12-54 Tools and supplies should be carried in the hands and not on the shoulders when men travel near bare power conductors.

57.12-55 through 57.12-64 [Reserved]

SURFACE ONLY

57.12-65 *Mandatory*. Powerlines, including trolley wires, and telephone circuits shall be protected against short circuits and lightning.

57.12-66 *Mandatory*. Where metallic tools or equipment can come in contact with trolley wires or bare powerlines, the lines shall be guarded or deenergized.

57.12-67 *Mandatory*. Transformers shall be totally enclosed, or shall be placed at least 8 feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least 6 feet high and at least 3 feet from any energized parts, casings, or wiring.

57.12-68 [Reserved]

57.12-69 Lightning arresters should be provided where telephone circuits enter a mine; mine telephone extensions in surface buildings should be provided with a lightning arrester for each circuit entering the building.

57.12-70 Each exposed power circuit that leads underground should be equipped with lightning arresters of an approved type at or near the point where the circuit enters the mine.

57.12-71 through 57.12-79 [Reserved]

UNDERGROUNDS ONLY

57.12-80 [Reserved]

57.12-81 Metal pipelines 1,000 feet or more in length along haulage roads where grounded return circuits are used should be bonded to the return at the ends and at intervals not exceeding 500 feet.

57.12-82 *Mandatory*. Powerlines shall be well separated or insulated from waterlines, telephone lines, and air lines.

57.12-83 Power cables in shafts and boreholes should be fastened securely in such manner as to prevent undue strain on the sheath, insulation, or conductors.

57.12-84 Disconnecting switches that can be opened safely under load should be provided underground at all primary power circuits near shafts, levels, and boreholes.

57.12-85 [Reserved]

57.12-86 Trolley and trolley feeder wires should be installed opposite the clearance side of haulageways.

57.12-87 Not more than five splices should be made in any trailing cable unless they are vulcanized.

57.12-88 On machines not using cable reels, no splices should be present in the first 25 feet of trailing cable adjacent to the equipment.

57.12-89 *Mandatory*. The potential on trolley wires and bare feeder lines shall not exceed 650 volts.

§ 57.13 Compressed air and boilers.

GENERAL—SURFACE AND UNDERGROUND

57.13-1 *Mandatory*. All boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the standards and specifications of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

57.13-2 through 57.13-9 [Reserved]

COMPRESSED AIR

57.13-10 Air compressors should be equipped with automatic temperature-activated shutoff mechanisms set for 400° F., or with fusible plugs installed in the compressor discharge lines as near the compressors as possible. Fusible plugs should melt at temperatures 50° less than the flash points of the lubricating oils.

57.13-11 Compressors and compressed-air receivers should be equipped with automatic pressure-release valves, pressure gages, and drain valves.

57.13-12 Compressor air intakes should be installed to insure that only clean, uncontaminated air enters the compressors.

57.13-13 [Reserved]

57.13-14 Compressed-air receivers should have inspection openings which should be manholes when the tanks are over 36 inches in diameter.

57.13-15 [Reserved]

57.13-16 Compressors should be operated and lubricated in accordance with the manufacturer's recommendations.

57.13-17 Compressor discharge pipes should be cleaned periodically.

57.13-18 [Reserved]

57.13-19 *Mandatory*. Repairs involving the pressure system of compressors, receivers, or compressed-air-powered equipment shall not be attempted until the pressure has been bled off.

57.13-20 *Mandatory*. At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury.

57.13-21 through 57.13-29 [Reserved]

BOILERS

57.13-30 Boilers should be equipped with guarded, well-maintained water gages and pressure gages placed so that they can be observed easily. Water gages and pipe passages to the gages should be kept clean and free of scale and rust.

57.13-31 [Reserved]

57.13-32 Boiler installations should be provided with safety devices, acceptable to the Bureau of Mines, to protect against haz-

ards of flame outs, fuel interruptions, and low-water level.

57.13-33 Blowoff valves should be piped outside the building and should have outlets so located or protected that persons passing by, near, or under them will not be scalded.

57.13-34 Boilers should be inspected internally at least once a year by licensed inspectors; records of such inspections should be kept.

§ 57.14 Use of equipment.

GUARDS

GENERAL—SURFACE AND UNDERGROUND

57.14-1 through 57.14-3 [Reserved]

57.14-4 Openings where conveyors pass through walls or floors should be guarded.

57.14-5 Protruding setscrews on revolving parts should be guarded.

57.14-6 *Mandatory*. Except when testing the machinery, guards shall be securely in place while machinery is being operated.

57.14-7 Guards should be sufficiently strong and maintained to provide the required protection.

57.14-8 *Mandatory*. Stationary grinding machines other than special bit grinders shall be equipped with:

(a) Peripheral hoods (less than 90° throat openings) capable of withstanding the force of a bursting wheel.

(b) Adjustable tool rests set as close as practical to the wheel.

(c) Safety washers.

57.14-9 *Mandatory*. Grinding wheels shall be operated within the specifications of the manufacturer of the wheel.

57.14-10 *Mandatory*. Hand-held power tools, other than rock drills, shall be equipped with controls requiring constant hand or finger pressure to operate the tools or shall be equipped with friction or other equivalent safety devices.

57.14-11 Guards or shields should be provided in areas where flying or falling materials present a hazard.

57.14-12 and 57.14-13 [Reserved]

57.14-14 *Mandatory*. Face shields or goggles, in good condition, shall be worn when operating a grinding wheel.

57.14-15 through 57.14-24 [Reserved]

METHODS AND PROCEDURES

GENERAL—SURFACE AND UNDERGROUND

57.14-25 Machinery and equipment should be maintained properly.

57.14-26 and 57.14-27 [Reserved]

57.14-28 Adequate clearance should be provided at machine installations.

57.14-29 *Mandatory*. Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make adjustments.

57.14-30 *Mandatory*. Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

57.14-31 *Mandatory*. Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

57.14-32 *Mandatory*. Belts, chains, and ropes shall not be guided onto power-driven moving pulleys, sprockets, or drums with the hands except on slow moving equipment especially designed for hand feeding.

57.14-33 [Reserved]

57.14-34 *Mandatory*. Belt dressing shall not be applied manually while belts are in motion unless an aerosol-type dressing is used.

57.14-35 *Mandatory*. Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

57.14-36 Tools and equipment should be used only for the purpose and within the capacity for which they were intended and designed.

57.14-37 through 57.14-44 [Reserved]

SURFACE ONLY

57.14-45 through 57.14-54 [Reserved]

UNDERGROUND ONLY

57.14-55 Welding operations should be shielded and well ventilated.

§ 57.15 Personal protection.

GENERAL—SURFACE AND UNDERGROUND

57.15-1 *Mandatory*. Adequate first-aid materials, including stretchers and blankets, shall be provided at places convenient to all working areas. Water or neutralizing agents shall be available where corrosive chemicals or other harmful substances are stored, handled, or used.

57.15-2 through 57.15-7 [Reserved]

57.15-8 Snug-fitting clothing should be worn around moving equipment and machinery.

57.15-9 Protective gloves should be worn by employees handling materials which may cause injury.

57.15-10 Gloves should not be worn where they could create a hazard by becoming entwined or caught in moving parts of machinery.

57.15-11 through 57.15-19 [Reserved]

SURFACE ONLY

57.15-20 [Reserved]

§ 57.16 Materials storage and handling.

GENERAL—SURFACE AND UNDERGROUND

57.16-1 Materials should be stored and stacked in a manner which minimizes stumbling or fall-of-material hazards.

57.16-2 Men working on surge piles or storage piles should not walk or stand immediately above a reclaiming area during reclaiming.

57.16-3 *Mandatory*. Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner that minimizes the dangers.

57.16-4 [Reserved]

57.16-5 *Mandatory*. Compressed and liquid gas cylinders shall be secured in a safe manner.

57.16-6 *Mandatory*. Valves on compressed gas cylinders shall be protected by covers when being transported or stored, and by a safe location when the cylinders are in use.

57.16-7 Hitches and slings used to hoist materials should be designed and use properly for the particular material handled.

57.16-8 [Reserved]

57.16-9 *Mandatory*. Men shall stay clear of suspended loads.

57.16-10 [Reserved]

57.16-11 *Mandatory*. Men shall not ride on loads being moved by cranes or derricks, nor shall they ride the hoisting hooks unless such method eliminates a greater hazard.

57.16-12 Substances that react violently or liberate dangerous fumes when mixed should be stored in such a manner that they cannot come in contact with each other.

57.16-13 Only men wearing protective equipment should stand near pots or ladles when molten material is being handled; warning should be given before a pour is made or the pot is moved.

57.16-14 *Mandatory*. Operator-carrying overhead cranes shall be provided with:

(a) Bumpers at each end of each rail.

(b) Automatic switches to halt uptravel of the blocks before they strike the hoist.

(c) Effective audible warning signals within easy reach of the operator.

(d) A means to lockout the disconnect switch.

57.16-15 [Reserved]

57.16-16 Forklift trucks should be moved with the load in a low position and should descend ramps with the load behind.

57.16-17 through 57.16-34 [Reserved]

UNDERGROUND ONLY

57.16-35 Chairs should be used to land shaft conveyances when heavy supplies or equipment are being handled.

§ 57.17 Illumination.

SURFACE ONLY

57.17-1 *Mandatory*. Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and working areas.

57.17-2 through 57.17-9 [Reserved]

UNDERGROUND ONLY

57.17-10 *Mandatory*. Individual electric lamps shall be carried for illumination by all persons underground.

§ 57.18 Safety programs.

GENERAL—SURFACE AND UNDERGROUND

57.18-1 The employer should establish a definite effective program and continually functioning safety program and make every attempt to prevent accidents and increase safety. Employees should actively participate in the safety program.

57.18-2 and 57.18-3 [Reserved]

57.18-4 Company safety regulations pertinent to the various operations should be published or posted for employee information.

57.18-5 [Reserved]

57.18-6 *Mandatory*. New employees shall be indoctrinated in safety rules and safe work procedures.

57.18-7 [Reserved]

57.18-8 Each working place should be visited by a supervisor or a designated person at least once each shift and more frequently as necessary to insure that work is being done in a safe manner.

57.18-9 [Reserved]

57.18-10 Selected supervisors should be trained in first aid. First-aid training should be made available to all employees.

57.18-11 [Reserved]

57.18-12 *Mandatory*. Emergency telephone numbers shall be posted at appropriate telephones.

57.18-13 Where telephone service is not available, emergency communications should be provided to the nearest point of assistance.

57.18-14 *Mandatory*. Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons.

57.18-15 through 57.18-19 [Reserved]

SURFACE ONLY

57.18-20 through 57.18-24 [Reserved]

UNDERGROUND ONLY

57.18-25 and 57.18-26 [Reserved]

57.18-27 *Mandatory*. An accurate record of the men going in and out of the mine shall be kept on the surface.

§ 57.19 Man hoisting.

The hoisting standards in this section apply to those hoists and appurtenances used for hoisting men. However, where men may

be endangered by hoists and appurtenances used solely for handling ore, rock, and materials, the appropriate standards should be applied.

HOISTS

57.19-1 *Mandatory*. Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used.

57.19-2 *Mandatory*. Hoists shall be anchored securely.

57.19-3 *Mandatory*. Belt, rope, or chains shall not be used to connect driving mechanisms to man hoists.

57.19-4 *Mandatory*. Any hoist used to hoist men shall be equipped with a brake or brakes which shall be capable of holding its fully loaded cage, skip, or bucket at any point in the shaft.

57.19-5 *Mandatory*. The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake to prevent accidental withdrawal of the clutch.

57.19-6 *Mandatory*. Automatic hoists shall be provided with devices that automatically apply the brakes in the event of power failure.

57.19-7 *Mandatory*. Man hoists shall be provided with devices to prevent overtravel and overspeed.

57.19-8 Friction hoists should be provided with synchronizing mechanisms that recallibrate the overtravel devices and position indicators to correct for rope creep or stretch.

57.19-9 [Reserved]

57.19-10 *Mandatory*. Hoist controls shall be placed or housed so that the noise from machinery or other sources will not prevent hoistmen from hearing signals.

57.19-11 [Reserved]

57.19-12 Where grooved drums are used, the grooves should be of the proper size and pitch for the ropes used.

57.19-13 through 57.19-19 [Reserved]

WIRE ROPE

57.19-20 The United States of America Standards Institute specifications cited in "Wire Ropes for Mines", M11.1-1960, or the latest revision thereof, should be used as a guide in the selection, installation, and maintenance of wire ropes used for hoisting, except in those instances where the recommendations cited herein are more stringent.

57.19-21 *Mandatory*. The following static-load safety factors shall be used for selecting ropes to be used for hoisting men and for determining when such ropes shall be removed from man hoists.

Length of rope in shaft (feet)	Minimum factor of safety (new rope)	Minimum factor of safety (remove)
500 or less	8	6.4
501-1,000	7	5.5
1,001-2,000	6	4.9
2,001-3,000	5	4.3
3,001 or more	4	3.6

57.19-22 At least three wraps of rope should be left on the drum when the conveyance is at the bottom of the hoistway. This provision does not apply to friction hoists.

57.19-23 and 57.19-24 [Reserved]

57.19-25 New ropes should be broken-in in accordance with the manufacturer's recommendations.

57.19-26 Corrosion of hoist ropes at the attachment of safety connections should be minimized by the design of the attachment devices and by lubrication.

57.19-27 Where possible, conveyances attached to single ropes used to hoist men

should be provided with secondary safety connections.

57.19-28 through 57.19-34 [Reserved]

HEADFRAMES AND SHEAVES

57.19-35 Headframes should be designed and constructed to withstand pulls by the hoists greater than the breaking strengths of the hoist ropes.

57.19-36 [Reserved]

57.19-37 Fleet angles should not exceed 1½ degrees.

57.19-38 *Mandatory*. Platforms with toeboards and handrails shall be provided around elevated head sheaves.

57.19-39 Diameters of head sheaves and hoist drums should conform to the following specifications:

Rope construction	Diameter of sheave and drum	
	Recommended	Minimum
	Times rope diameter	Times rope diameter
5 x 7 classification	22	42
6 x 19	45	30
6 x 37	27	15
6 x 25 type B, flattened strand	45	30
6 x 27 type H, flattened strand	45	30
6 x 30 type G, flattened strand	45	30
18 x 7 classification	51	34

57.19-40 Head, idler, knuckle, and curve sheaves should have grooves that support the ropes properly. Before installing new ropes, the grooves should be inspected and where necessary machined to the proper contour and the proper groove diameter.

57.19-41 through 57.19-44 [Reserved]

CONVEYANCES

57.19-45 *Mandatory*. Man cages and skips used for hoisting or lowering employees or other persons in any vertical shaft or any incline shaft with an angle of inclination of forty-five (45) degrees from the horizontal, shall be covered with a metal bonnet.

57.19-46 through 57.19-48 [Reserved]

57.19-49 *Mandatory*. Buckets shall not be used to hoist men except during shaft sinking operations, inspection, maintenance, and repairs.

57.19-50 *Mandatory*. Buckets used to hoist men during shaft sinking operations shall have:

(a) Crossheads equipped with safety catches and protective bonnets when the shaft depth exceeds 50 feet.

(b) Devices to prevent accidental dumping.

(c) Sufficient depth to transport men safely in a standing position.

57.19-51 through 57.19-54 [Reserved]

HOISTING PROCEDURES

57.19-55 *Mandatory*. When a manually operated hoist is used, a qualified hoistman shall remain within hearing of the telephone or signal device at all times while any person is underground.

57.19-56 [Reserved]

57.19-57 Hoistmen should be physically fit and should undergo yearly examinations to determine their continued fitness; certification to this effect should be available at the mine.

57.19-58 *Mandatory*. Only experienced hoistmen shall operate the hoist except in cases of emergency and in the training of new hoistmen.

57.19-59 [Reserved]

57.19-60 Hoistmen should use extreme caution when hoisting or lowering men.

57.19-61 through 57.19-64 [Reserved]

57.19-65 *Mandatory*. Conveyances shall not be lowered by the brakes alone except during emergencies.

57.19-66 Management should designate the maximum number of men permitted to ride on a trip at one time; this limit should be posted on each landing.

57.19-67 Authorized persons should be in charge of all man trips.

57.19-68 Men should enter, ride, and leave conveyances in an orderly manner.

57.19-69 *Mandatory*. Men shall not enter or leave conveyances which are in motion or after a signal to move the conveyance has been given to the hoistman.

57.19-70 *Mandatory*. Cage doors or gates shall be closed while men are being hoisted; they shall not be opened until the cage has come to a stop.

57.19-71 *Mandatory*. Men shall not ride in skips or buckets with muck, supplies, materials, or tools other than small hand tools.

57.19-72 When combinations of cages and skips are used, the skips should be empty while men are being transported.

57.19-73 *Mandatory*. Rock or supplies shall not be hoisted in the same shaft as men during shift changes, unless the compartments and dumping bins are partitioned to prevent spillage into the cage compartment.

57.19-74 Men should not ride the ball, rim, or bonnet of any shaft conveyance, except where necessary for the inspection and maintenance of the shaft and lining.

57.19-75 *Mandatory*. Open hooks shall not be used to hoist buckets or other conveyances.

57.19-76 When men are hoisted, bucket speeds should not exceed 500 feet a minute, and should not exceed 200 feet a minute when within 100 feet of a landing.

57.19-77 *Mandatory*. Buckets shall be stopped about 15 feet from the shaft bottom to await a signal from one of the crew on the bottom for further lowering.

57.19-78 Buckets should be stopped after being raised 3 feet when men are hoisted from the bottom; a second hoisting signal should be given after the bucket has been stabilized. Hoisting should be at a minimum speed and the bellicord should be attended constantly until the crosshead has been engaged.

57.19-79 *Mandatory*. Where mine cars are hoisted by cage or skip, means for blocking cars shall be provided at all landings and also on the cage.

57.19-80 *Mandatory*. When tools, timbers, or other materials are being lowered or raised in a shaft by means of a bucket, skip, or cage, they shall be secured or so placed that they will not strike the sides of the shaft.

57.19-81 Conveyances not in use should be released and raised or lowered at least 10 feet from the floor of the landing.

57.19-82 through 57.19-89 [Reserved]

SIGNALING

57.19-90 *Mandatory*. There shall be at least two effective approved methods of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

57.19-91 Hoistmen should not accept hoisting instructions by telephone unless the regular signaling systems are out of order. During such an emergency one person should be designated to direct movement of the conveyance.

57.19-92 and 57.19-93 [Reserved]

57.19-94 *Mandatory*. A legible signal code shall be posted prominently in the hoist house within easy view of the hoistmen, and at each place where signals are given or received.

57.19-95 Hoisting signal devices should be maintained within easy reach of men on the shaft bottom during sinking operation.

57.19-96 *Mandatory*. Any person responsible for receiving or giving signals for cages, skips, and mantrips when men or materials are being transported shall be familiar with the posted signaling code.

57.19-97 through 57.19-99 [Reserved]

SHAFTS

57.19-100 *Mandatory*. Shaft landings shall be equipped with substantial safety gates so constructed that materials will not go through or under them; gates shall be closed except when loading or unloading shaft conveyances.

57.19-101 *Mandatory*. Positive stopblocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

57.19-102 Guides should be provided in each hoisting compartment in shafts inclined more than 45° from the horizontal.

57.19-103 Dumping facilities should be so constructed as to minimize spillage into the shaft.

57.19-104 Adequate clearance should be maintained at shaft stations to allow men to pass safely and to allow materials to be handled safely.

57.19-105 *Mandatory*. A safe means of passage around open shaft compartments shall be provided on landings with more than one entrance to the shaft.

57.19-106 Shaft timbers should be kept clean of rocks and other loose material.

57.19-107 *Mandatory*. Hoistmen shall be informed when men are working in a compartment affected by that hoisting operation and "Men Working in Shaft" sign shall be posted at the hoist.

57.19-108 and 57.19-109 [Reserved]

57.19-110 *Mandatory*. A substantial bulkhead or equivalent protection shall be provided above men at work deepening a shaft.

57.19-111 Substantial fixed ladders should be maintained as near the shaft bottom as practical during shaft-sinking operations. Chain, wire rope, or other extension ladders should be used from the fixed ladder to the shaft bottom.

57.19-112 through 57.19-119 [Reserved]

INSPECTION AND MAINTENANCE

57.19-120 [Reserved]

57.19-121 Complete records should be kept of installation, lubrication, inspection, tests, and maintenance of shafts and hoisting equipment.

57.19-122 Parts used to repair hoists should have properties equal to or better than the original parts; replacement parts should be designed to fit the original installation.

57.19-123 Ropes should be kept well lubricated from end to end as recommended by the manufacturer.

57.19-124 and 57.19-125 [Reserved]

57.19-126 Ropes should be calipered at regular intervals as necessary to effectively determine the rate of wear and damage. Caliper measurements should be taken:

(a) Immediately above the socket or clips and above the safety connection.

(b) Where the ropes rest on the sheaves.

(c) Where the ropes leave the drums when the conveyances are at the regular stopping points.

(d) Where a layer of rope begins to overlap another layer on the drum.

57.19-127 Electromagnetic or other non-destructive rope testing systems should be used only as supplements to and not as substitutes for recommended inspection and tests.

57.19-128 *Mandatory*. Ropes shall not be used for hoisting when they have:

MINE CLASSIFICATION

(a) More than six broken wires in any lay.

(b) Crown wires worn to less than 65 percent of the original diameter.

(c) A marked amount of corrosion or distortion.

(d) A combination of similar factors individually less severe than those above but which in aggregate might create an unsafe condition.

57.19-129 [Reserved]

57.19-130 Empty conveyances should be operated up and down shafts at least one round trip before hoisting men after any shaft or equipment repairs and before regular man trips are hoisted or lowered.

57.19-131 Rope and conveyance connections to conveyances should be inspected daily.

57.19-132 Safety catches should be inspected daily; drop tests should be made at the time of installation. Every 2 months the cage should be rested on chairs or proper blocking to check the operation or activation of the safety catches by allowing the rope to slacken suddenly.

57.19-133 [Reserved]

57.19-134 Sheaves should be inspected daily and kept properly lubricated.

57.19-135 Rollers used in inclined shafts should be lubricated, properly aligned and kept in good repair.

§ 57.20 Miscellaneous.

57.20-1 [Reserved]

57.20-2 *Mandatory*. Potable water shall be available to all employees during working hours.

57.20-3 Good housekeeping should be practiced in and around a mine.

57.20-4 Men should not engage in horseplay.

57.20-5 *Mandatory*. Carbon tetrachloride shall not be used.

57.20-6 Protruding nails which may cause injury should be removed or completely bent over.

57.20-7 Employees should be constantly alert to the potential of accidents on their jobs.

57.20-8 [Reserved]

57.20-9 *Mandatory*. Dusts suspected of being explosive shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

57.20-10 *Mandatory*. If failure of a water or silt retaining dam will create a hazard it shall be of substantial construction and inspected at regular intervals.

57.20-11 through 57.20-19 [Reserved]

SURFACE ONLY

57.20-20 *Mandatory*. Access to unattended mine openings shall be restricted by gates or doors, or the openings shall be fenced and posted.

57.20-21 through 57.20-29 [Reserved]

UNDERGROUND ONLY

57.20-30 [Reserved]

57.20-31 *Mandatory*. In areas where dangerous accumulations of water, gas, mud, or fire atmosphere could be encountered, men shall be removed to safe places before blasting.

57.20-32 Telephone service or equivalent two-way communication facilities should be provided from underground working areas to the surface.

§ 57.21 Gassy mines.

Gassy mines shall be operated in accordance with all mandatory standards in this part. Such mines shall also be operated in accordance with the mandatory standards in this section. The standards in this section apply only to underground operations.

57.21-1 *Mandatory*. A mine shall be deemed gassy, and thereafter operated as a gassy mine, if:

(a) The State in which the mine is located classifies the mine as gassy; or

(b) Flammable gas emanating from the orebody or the strata surrounding the orebody has been ignited in the mine; or

(c) A concentration of 0.25 percent or more, by air analysis, of flammable gas emanating only from the orebody or the strata surrounding the orebody has been detected not less than 12 inches from the back, face, or ribs in any open workings; or

(d) The mine is connected to a gassy mine.

57.21-2 *Mandatory*. Flammable gasses detected while unwatering mines and similar operations shall not be used to class a mine gassy.

57.21-3 through 57.21-9 [Reserved]

FIRE PREVENTION AND CONTROL

57.21-10 *Mandatory*. Men shall not smoke or carry smoking materials, matches, or lighters underground. The operator shall institute a reasonable program to ensure that persons entering the mine do not carry smoking materials, matches, or lighters.

57.21-11 *Mandatory*. Except when necessary for welding or cutting, open flames shall not be used in other than fresh air or in places where flammable gases are present or may enter the air current.

57.21-12 *Mandatory*. Welding or cutting with arc or flame underground in other than fresh air or in places where flammable gases are present or may enter the air current shall be under the direct supervision of a qualified person who shall test for flammable gases before and frequently during such operations.

57.21-13 *Mandatory*. Welding or cutting shall not be performed in atmospheres, containing more than 1.0 percent of flammable gases.

57.21-14 through 57.21-19 [Reserved]

VENTILATION

57.21-20 and 57.21-21 [Reserved]

57.21-22 The main intake and return air currents in mines should be in separate shafts, slopes, or drifts.

57.21-23 *Mandatory*. When single shafts are used for intake and return the curtain wall or partition shall be constructed of reinforced concrete or equivalent and provided with pressure relief devices.

57.21-24 [Reserved]

57.21-25 When there has been a failure of ventilation and ventilation has been restored in a reasonable time, all places where flammable gas may have accumulated should be examined by a qualified person and determined to be free of flammable gas before power is restored and work resumed.

57.21-26 [Reserved]

57.21-27 *Mandatory*. When the main fan or fans have been shut down with all men out of the mine, no person, other than those qualified to examine the mine, or other authorized persons, shall go underground until the fans have been started and the mine examined for gas and other hazards and declared safe.

57.21-28 through 57.21-32 [Reserved]

57.21-33 *Mandatory*. The volume and velocity of the current of air coursed through all active areas shall be sufficient to dilute and carry away flammable gases, smoke and fumes.

57.21-34 through 57.21-36 [Reserved]

57.21-37 Electrically operated pumps, compressors, and portable substations should be in intake air.

57.21-38 [Reserved]

57.21-39 *Mandatory*. If flammable gas in excess of 1.0 percent by volume is detected

in the air not less than 12 inches from the back, face, and rib of an underground working place, or in air returning from a working place or places, adjustments shall be made in the ventilation immediately so that the concentration of flammable gas in such air is reduced to 1.0 percent or less.

57.21-40 *Mandatory*. If 1.5 percent or higher concentration of flammable gas is detected in air returning from an underground working place or places, the men shall be withdrawn and the power cut off to the portion of the mine endangered by such flammable gas until the concentration of such gas is reduced to 1.0 percent or less.

57.21-41 and 57.21-42 [Reserved]

57.21-43 *Mandatory*. Abandoned areas shall be sealed or ventilated; areas that are not sealed shall be barricaded and posted against unauthorized entry.

57.21-44 *Mandatory*. Seals shall be of substantial construction. Exposed surfaces shall be made of fire-resistant material or, if the commodity mined is combustible, seals shall be made of incombustible material.

57.21-45 *Mandatory*. One or more seals of every sealed area shall be fitted with a pipe and a valve or cap to permit sampling of the atmosphere and measurement of the pressure behind such seals.

57.21-46 *Mandatory*. Crosscuts shall be made at intervals not in excess of 100 feet between entries and between rooms.

57.21-47 Crosscuts should be closed where necessary to provide adequate face ventilation.

57.21-48 *Mandatory*. Line brattice or other suitable devices shall be installed from the last open crosscut to a point near the face to assure positive air flow to the face of every active underground working place, unless the Secretary or his authorized representative permits an exception to this requirement.

57.21-49 Brattice cloth should be of flame-resistant material.

57.21-50 *Mandatory*. Damaged brattices shall be repaired promptly.

57.21-51 Crosscuts should be provided, where practicable, at or near the faces of entries and rooms before they are abandoned.

57.21-52 *Mandatory*. Entries or rooms shall not be started off entries beyond the last open crosscuts, except that room necks and entries not to exceed 18 feet in depth may be turned off entries beyond the last open crosscuts if such room necks or entries are kept free of accumulations of flammable gas by use of line brattice or other adequate means.

57.21-53 Stoppings in crosscuts between intake and return airways, on entries other than room entries, should be built of solid, substantial material; exposed surfaces should be made of fire-resistant material or, if the material mined is combustible, stoppings should be made of incombustible material.

57.21-54 Stoppings should be reasonably airtight.

57.21-55 *Mandatory*. The main ventilation shall be so arranged by means of air locks, overcasts, or undercasts that the passage of trips or persons does not cause interruptions of air currents. Where air locks are impracticable, single doors may be used if they are attended constantly while the areas of the mine affected by the doors are being worked, unless they are operated mechanically or are self-closing.

57.21-56 *Mandatory*. Air locks shall be ventilated sufficiently to prevent accumulations of flammable gas inside the locks.

57.21-57 *Mandatory*. Doors shall be kept closed except when men or equipment are passing through the doorways.

57.21-58 Overcasts and undercasts should be:

(a) Constructed tightly of incombustible material.

(b) Of sufficient strength to withstand possible falls from the back.

(c) Kept clear of obstructions.

57.21-59 and 57.21-60 [Reserved]

57.21-61 *Mandatory*. Only qualified examiners and persons authorized to correct the dangerous conditions shall enter places or areas where danger signs are posted.

57.21-62 *Mandatory*. Danger signs shall not be removed until the dangerous conditions have been corrected.

57.21-63 through 57.21-74 [Reserved]

EQUIPMENT

57.21-75 [Reserved]

57.21-76 *Mandatory*. Diesel-powered equipment shall not be taken into or operated in places where flammable gas exceeds 1.0 percent at any point not less than 12 inches from the back, face, and rib.

57.21-77 *Mandatory*. Trolley wires and trolley feeder wires shall be on intake air and shall not extend beyond the last open crosscut or other ventilation opening. Such

wires shall be kept at least 150 feet from pillar workings.

57.21-78 *Mandatory*. Only permissible equipment maintained in permissible condition shall be used beyond the last open crosscut or in places where dangerous quantities of flammable gases are present or may enter the air current.

57.21-79 *Mandatory*. Only permissible distribution boxes shall be used in working places and other places where dangerous quantities of flammable gas may be present or may enter the air current.

57.21-80 [Reserved]

57.21-81 *Mandatory*. No electric equipment shall be taken into or operated in places where flammable gas can be detected in the amount of 1.0 percent or more at any point not less than 12 inches from the back, face, and rib.

57.21-82 through 57.21-89 [Reserved]

ILLUMINATION

57.21-90 through 57.21-94 [Reserved]

EXPLOSIVES

57.21-95 through 57.21-98 [Reserved]

57.21-99 *Mandatory*. Examinations for gas shall be made immediately before and after firing each shot or round.

57.21-100 *Mandatory*. Shots or rounds shall not be fired in places where flammable gas can be detected with a permissible flame safety lamp, or where 1.0 percent or more of flammable gas can be detected by any other Bureau of Mines approved device or method, at a point not less than 12 inches from the back, face, and rib.

57.21-101 Shots and rounds should be fired by qualified persons.

§ 57.22 Savings provision.

57.22-1 through 57.22-3 [Reserved]

[P.R. Doc. 69-8972; Filed, July 30, 1969; 8:45 a.m.]

Proposed Rule Making

FEDERAL TRADE COMMISSION

[16 CFR Part 409]

DESIGN LIFE AND LUMEN OUTPUT OF LARGE HOUSEHOLD ELECTRIC INCANDESCENT LIGHT BULBS AND COST FACTORS THEREOF

Notice of Proposed Trade Regulation

Notice is hereby given that the Federal Trade Commission, after consideration of all relevant matters of fact, law, policy, and discretion, including all matters presented by interested parties during the course of the rulemaking proceeding concerning the feasibility of the establishment of the Trade Regulation Rule regarding incandescent electric light bulbs, announced in the FEDERAL REGISTER May 29, 1964, 29 F.R. 7131, and pursuant to the Federal Trade Commission Act as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart F of the Commission's procedures and rules of practice, 28 F.R. 7083-84 (July 11, 1963 [amended June 13, 1967, as Part 1, Subpart B, 32 F.R. 8444, 16 CFR 1.11, et seq.], proposes the Trade Regulation Rules hereinafter set forth.

On the basis of its initial conclusions, the Commission has taken this action having reason to believe:

1. Marketers of household electric incandescent light bulbs have offered for sale and sold in commerce, as "commerce" is defined in the Federal Trade Commission Act, light bulbs described by terms such as "standard," "long life," "standard service," "extended service," "soft white," and "brighter light" with only the wattage (electrical energy consumed) and voltage ratings marked thereon.

2. So-called "standard" light bulbs are marketed which emit more light than "long life" bulbs of the same wattage but which have a shorter design life than such "long life" bulbs.

3. So-called "long life" bulbs are marketed which are designed to last longer than "standard" bulbs but which emit less light than the same wattage "standard" bulbs.

4. As a bulb's design life for any given wattage is increased, that bulb's light output is decreased; conversely, as a bulb's designed light output for any given wattage is increased, its life is decreased.

5. Marketers do not disclose that certain bulbs emit more light because of shorter design life and that certain other bulbs have longer lives because of reduced designed light output, nor do they disclose the lumen and life ratings for such bulbs.

6. A substantial portion of the consuming public, not being aware of the above facts, ordinarily purchases light bulbs on the basis of wattage (electrical energy consumed) in the belief that bulbs of the same wattage emit the same amount of light and last approximately the same length of time; whereas some

bulbs are available, where for any given wattage life ratings range from approximately 750 to 10,000 hours and rated light output decreases as the rated life increases.

7. A substantial portion of the purchasing public prefers bulbs for specific purposes such as reading and working, general lighting, convenience in the changing of bulbs or for hard to reach fixtures (due to the potential risk in changing such bulbs) and in a substantial number of cases purchasers would be willing to accept less light, or to pay more for light, or to accept shorter life to obtain more light, etc., for their various intended purposes.

8. The failure to disclose lumen and life ratings deprives consumers of material facts which if known to them would influence their decisions as to which type of bulb to purchase.

9. Marketers also represent that savings result from the use of certain light bulbs without disclosing the various material factors used in calculating and bearing on the savings such as initial cost of bulbs, cost of electricity, lumen ratings, life ratings, amount of light emitted per watt, exclusion, or inclusion of replacement costs, etc.

10. The failure to disclose the various cost factors tends to distort lighting cost data and results in half truths.

11. The above practices have the tendency and capacity to:

(a) Mislead purchasers as to the overall utility and performance of various light bulbs and into buying light bulbs which may not be appropriate for particular intended purposes, and to

(b) Divert business from competitors who appropriately advertise and label their products; and that, therefore,

12. These practices constitute unfair methods of competition and unfair or deceptive acts or practices in violation of section 5 of the Federal Trade Commission Act.

Accordingly, the Commission proposes consideration of two alternative proposed Trade Regulation Rules as follows:

In connection with the sale of large household incandescent electric light bulbs for general lighting purposes, in commerce, as "commerce" is defined in the Federal Trade Commission Act, it constitutes an unfair method of competition and an unfair or deceptive act or practice to:

(a) Fail to clearly and conspicuously disclose on the bulbs themselves and on the sleeves or paper containers in which they are packaged:

(1) The light output of such bulbs expressed in initial lumens;

(2) The life of such bulbs expressed in hours and by classification as follows:

General classification	To be used on bulbs with rated hours of
Standard life.....	Up to 1,500 hours.
Medium life.....	Over 1,500 hours, but less than 5,000 hours.
Long life.....	5,000 hours or more.

(3) The electrical energy consumed expressed in wattage.

(NOTE: The lumen and life disclosures required may be expressed as averages, i.e., "average" initial lumens and "average" life, as determined in accordance with Federal Specification W-L-101f or its most recent revision. Disclosures on the bulb itself may be abbreviated: *Provided*, They are readily visible and likely to be understood by consumers. For a period of one (1) year from the effective date of this rule, except on the bulb itself, wherever the term "lumens" is used, there shall be a brief explanation of the term such as "light output.")

(b) Represent in any manner that savings in the cost of light will result from the use of certain bulbs (e.g., "Save 00 dollars," "Outlasts 00 ordinary bulbs," etc.) unless in computing such savings all factors relative to lighting costs are taken into account and clearly disclosed. These factors would include, but are not limited to, initial bulb cost, electricity cost, replacement labor cost, if any, actual light output in terms of initial lumens, and design life in terms of hours of the bulbs being advertised and the bulbs with which they are being compared.

(c) Represent in any manner that certain bulbs will give brighter light or longer life without clearly and conspicuously disclosing the light output and life of the bulbs with which the comparison is being made and the light output and life of the bulbs being advertised, determined in the manner prescribed by paragraph (a).

Or in the alternative:

In connection with the sale of large household incandescent electric light bulbs for general lighting purposes, in commerce, as "commerce" is defined in the Federal Trade Commission Act, it constitutes an unfair method of competition and an unfair or deceptive act or practice to:

(a) Fail to clearly and conspicuously disclose on the bulbs themselves and on the sleeves or paper containers in which they are packaged the light output of such bulbs expressed in initial lumens, the life of such bulbs expressed in hours, and the electrical energy consumed expressed in wattage.

(NOTE: The lumen and life disclosures required may be expressed as averages, i.e., "average" initial lumens and "average" life, as determined in accordance with Federal Specification W-L-101f or its most recent revision. Disclosures on the bulb itself may be abbreviated: *Provided*, They are readily visible and likely to be understood by consumers. For a period of one (1) year from the effective date of this rule, except on the bulb itself, wherever the term "lumens" is used, there shall be a brief explanation of the term such as "light output.")

(b) Use the terms "Standard Life," "Medium Life," "Long Life" or any other terms of similar meaning or import to describe such bulbs unless the bulbs so described have rated lives as follows:

Term	To be used only on bulbs with rated lives of
Standard life	Up to 1,500 hours.
Medium life	Over 1,500 hours, but less than 5,000 hours.
Long life	5,000 hours or more.

(c) Represent in any manner that savings in the cost of light will result from the use of certain bulbs (e.g., "Save 00 dollars," "Outlasts 00 ordinary bulbs," etc.) unless in computing such savings all factors relative to lighting costs are taken into account and clearly disclosed. These factors would include, but are not limited to, initial bulb cost, electricity cost, replacement labor cost, if any, actual light output in terms of initial lumens, and design life in terms of hours of the bulbs being advertised and the bulbs with which they are being compared.

(d) Represent in any manner that certain bulbs will give brighter light or longer life without clearly and conspicuously disclosing the light output and life of the bulbs with which the comparison is being made and the light output and life of the bulbs being advertised, determined in the manner prescribed by paragraph (a).

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed rules set forth above in this notice with Joseph W. Shea, Secretary, Federal Trade Commission, Pennsylvania Avenue at Sixth Street NW., Washington, D.C. 20580, not later than September 23, 1969. Such written data, views, or arguments should be filed in duplicate.

All interested parties are also given notice of opportunity to orally present data, views, or arguments with respect to the proposed rules at a hearing to be held at 10 a.m., e.d.t., on September 30, 1969, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

Any person desiring to orally present his views at the hearing should so inform the Secretary not later than September 19, 1969, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Secretary of the Commission on or before September 23, 1969.

The data, views, or arguments presented with respect to the proposed rules will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission's Washington address given above, and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All persons, firms, corporations, or others engaged in the sale or distribution of incandescent electric light bulbs in commerce, as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of

any Trade Regulation Rule promulgated in the course of this proceeding.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

Trade Regulation Rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice concerning the substantive requirements of the statutes which it administers.

The Commission has reason to believe that the practices which would be prohibited by the proposed rules are widespread in this industry. This proceeding is designed to inform all industry members of their obligations under the law and assure equitable treatment in complying therewith.

Manufacturers and other marketers of incandescent electric light bulbs and other interested parties, including the purchasing public are urged to express their approval or disapproval of the proposed rules, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: July 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, Secretary.

[F.R. Doc. 69-8927; Filed, July 30, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1030]

[Docket No. AO-361-A2]

MILK IN CHICAGO REGIONAL MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held with sessions at the Pick Congress Hotel, Congress Expressway at Michigan Avenue, Chicago, Ill., beginning at 10 a.m., local time, on August 20, 1969, and at the Pioneer Inn, 1000 Pioneer Drive, Oshkosh, Wis., beginning at 10 a.m., local time, on August 25, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Chicago Regional marketing area.

The public hearing is for the purpose of receiving evidence with respect to

the economic and marketing conditions which relate to the proposed amendments, to the tentative marketing agreement and to the order, regulating the handling of milk in the Chicago Regional marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined, and, if not, what modifications of the provisions of the order would be appropriate.

The proposal for regulation under a separate order of a portion of the territory included in the present marketing area raises the issues of:

(a) Whether the declared policy of the Act would tend to be effectuated by adoption of the proposed provisions, or appropriate modifications thereof, for such separate order, if they are applied to either a portion or all of the marketing area as proposed to be redefined; and

(b) The appropriate disposition of the producer-settlement funds, marketing funds, and administrative funds accumulated under the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Beatrice Foods Co.:

Proposal No. 1. Add to the marketing area the Illinois counties of Grundy, Kankakee, and La Salle.

Proposed by Wern Farms, Waukesha Milk Producers Cooperative, Golden Guernsey Dairy Cooperative, and Milwaukee Cooperative Milk producers:

Proposal No. 2. Delete from the marketing area all of the territory regulated under the order regulating the handling of milk in the Milwaukee, Wis., marketing area, Part 1039, as effective prior to the introduction of the Chicago regional order and reinstate all of the terms and provisions of such Part 1039 as were then in effect.

Proposed by Pure Milk Products Cooperative:

Proposal No. 3. Amend § 1030.6 to expand the Chicago Regional Order 30 marketing area to include all territory now a part of the marketing area plus all of the currently unregulated territory in the 11 Wisconsin counties of:

Marathon.	Adams.
Wood.	Marquette.
Clark.	Green Lake.
Jackson.	Waushara.
Bau Claire.	Menominee.
Chippewa.	

Proposal No. 4. a. Amend § 1030.11(b) to read:

(b) A supply plant from which the quantity of fluid milk products moved during the month in accordance with subparagraphs (1), (2), (3), and (4) of

this paragraph is not less than the percentages specified in subparagraphs (5) and (6) of this paragraph subject to subparagraphs (7), (8), and (9) of this paragraph, of the volume of Grade A milk received from dairy farmers at such plant, including producer milk diverted under § 1030.16.

(1) To pool plants pursuant to paragraph (a) of this section;

(2) To plants of producer-handlers;

(3) To partially regulated distributing plants and assigned to Class I milk disposed of in the marketing area from such plants pursuant to § 1030.44 (d) (3) (i);

(4) To other plants or routes as packaged fluid milk products, provided that the amount credited toward pool plant qualification under this subparagraph shall not exceed half of the percentages established according to subparagraph (5) of this paragraph;

b. Renumber § 1030.11(b) (4), (5), (6), (7), and (8), respectively, to read § 1030.11(b) (5), (6), (7), (8), and (9).

Proposal No. 5. Amend § 1030.16(a) to read:

(a) Received at one or more pool plants during the month (milk may be diverted during the month by a handler from a pool distributing plant to another pool plant(s) for not more days of production of producer milk than is physically received at the diverting pool plant); or

Proposal No. 6. Amend § 1030.16(d) (1) to read:

(1) Milk of a producer diverted for the account of the operator of the plant from which such milk is diverted in any of the months August through December which does not exceed the quantity of such producer's milk received at the pool plant, or the milk of a particular group of producers diverted for the account of the operator of the plant, which aggregate quantity shall not exceed 35 percent of the total quantity of Grade A milk received at or diverted from the plant.

Proposal No. 7. Amend § 1030.16(d) (2) to read:

(2) Milk of a producer diverted by a cooperative as a handler pursuant to § 1030.13(d) which does not in any of the months August through December exceed the quantity of such producer's milk received at the pool plant from which it was diverted, or the milk of a particular group of producers diverted by a cooperative as a handler pursuant to § 1030.13(d) which aggregate quantity shall not exceed 35 percent of the total quantity of Grade A milk received at or diverted from the plant. To the extent that milk diverted by a cooperative as a handler during any month would result in the plant failing to qualify as a pool plant under § 1030.11 such diverted milk shall not be producer milk; and

Proposed by Alto Cooperative Creamery Co., Antigo Milk Products Cooperative, Central Wisconsin Cooperative Dairies, Consolidated Badger Cooperative, Lake to Lake Dairy Cooperative,

Outagamie Producers Cooperative, Pure Milk Association, and Wisconsin Dairies Cooperative, Inc.:

Proposal No. 8. Provide for a definition of a reload point to be "a building with adequate facilities for cleansing tank trucks and at which milk moved from the farm in a tank truck is commingled with other milk for reshipment to another plant" and make conforming changes in § 1030.11.

Proposal No. 9. a. Delete subparagraphs (1), (2), (3), (4), and (5) in § 1030.11(b) and substitute the following:

(1) Moved as bulk fluid products to and physically received in:

(i) Pool plants pursuant to paragraph (a) of this section;

(ii) Plants of producer-handlers;

(iii) Unregulated distributing plants and assigned to Class I milk; and

(iv) Other order plants except for fluid milk products which are classified as Class II per agreement.

(2) Moved as condensed skim milk to and physically received in pool plants pursuant to paragraph (a) of this paragraph; and

(3) Moved as packaged fluid milk products to other plants or disposed of on routes except the quantity to be included in computing the percentages pursuant to subparagraph (4) of this paragraph shall not exceed the combined quantities moved pursuant to subparagraphs (1) and (2) of this paragraph.

(4) Such percentages shall be not less than 40 percent in each of the months of September, October, and November and 30 percent in all other months, except that plant which is a pool plant pursuant to this paragraph during each of the months of August through December shall be a pool plant for each of the following months of January through July if it meets the following percentages:

	Percent
January, February, March, and July.....	20
April, May, and June.....	10

b. Renumber subparagraphs (6), (7), and (8) to (5), (6), and (7), respectively.

c. In the present subparagraph (6) delete "applicable during the months August-December."

Proposal No. 10. Revise § 1030.16 as follows:

a. In paragraphs (a) and (b) delete the words "Received at" and substitute "Physically received in."

b. Completely eliminate paragraph (d) or limit diversion by substituting the following language:

(d) Diverted for a handler's account from a pool distributing plant described in § 1030.11(a) by moving directly from the producer's farm to a nonpool plant for not more than 8 days' production subject to the following conditions:

(1) The pool distributing plant does not physically receive any fluid milk products from any source on that day;

(2) Milk diverted to another order plant shall be producer milk pursuant to this section only if it is not producer milk under such other order; and

(3) Diverted milk eligible to be pooled shall be considered as received at the pool

distributing plant from which diverted in calculating the percentages specified in § 1030.11 and in applying location price differentials pursuant to § 1030.82.

Proposal No. 11. Amend § 1030.51(a) Class I milk price. The Class I milk price shall be the basic formula price for the preceding month plus \$1.26.

Proposal No. 12. Amend § 1030.53 as follows:

(1) Zone 1—Adjustment rate—None.

Zone 1 shall consist of the territory in the counties of Cook, Du Page, Will, Lake, and the townships of Dundee, Elgin, St. Charles, Geneva, Batavia, and Aurora in Kane County all in Illinois.

(2) Zone 2—Adjustment rate—Minus 2 cents per hundredweight of milk.

Zone 2 shall consist of the territory outside Zone 1 and within 55 miles of the City Hall in Chicago, Ill.

(3) For plants located beyond Zone 2 the minus adjustment rate shall be an additional 2 cents per hundredweight of milk for each 15 miles or fraction thereof over 55 miles. Each successive 15-mile area shall be an additional zone, except that Milwaukee County, Wis., and Winnebago County, Ill., shall be in Zone 4.

Proposal No. 13. Amend § 1030.82 to conform with any amendments to § 1030.53.

Proposed by Manitowoc Milk Producers Cooperative and Milwaukee Cooperative Milk Producers:

Proposal No. 14. Amend § 1030.11 by deleting subparagraph (7) of paragraph (b).

Proposal No. 15. If Proposal No. 14 is not adopted, it is proposed that § 1030.11 (b) (7) be amended by deleting subdivision (iii) thereof and revising subdivision (ii) to read:

(ii) The handler or cooperatives establishing a unit notify the market administrator in writing of the plants to be included therein prior to August 1 of each year and no additional plants shall be added to the unit prior to August 1 of the following year, and no plant shall be deleted from the unit prior to January 1 of the following year: *Provided*, An established unit may be dissolved in its entirety during any month following the month in which the handler of the unit notifies the market administrator in writing that such unit is to be dissolved, and provided further: If a unit established under subdivision (i) of this subparagraph is dissolved pursuant to this subdivision during any of the months of September, October, or November, the pool status of each unit plant for the months of January through July pursuant to subparagraph (4) of this paragraph shall be determined on the same basis as would be used if such plant(s) had not been a part of a unit.

Proposal No. 16. Amend § 1030.16 by redesignating paragraph (d) as paragraph (e) and add the following as a new paragraph (d).

(d) Diverted from a pool plant to another pool plant. Milk so diverted shall be considered received at the pool plant which diverted in applying location price

differentials pursuant to § 1030.82, except that in any month in which diverted milk of a producer represents more than 10 days production the location price differential applicable to milk of such producer diverted in excess of the first 10 days production shall be based on the zone location of the pool plant(s) where such milk is actually received.

Proposal No. 17. Amend the order to provide for a three "Class I price zone" marketing area and a three basic price zone method for making payments to producers.

To accomplish the foregoing, it is proposed that the following changes be made in the present order. A. Delete the present language contained in § 1030.53 and substitute therefor the following.

Section 1030.53 for milk received from producers or from a cooperative association pursuant to § 1030.13(e) at a pool plant and which is classified as Class I milk after making the calculations set forth in paragraph (f) of this section or for other source milk to which a location adjustment is applicable, the price per hundredweight at pool plants should be as follows:

(a) In Zone 1, the price shall be that calculated pursuant to § 1030.51(a) plus 12 cents. Zone 1 shall consist of the territory within 100 miles of the city hall in Chicago.

(b) In Zone 2, the price shall be that calculated pursuant to § 1030.51(a) plus 8 cents. Zone 2 shall consist of that territory outside of Zone 1 but not to exceed 160 miles of the city hall in Chicago.

(c) In Zone 3, the price shall be that calculated pursuant to § 1030.51(a). Zone 3 shall consist of that territory outside of Zones 1 and 2 but not to exceed 220 miles of the city hall in Chicago.

(d) In all areas located more than 220 miles of the city hall in Chicago, the price shall be that calculated pursuant to § 1030.51(a) less 2 cents for each 15 miles or fraction thereof beyond 220 miles of the city hall in Chicago.

(e) For this paragraph in the amended order, use the language contained in paragraph (b) of this section in the present order.

(f) Transfers between plants located in different price zones. In calculating the amount of Class I milk to be priced pursuant to paragraph (a), (b), or (c) of this section in a transferee plant located in a price zone which is not the same as the transferor plant necessary order language will be needed to adjust for inventory of packaged fluid milk products at the beginning of the month, receipts from other order plants and non-pool plants assigned to Class I pursuant to § 1030.46 and a reasonable reserve to take care of daily fluctuations in receipts and Class I needs.

B. Amend § 1030.71 of the present order whereby the market administrator would calculate a uniform blend price for each of the zones.

Zone 3 blend price would be the market utilization at the class prices adjusted only for any minus location adjustments.

Zone 2 blend price shall be the blend price applicable at plants located in

Zone 3 plus an amount obtained by dividing the total hundredweight of milk received from producers at plants located in Zone 2 during the month into the sum resulting from the multiplication of the total hundredweight of Class I milk at such plants during such month, adjusted pursuant to proposed amended section 1030.53(f), by 8 cents: *Provided*, That the resultant price per hundredweight shall not be in excess of 8 cents of the blend price for Zone 3.

Zone 1 blend price shall be the blend price applicable at plants located in Zone 3 plus an amount obtained by dividing the total hundredweight of milk received from producers at plants located in Zone 1 during the month into the sum resulting from the multiplication of the total hundredweight of Class I milk at such plants during such month, adjusted pursuant to proposed amended § 1030.53(f), by 12 cents: *Provided*, That the resultant price per hundredweight shall not be in excess of 12 cents of the blend price for Zone 3.

C. Amend all other sections of the order which would be necessary to incorporate the location pricing principles set forth in parts A and B of this proposal.

Proposal No. 18. Amend paragraph (b) of § 1030.51 by deleting the present language contained therein and substituting therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month plus 10 cents.

Proposed by Blochowiak Dairy Co.:

Proposal No. 19. Amend § 1030.16 to allow diversion of Grade A milk from a pool plant to other pool plants or distributing plants when both operate under the same order, deeming such diverted milk to be diverted milk to be received by the diverting handler at the plant from which diverted.

Proposed by Gehl's Guernsey Farms, Inc.:

Proposal No. 20. Amend § 1030.16(d) to provide that: Grade "A" milk of producers of a handler or cooperative received directly at pool distributing plants of other handlers shall remain for reporting purposes the milk of the diverting handler and shall be included in determining the diverting handler's pool plant requirements.

Proposed by Associated Milk Dealers, Inc.:

Proposal No. 21. Delete § 1030.71 and substitute therefor the following:

§ 1030.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk, of 3.5 percent butterfat content at plants in Zone 1, as follows:

(a) Combine into one total the values computed pursuant to § 1030.71 for all handlers, except those of handlers who failed to make payments required pursuant to § 1030.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this sec-

tion is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1030.81 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the minus location differentials computed pursuant to § 1030.82(a);

(d) Add an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1030.70(e);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price", and except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract in the case of milk delivered during each of the months of March, April, May, and June an amount equal to 15 cents per hundredweight of producer milk specified in paragraph (e)(1) of this section;

(i) Add in the case of milk delivered during each of the months of September, October, and November one-third of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four (4) cents nor more than five (5) cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

Proposed by Sealtest Foods, Division, Kraftco Corp.

Proposal No. 22. Amend § 1030.71, Computation of Uniform Price, by adding to paragraph (g) the words: "The result shall be 'weighted average price' and, except for the months specified below, shall be the 'uniform price' for milk received from producers;"

Adding new paragraphs (h) through (l) as follows:

(h) For the months specified in paragraph (i) and (j) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (e) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (f)(2) by the weighted average price;

(i) Subtract in case of milk delivered during each of the months of April, May, and June an amount equal to 20 cents per hundredweight of producer milk

specified in paragraph (f) (1) of this section;

(j) Add in the case of milk delivered during each of the months of September, October, and November one-third of the total amount subtracted pursuant to paragraph (i) of this section;

(k) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(l) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 23. Amend § 1030.31(b) by inserting "(a)" between "§ 1030.13" and "(c)" and adding a new subparagraph to read as follows:

(4) Each handler pursuant to § 1030.13 (a) shall report for each load of milk diverted for his account the quantity of each producer's milk included therein the date(s) and times of pickup and delivery to the nonpool plant, the name and location of that plant, the signature of the person accepting the milk and the signature of the hauler.

Proposal No. 24. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Room 814, 72 West Adams Street, Chicago, Ill. 60603, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on July 25, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-8909; Filed, July 30, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 378, 378a]

[Docket No. 21120; SPDR-16A]

BULK INCLUSIVE TOURS BY TOUR OPERATORS

Supplemental Notice of Proposed Rule Making

JULY 28, 1969.

The Board by circulation of SPDR-16, dated June 25, 1969 and by publica-

tion at 34 F.R. 10,000 gave notice that it had under consideration a new Part 378a. The regulation would establish the terms and conditions governing the furnishing of bulk-inclusive tours in foreign air transportation by tour operators and foreign tour operators. In addition, certain amendments to Part 378 were proposed. Interested persons were invited to participate in the proceeding through submission of seventeen (17) copies of written data, views, and arguments pertaining thereto to the Docket Section of the Board on or before July 18, 1969, and reply comments on or before July 30, 1969.

Counsel for Creative Tour Operators Association (CTOA) have filed a request for an extension of 1 week, from July 30 to August 6 for filing reply comments. The undersigned finds that good cause has been shown for the extension of time requested. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the undersigned hereby extends the time for submitting comments to August 6, 1969.

All relevant reply communications received on or before August 6, 1969, will be considered by the Board before taking action on the proposed rules. Copies of these communications will be available for examination in the Docket Section, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a), Federal Aviation Act of 1958 as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[F.R. Doc. 69-9043; Filed, July 30, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

RULES OF PRACTICE IN PATENT CASES

Preexamination

Notice is hereby given that under the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), the Patent Office proposes to

amend Part 1, Title 37, Code of Federal Regulations by adding thereto a new center heading reading "Preexamination" and a new § 1.98 relating to the submission of a patentability brief, as set forth below. This proposal would expedite the prosecution of applications and strengthen the presumption of validity of issued patents.

Parties who desire to present their views, objections, recommendations, or suggestions in connection with this proposal are invited to do so by letter addressed to the Commissioner of Patents, Washington, D.C. 20231, on or before October 23, 1969. Oral comments may be presented at a hearing to be held on Thursday, October 23, 1969, at 9 a.m., d.s.t., in Room 34-3D50, Building 34, 2011 Jefferson Davis Highway, Arlington, Va. All persons wishing to be heard orally are requested to notify the Commissioner of Patents of their intended appearance.

PREEXAMINATION

§ 1.98 Patentability brief.

(a) At the time of filing an application, or at such time as may be specified in an official notice, the applicant shall submit a patentability brief. The brief shall identify all relevant prior art that was specifically considered in the preparation of the application and shall further include an argument in support of patentability, explaining why the claims in such application are deemed patentable over the identified art. Copies of published prior art, other than patents of the United States, shall be submitted with the brief. The patentability brief shall not be construed as a representation that a search has been made or that no better art exists than that identified as having been specifically considered.

(b) If no prior art was considered in the preparation of the application, an express statement to that effect will be accepted in lieu of a patentability brief as specified in paragraph (a) of this section.

WILLIAM E. SCHUYLER, Jr.,
Commissioner of Patents.

Approved: July 29, 1969.

MYRON TRIBUS,
Assistant Secretary for
Science and Technology.

[F.R. Doc. 69-9000; Filed, July 30, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1969 Rev., Supp. No. 1]

HIGHLANDS UNDERWRITERS INSURANCE COMPANY

Surety Company 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 \$177,000 has been established for the company.

Name of company, location of principal executive office, and state in which incorporated:

Highlands Underwriters Insurance Company
Houston, Texas
Texas

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: July 28, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[P.R. Doc. 69-8990; Filed, July 30, 1969;
8:47 a.m.]

Internal Revenue Service WARREN JOSEPH EPPLÉ

Notice of Granting of Relief

Notice is hereby given that Warren Joseph Epplé, 5617 Heather Lane, Edina, Minn., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 22, 1955, in the Hennepin County Court, Minneapolis, Minn., of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(20). Unless relief is granted, it will be unlawful for Warren Joseph Epplé, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under Chapter 44, title 18, United States Code, from obtaining a license under that Chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under

Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) it would be unlawful for Mr. Epplé to receive, possess, or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered Warren Joseph Epplé's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of Chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Warren Joseph Epplé from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Warren Joseph Epplé be, and he hereby is granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the conviction hereinabove described. Signed at Washington, D.C., this 24th day of July 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[P.R. Doc. 69-8991; Filed, July 30, 1969;
8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[U-8184, U-8185]

UTAH

Order Providing for Opening of Public Lands

JULY 23, 1969.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269) as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 10 N., R. 5 W.,
Sec. 23, all;
Sec. 25, all.
T. 13 N., R. 11 W.,
Sec. 1, S½;
Sec. 11, all.

The areas described aggregate 2,240 acres.

2. The lands are located in Box Elder County. The topography ranges from nearly level to rolling, and the lands have

value for watershed, grazing, wildlife, and recreation which can best be managed under principles of multiple use.

3. The United States did not acquire minerals in the lands described herein.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on August 27, 1969, be opened to application, petition and selection, with the exception that the lands in T. 13 N., R. 11 W., which are subject to the Box Elder County Classification are not open to application under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. 334), or public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m. on August 27, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[P.R. Doc. 69-8962; Filed, July 30, 1969;
8:45 a.m.]

Fish and Wildlife Service BOAT OUINGONDY, INC.

[Docket No. Sub-B-17]

Notice of Hearing

JULY 28, 1969.

Boat Ouingondy, Inc., has applied for permission to transfer the operations of the 100-foot length overall fishing vessel "Ouingondy," constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for scallops, groundfish, flounder, and lobster to the fishery for lobster, scallops, groundfish, flounder, Dungeness crab, king crab, Tanner crab, shrimp, and herring.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (Public Law 88-498) and notice and hearing on subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on September 4, 1969, at 10 a.m., e.d.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

RUSSELL T. NORRIS,
Assistant Director
for Resource Development.

[P.R. Doc. 69-8963; Filed, July 30, 1969;
8:45 a.m.]

[Docket No. Sub-B-18]

ELLINGSEN FISHING CORP.**Notice of Hearing**

JULY 28, 1969.

Ellingsen Fishing Corp. has applied for permission to transfer the operations of the 94-foot length overall fishing vessel "Smaragd," constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for scallops, lobster, groundfish, flounder, and swordfish to the fishery for lobsters, scallops, groundfish, flounder, Dungeness crab, king crab, Tanner crab, shrimp, and herring.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (Public Law 88-498) and notice and hearing on subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on September 4, 1969, at 10 a.m., e.d.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

RUSSELL T. NORRIS,
Assistant Director
for Resource Development.

[P.R. Doc. 69-8964; Filed, July 30, 1969; 8:45 a.m.]

[Docket No. Sub-B-36]

MUSSEL, INC.**Notice of Hearing**

JULY 28, 1969.

Mussel, Inc., has applied for permission to transfer the operations of the 88-foot length overall fishing vessel "Bountiful," constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for groundfish, lobster, swordfish, flounder, and scallops to the fishery for lobsters, scallops, groundfish, flounder, Dungeness crab, king crab, Tanner crab, shrimp, and herring.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (Public Law 88-498) and notice and hearings on subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on September 4, 1969, at 10 a.m., e.d.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the

event of such a change along with the new location.

RUSSELL T. NORRIS,
Assistant Director
for Resource Development.

[P.R. Doc. 69-8965; Filed, July 30, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE**Commodity Credit Corporation
GRAINS AND SIMILARLY HANDLED
COMMODITIES****Notice of Final Date for Redemption
of Warehouse-Storage Loans Made
Under 1967 Crop Price Support
Program**

Unless demand is made earlier by CCC, (1) extended warehouse storage loans secured by 1967 crop corn are due and payable on the date indicated and (2) extended warehouse storage loans secured by 1967 crops of barley, grain sorghum, oats, soybeans, and wheat with respect to which producers, prior to the maturity dates stated below, have not given written notice to the ASCS county office through which they obtained such loans that they wish to have the maturity dates extended, are due and payable on the dates indicated.

Unless on or before the final date for repayment specified below, such loans are repaid, title to the unredeemed collateral

shall immediately vest in CCC without a sale thereof on the date next succeeding the final date for repayment specified below: *Provided*, That CCC will not acquire title to any such commodity for which repayment has been mailed to the ASCS county office by letter postmarked (not patron postage meter date stamped) not later than the applicable maturity date indicated below. CCC shall have no obligation to pay for any market value which any unredeemed commodity may have in excess of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of a pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the price support value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable support rate provided in the program regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan or in settlement or deliveries under the loan, the producer shall remain personally liable for the amounts specified in the Warehouse Storage Note and Security Agreement and in the price support program regulations. Amounts due the producer will be paid by the appropriate ASCS county office.

	Maturity date 1969	Final date for repayment 1969
Barley:		
In Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.	May 31	June 2
In all other States	April 30	April 30
Corn:		
In all States	July 31	July 31
Grain Sorghum:		
In Oklahoma and Texas	June 30	June 30
In all other States	July 31	July 31
Oats:		
In Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.	May 31	June 2
In all other States	April 30	April 30
Soybeans:		
In all States	July 31	July 31
Wheat:		
In Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming.	May 31	June 2
In all other States	April 30	April 30

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 1441, 1447, 1421, 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 25, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[P.R. Doc. 69-8997; Filed, July 30, 1969; 8:48 a.m.]

**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 P.R. 2330, 5084, 6125, 7251, and 8714) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to calves with respect to Maple Brook Packing House, establishment 5301, is deleted. The reference to calves with respect to J. G. Forte, Inc., establishment 5364, is 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
The Vans Packing Co.	11	(*)	(*)			(*)		
The Eckert Packing Co.	79-B	(*)				(*)		
Iowa Beef Packers, Inc.	245-D	(*)				(*)		
Hartlow Brothers, Inc.	2595	(*)				(*)		
Pasco Meat Packers, Inc.	6040	(*)	(*)	(*)		(*)		
Callihan & Co.	6778	(*)	(*)	(*)		(*)		
Sixty-Six Packing Co.	7023	(*)	(*)	(*)		(*)		
New establishments reported: 7.								
Swift & Co.	3F		(*)					
Boeville Packing Co.	377					(*)		
Virgin Islands Packing Plant	882		(*)					
Broadway Packing Co., Inc.	2264					(*)		
Species added: 4.								

Done at Washington, D.C., on July 28, 1969.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69-8998; Filed, July 30, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report 27]

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

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

The Maritime Administration is making available to the appropriate U.S. Government departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through July 23, 1969. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

FLAG OF REGISTRY AND NAME OF SHIP

Flag of Registry and Name of Ship	Gross tonnage
Total; all flags (55 ships)	370,829
Polish (32 ships)	243,514
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
Emilia Plater	6,718
Energetyk	10,876
Florian Ceynowa	6,784
General Sikorski	6,785
Hanka Sawicka	6,944
Hanoi	6,914
Hugo Kollataj	3,755
Jan Matejko	6,748
Janek Krasicki	6,904
Jozef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
Konopnicka	9,690
Kraszewski	10,363

See footnotes at end of table.

FLAG OF REGISTRY AND NAME OF SHIP

Flag of Registry and Name of Ship	Gross tonnage
Polish—Continued	
Lelewel	7,817
Ludwik Solski	6,904
Marcell Nowotko	6,660
Mickiewicz	4,344
Moniuszko	9,247
Norwid	5,512
Nowowiejski	9,186
Pawel Finder	4,911
Phenian	6,923
Przyjazn Narodow	8,876
Stefan Okrzeja	6,620
Szymanowski	9,203
Transportowiec	10,854
Wienlawski	9,190
Wladyslaw Broniewski	6,919
British (16 ships)	93,638
Court Harwell	7,133
Fortune Glory	5,832
Golden Ocean	3,827
Greenford	2,964
*Inchstaun	7,043
Isabel Erica	7,105
Kingford	2,911
**Meadow Court (trip to North Vietnam as the Ardrossmore—British)	5,820
Rochford	3,324
**Rosetta Maud (trip to North Vietnam as the Ardtara—British)	5,795
Ruthy Ann	7,361
**Shun On (trip to North Vietnam as the Pundua—British)	7,295
Shun Wah (previous trip to North Vietnam as the Vercharmian—British)	7,265
Shun Wing	6,987
Talpleng (tanker)	5,676
Tetrarch (previous trips to North Vietnam as the Ardowan—British)	7,300
Cypriot (2 ships)	7,308
Amfitha	5,171
Marianthi	2,137
Somali (2 ships)	13,531
*Happy Dragon	4,534
Yvonne	8,997

Flag of Registry and Name of Ship	Gross tonnage
Greek (1 ship)	6,724
**Leonis (trip to North Vietnam as the Shirley Christine—British)	6,724
Panamanian (1 ship)	1,889
**Salamanca (trip to North Vietnam as the Milford—British)	1,889
Singapore (1 ship)	4,225

Lucky Dragon 4,225
Sec. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

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

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

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

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report: None.	
b. Previous reports:	
Flag of registry:	Number of ships
British	1
Italian	1
Sec. 3. The following number of vessels have been removed from this list since they have been broken up, sunk, or wrecked.	
a. Since last report:	
	Gross tonnage
Acme (Cypriot)	7,713
b. Previous reports:	
	Broken up, sunk, or wrecked
Flag of registry:	
British	5
Cypriot	6
Greek	1
Lebanese	2
Maltese	1
Polish	1
Somali	1

*Added to Rept. No. 26, appearing in the FEDERAL REGISTER issue of Apr. 19, 1969.

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

Dated: July 24, 1969.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-8992; Filed, July 30, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-151]

UNIVERSITY OF ILLINOIS

Notice of Issuance of Facility License and Termination of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on July 2, 1969 (34 F.R. 11158), the Atomic Energy Commission has issued Facility License No. R-115. The license authorizes The University of Illinois to operate an Advanced TRIGA nuclear reactor facility on its campus in Urbana, Ill.

The license was issued in the form set forth in the notice of proposed action except reference to a supplement dated March 26 should be corrected to read March 11 and for the inclusion of a supplement dated July 11, 1969, submitted by The University of Illinois to bring the original application up to date. This supplement describes (1) differences which have been noted between the measured values of the maximum flow rates of the forced circulation cooling system and the design values given in the Safety Analysis Report, and (2) the addition of a strainer to the inlet side of the secondary pump. The Commission has reviewed these changes to the facility and has determined that the reduction in flow and the addition of the strainer do not involve significant hazards considerations not previously evaluated, and that there is reasonable assurance that the health and safety of the public will not be endangered by operation of the Illinois Advanced TRIGA reactor at the licensed power level of 1500 kilowatts.

The Commission has also issued an order, as set forth below, terminating Facility License No. R-69 which authorized operation of the TRIGA Mark II nuclear reactor formerly installed on this site.

Dated at Bethesda, Md., this 22d day of July 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor
Operations, Division of Reactor
Licensing.

TERMINATION OF FACILITY LICENSE

The Atomic Energy Commission has found that the TRIGA Mark II nuclear reactor formerly located on the campus of The University of Illinois in Urbana, Ill., has been dismantled and disposition made of the component parts pursuant to the Commission's order dated July 18, 1968, and in a manner not inimical to the common defense and security or to the health and safety of the public. Therefore, Facility License No. R-69 held by The University of Illinois is hereby terminated as of this date.

Date of issuance: July 22, 1969.

For the Atomic Energy Commission.

ROGER S. BOYD,
Acting Director,
Division of Reactor Licensing.

[P.R. Doc. 69-8958; Filed, July 30, 1969;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20826; Order 69-7-60]

ALASKA SERVICE INVESTIGATION Order Regarding Major Route Patterns

Correction

In F.R. Doc. 69-8443 appearing at page 12053 in the issue of Thursday, July 17, 1969, the phrase "Order 69-3-69" appearing in the third column, third paragraph from the bottom, should read "Order 69-3-68".

[Docket No. 20826]

ALASKA SERVICE INVESTIGATION

Notice of Postponement of Prehearing Conference

By joint letter dated July 24, 1969, Western Air Lines, Inc., Wren Consolidated Airlines, Inc., and Alaska Airlines, Inc., ask postponement of the prehearing conference to the second or third week in September. They assert that this postponement will not delay later procedural steps and that requiring attendance at the conference in August would be an undue and unnecessary burden on the parties. The examiner has been advised by telephone that Northwest Airlines, Inc., Pan American World Airways, Inc., The Postmaster General, the Department of Transportation, the Washington Parties, and the Alaska Transportation Commission have no objection to the proposed postponement. Kodiak Airways, Inc., has filed objection.

On consideration of the request and the positions of the parties, the prehearing conference is hereby postponed to 10 a.m., September 4, 1969, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. In view of this postponement, the preconference filings required by the prehearing conference notice to be filed on July 28, 1969, shall be filed by Bureau Counsel on or before August 4, 1969, and by other parties on or before August 18, 1969.

Dated at Washington, D.C., July 25, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[P.R. Doc. 69-8985; Filed, July 30, 1969;
8:47 a.m.]

[Docket No. 21110; Order 69-7-143]

PENINSULA AIRPORT COMMISSION

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of July 1969.

Application of the Peninsula Airport Commission for amendments of certificates of certain named air carriers so as to redesignate Newport News-Hampton as Newport News-Hampton-Williamsburg-Yorktown.

On June 23, 1969, the Peninsula Airport Commission (Commission), filed an application requesting an amendment of

the certificates of public convenience and necessity of the following air carriers so as to redesignate Newport News or Newport News-Hampton, as the case may be, as a hyphenated point Newport News-Hampton-Williamsburg-Yorktown. The amendments requested are as follows:

Allegheny Airlines, Inc.:

Route 97, redesignate the coterminal point Newport News as the coterminal point Newport News-Hampton-Williamsburg-Yorktown.

National Airlines, Inc.:

Route 31, redesignate the intermediate point Newport News-Hampton as the intermediate point Newport News-Hampton-Williamsburg-Yorktown.

Piedmont Aviation, Inc.:

Route 87, redesignate the intermediate point Newport News-Hampton as the intermediate point Newport News-Hampton-Williamsburg-Yorktown.

United Air Lines, Inc.:

Route 14, redesignate the intermediate point Newport News-Hampton as the intermediate point Newport News-Hampton-Williamsburg-Yorktown.

Route 51, redesignate the coterminal point Newport News-Hampton as the coterminal point Newport News-Hampton-Williamsburg-Yorktown.

On the same day, the Commission filed a motion requesting the Board to issue an order to show cause why its application, Docket 21110, should not be granted.

No answers to the motion have been received.

Upon consideration of the pleadings and all the relevant facts, we have decided to issue an order to show cause proposing to amend the air carrier certificates as requested by the Commission. We tentatively find and conclude that the public convenience and necessity require the amendment of the certificates of Allegheny for Route 97, of National for Route 31, of Piedmont for Route 87, and of United for Routes 14 and 51, so as to redesignate Newport News or Newport News-Hampton as Newport News-Hampton-Williamsburg-Yorktown.

In support of our ultimate finding, we tentatively find and conclude as follows: That the cities of Williamsburg and Yorktown are today served by Patrick Henry Airport; that both cities are within 20 miles of that airport and closer to it than to any other commercial airport; that Williamsburg and Yorktown are two of the major tourist attractions of the East Coast, and many thousands of passengers visit them each year; that the designation of service to these cities as service to Newport News-Hampton results in confusion on the part of tourists who want to travel by air to Williamsburg and Yorktown, with consequent loss of traffic to these points; that redesignation requested by the Commission will reflect the major traffic flows presently generated by Patrick Henry Airport; and that air carriers will be able to add Williamsburg and Yorktown to their advertising and promotion and show them as part of their schedules.

Interested persons will be given twenty (20) days following service of

this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objection should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, and unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order amending the certificates of public convenience and necessity of Allegheny Airlines, Inc., for Route 97, of National Airlines, Inc., for Route 31, of Piedmont Aviation, Inc., for Route 87, and of United Air Lines, Inc., for Routes 14 and 51, as follows:

Allegheny Airlines, Inc.:

Route 97, redesignate the coterminal point Newport News as the coterminal point Newport News-Hampton-Williamsburg-Yorktown;

National Airlines, Inc.:

Route 31, redesignate the intermediate point Newport News-Hampton as the intermediate point Newport News-Hampton-Williamsburg-Yorktown;

Piedmont Aviation, Inc.:

Route 87, redesignate the intermediate point Newport News-Hampton as the intermediate point Newport News-Hampton-Williamsburg-Yorktown;

United Air Lines, Inc.:

Route 14, redesignate the intermediate point Newport News-Hampton as the intermediate point Newport News-Hampton-Williamsburg-Yorktown;

Route 51, redesignate the coterminal point Newport News-Hampton as the coterminal point Newport News-Hampton-Williamsburg-Yorktown;

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within twenty (20) days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections, together with a summary of the testimony, statistical data, and other evidence expected to be relied on to support the stated objections.¹

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be

¹ All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon Allegheny Airlines, Inc., National Airlines, Inc., Piedmont Aviation, Inc., United Air Lines, Inc., and the Peninsula Airport Commission.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[P.R. Doc. 69-8986; Filed, July 30, 1969;
8:47 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of the Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on April 29, 1969.¹

The information reviewed at this meeting suggests that expansion in real economic activity has moderated only slightly since the fourth quarter of 1968. At the same time, substantial upward pressures on prices and costs are persisting. Long-term interest rates have generally declined in recent weeks, but most short-term rates have risen somewhat. In the first quarter of the year bank credit changed little on average and the money supply grew at a sharply reduced rate. In early April both measures increased substantially, influenced in part by the large tax-date borrowing and deposit bulges around Easter. The outstanding volume of large-denomination CD's has continued to decline and there was a net outflow of consumer-type time and savings deposits from banks and other thrift institutions in the first half of April. A sizable deficit reemerged in the U.S. balance of payments on the liquidity basis in the first quarter but the balance on the official settlements basis remained in surplus as a result of large inflows of Eurodollars. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging a more sustainable rate of economic growth and attaining reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of the forthcoming Treasury refunding, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining the prevailing firm conditions in money and short-term credit markets: *Provided, however*, That operations shall be modified, to the extent permitted by the Treasury refunding, if bank credit appears to be deviating significantly from current projections.

Approved: July 24, 1969.

¹ The Record Policy Actions of the Committee for the meeting of Apr. 29, 1969, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Deputy Secretary.

[P.R. Doc. 69-8960; Filed, July 30, 1969;
8:45 a.m.]

HEMPSTEAD BANK

Order Approving Merger of Banks

In the matter of the application of Hempstead Bank for approval of merger with Matinecock Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Hempstead Bank, Hempstead, N.Y., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Matinecock Bank, Locust Valley, N.Y., under the charter and name of Hempstead Bank. As an incident to the merger, the three offices of Matinecock Bank would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

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 said merger 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 New York pursuant to delegated authority.

Dated at Washington, D.C., this 24th day of July 1969.

By order of the Board of Governors.²

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[P.R. Doc. 69-8961; Filed, July 30, 1969;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

RAJAC INDUSTRIES, INC.

Order Suspending Trading

JULY 25, 1969.

It appearing to the Securities and Exchange Commission that the summary

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 New York.

² Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Rajac Industries, Inc. (a New York corporation), 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 July 26, 1969, through August 4, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[P.R. Doc. 69-8067; Filed, July 30, 1969;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1317]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

JULY 25, 1969.

The following applications are governed by Special Rule 247¹ of the Commission's general rules of practice (49 CFR 1100.247, 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 section 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 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 1263 (Sub-No. 15), filed June 26, 1969. Applicant: MC CARTY TRUCK LINE, INC., 17th and Harris, Trenton, Mo. 64683. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. 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 Trenton, Mo., and a 10-mile radius thereof, on the one hand, and, on the other, points in Illinois, Indiana, Wisconsin, Iowa, Nebraska, Kansas, Kentucky, Oklahoma, Arkansas and Tennessee. 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 Kansas City, Mo.

No. MC 1351 (Sub-No. 12), filed May 12, 1969. Applicant: M. HASKELL, INC., 312 South Main Street, Palmer, Mass. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Egg cartons*, from the plantsites and warehousing facilities of Diamond National Corp. at Palmer, Ludlow, and Springfield, Mass., to points in Philadelphia, Delaware, Chester, Montgomery, and Bucks Counties, Pa.; (2) *waste paper*, from Philadelphia, Pa., to the plantsites and warehousing facilities of Diamond National Corp. at Palmer,

Mass.; service to be performed in (1) and (2) above under a continuing contract or contracts with Diamond National Corp.; (3) *paperboard*, in rolls, or on skids, from New Haven, Conn., to points in Massachusetts, Rhode Island, New Jersey, and the New York, N.Y., commercial zone, as defined by the Commission, and Philadelphia, Pa.; (4) *paperboard cartons*, knocked down, in boxes or on skids, from New Haven, Conn., and Medford, Mass., to points in Connecticut, Massachusetts, New Jersey, Rhode Island, and New York, N.Y., commercial zone, as defined by the Commission, and Philadelphia, Pa.; and (5) *waste paper*, from the destination points named in (3) and (4) above, to New Haven, Conn., and Medford, Mass.; service sought to be performed in (3), (4), and (5) under continuing contract with Federal Paperboard Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Springfield, Mass.

No. MC 5470 (Sub-No. 56) (Amendment), filed June 24, 1969, published in the FEDERAL REGISTER issue of July 17, 1969, amended and republished this issue. Applicant: TAJON, INC., Rural Carrier No. 5, Mercer, Pa. 16137. 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, ores, and silicon metals* in dump vehicles, from Alloy, W. Va., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Virginia, and Pennsylvania. NOTE: The purpose of this republication is to add Virginia to the destination territory description. 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., or New York, N.Y.

No. MC 7228 (Sub-No. 34) (Amendment), filed May 8, 1969, published in FEDERAL REGISTER issue of May 29, 1969, amended July 11, 1969, and republished as amended this issue. Applicant: HOME TRANSFER & STORAGE CO., a corporation, 1906 Southeast 10th Avenue, Portland, Ore. 97214. Applicant's representative: Nick I. Goyak, 1408 Standard Plaza, Portland, Ore. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and commodities*, the transportation of which is partially exempt pursuant to the provisions of section 203(b) (6) of the Interstate Commerce Act, when moving in the same vehicle at the same time with frozen foods, in vehicles equipped with mechanical refrigeration, from points in California to points in Oregon and Washington. NOTE: Applicant states that it presently has authority to transport frozen fruit, frozen berries, and frozen vegetables from points in Santa Clara and Santa Cruz Counties, Calif., to points in Washington under certificate MC 7228 Sub 23, and that if authority applied for herein is granted, it will

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

submit its Sub 23 for reissue revoking duplicate portion of authority. 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. The purpose of this republication is to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 13134 (Sub-No. 23), filed June 30, 1969. Applicant: GRANT TRUCKING, INC., Box 256, Oak Hill, Ohio 45656. Applicant's representative: John P. McMahon, 100 East Broad Street, Room 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Oak Hill, Ohio, to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. **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 Washington, D.C., or Columbus, Ohio.

No. MC 25798 (Sub-No. 191) (correction), filed June 5, 1969, published in the FEDERAL REGISTER issue of June 26, 1969, and republished as corrected this issue. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1187, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, (a) from points in Illinois to points in Georgia, Kentucky, Tennessee, Virginia, and West Virginia; (b) from Port Wentworth, Ga., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin; (c) from Port Wentworth, Ga., to points in Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, and the District of Columbia; and (d) from Charleston, S.C., to points in Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, and the District of Columbia; (2) *frozen citrus products*, from points in Florida, to points in Georgia and South Carolina; and (3) *canned goods*, from Hopeton, Va., points in Delaware and points in Worcester, Wilcomico, Somerset, Dorchester, Caroline, Talbot, and Queen Annes Counties, Md., to points in Georgia, Florida, North Carolina, and South Carolina. **NOTE:** Applicant states that the purpose of the instant application is to remove a gateway point in North Carolina in (1) and (2) above and remove a gateway point in Virginia in (3) above. Applicant also states it does

not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to more clearly set forth the territorial description in (3) above. If a hearing is deemed necessary, applicant requests it be held at Tampa, or Orlando, Fla.

No. MC 29120 (Sub-No. 107), filed June 18, 1969. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: E. J. Dwyer (same address as applicant). 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 packing-houses*, as defined 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 commodities in bulk, in tank vehicles and hides), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, 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. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 30844 (Sub-No. 280), filed June 23, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packing-houses*, as defined sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 except commodities in bulk, in tank vehicles and except hides, from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, 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 Omaha, Nebr. or Washington, D.C.

No. MC 72442 (Sub-No. 25), filed June 30, 1969. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, Gastonia, N.C. 28052. Applicant's representatives: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303, and Lennox O. Boyles, Post Office Box 579, Gastonia, N.C. 28052. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of un-

usual value, classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), serving Golden Valley, N.C., as an off-route point in connection with carrier's presently held regular-route operations. **NOTE:** Applicant states that Golden Valley is located on North Carolina Highway 226 approximately half way between Dysartsville and Polkville. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 76948 (Sub-No. 2) (Correction), filed June 2, 1969, published FEDERAL REGISTER issue of July 3, 1969, corrected and republished as corrected this issue. Applicant: LEON DUGAN, 427 East Monroe Street, Chrisman, Ill. 61924. Applicant's representative: W. L. Jordan, 205 Merchants Savings Building, Terre Haute, Ind. 47801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Fertilizer and fertilizer ingredients* in bulk in self-unloading vehicles, or in bags or containers, from plantsite of Agrico Chemical Co. near Danville, Ill., to points in Indiana south of a line beginning at Vincennes, Ind., and extending eastward along Indiana Highway 67 to Indianapolis and thence east along U.S. Highway 40 to Indiana-Ohio State line; and (b) *sand* (fertilizer ingredient) in bulk in self-unloading vehicles, from Montezuma, Ind., to the plantsite of Agrico Chemical Co. near Danville, Ill. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to reflect in paragraph (b) Danville, Ill., in lieu of Danville, Ind., as a destination point. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Indianapolis, Ind.

No. MC 80428 (Sub-No. 71), filed June 23, 1969. Applicant's McBRIDE TRANSPORTATION, INC., Main and Nelson Streets, Goshen, N.Y. 10924. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid sugar, invert sugar, flavoring, syrups, molasses, or blends and mixtures of corn syrup, liquid sugar, invert sugar*, in bulk, in tank vehicles and *dry sugar* from Philadelphia, Pa., to points in New York; (2) *liquid fatty acid esters* in bulk, in tank vehicles from Huguenot, N.Y., to Boston, Mass., Cranford, N.J., Cranbury, N.J., Momence, Ill., Cincinnati, Ohio, and Baltimore, Md.; (3) *liquid coconut oil, fatty acid ester* in bulk, in tank vehicles from Port Jervis, N.Y., to Huguenot, N.Y.; (4) *dry feed*, from Cayuga, N.Y., to points in Massachusetts, Connecticut, Maine, New Hampshire, Vermont, and Rhode Island; (5) *fertilizer, fertilizer materials, also agricultural insecticides, fungicides, and weed killing compounds*, in containers, when shipped with fertilizer or fertilizer materials in mixed

loads, from Albany, Batavia, Big Flats, Lyons, and Canastota, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (6) *fertilizer, fertilizer materials, also agricultural insecticides, fungicides, and weed killing compounds*, in containers, when shipped with fertilizer or fertilizer materials in mixed loads, from Wilmington, Del., Bridgeton, Camden, and Yardville, N.J., Philadelphia and York, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont; and (7) *Malt beverages*, in containers from Erie, Pa., to Hornell, N.Y. 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 86913 (Sub-No. 28), filed June 20, 1969. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard*, from Conway, N.C., and points within 10 miles thereof, to points in that part of Maine north of a line beginning at the Maine-New Hampshire State line near Gilead, Maine, and extending along U.S. Highway 2 to Bangor, Maine; thence along Alternate U.S. Highway 1 to Ellsworth, Maine, and thence along Maine Highway 3 to Bar Harbor, Maine; New York, N.Y., and points in Nassau, Queens, Kings, and Suffolk Counties, N.Y., that part of Pennsylvania on, south, and east of a line beginning at the New Jersey-Pennsylvania State line near Easton, Pa., and extending along U.S. Highway 22 to Harrisburg, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111) to the Pennsylvania-Maryland State line near Maryland Line, Md., points in West Virginia south of U.S. Highway 50, and points in Tennessee east of U.S. Highway 25E, points in Virginia 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 Washington, D.C., or Atlanta, Ga.

No. MC 92983 (Sub-No. 533), filed June 30, 1969. Applicant: ELDON MILLER, INC., Post Office Box 2508, Kansas City, Mo. 64142. Applicant's representative: Eldon Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals* in bulk, from Omaha, Nebr., to points in Bensenville and Georgetown, Ill. NOTE: Applicant states it presently holds authority to perform similar authority under MC 92983 Subs 328, 353, and 439, such transportation involves the tacking of authorities via the gateways of Kansas City and Olathe, Kans. Applicant further states this application is filed for the purpose of ob-

taining the elimination of the use of gateways Kansas City and Olathe, Kans., in order to facilitate the transportation requested by shipper. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 94201 (Sub-No. 71) (Amendment), filed June 5, 1969, published in FEDERAL REGISTER issue of June 26, 1969, amended July 17, 1969, and republished as amended this issue. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. 35903. 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, commodities requiring special equipment serving the plantsite of U.S. Plywood-Champion Papers, Inc., located near Courtland, Ala., as an off-route point in conjunction with applicant's presently regular route authority between Cedartown, Ga., and Memphis, Tenn. (contained in MC 94201 (Sub-No. 59)), and with the right to tack. NOTE: The purpose of this republication is to redescribe the territorial authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Birmingham, Ala. SPECIAL NOTICE: The publication hereinabove set forth reflects the scope of the application as filed by applicant, 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 application 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 104523 (Sub-No. 43), filed June 26, 1969. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. Applicant's representative: Earl H. Scudder, Jr., Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed, and dry mineral feed mixtures*, from the plantsite of Moorman Manufacturing Co. near Columbus, Nebr., to points in Oklahoma, Texas, and New Mexico, Atlanta and Marcus, Iowa; Sleepy Eye and Kasson, Minn.; (2) *dry animal and poultry feed, dry mineral feed mixtures, livestock and poultry feeders and equipment, insecticides*, from the plantsite of Moorman Manufacturing Co., Quincy, Ill., to points in N. Mex.; (3) *livestock and poultry feeders and equipment*, when moving in mixed shipments with animal and poultry feed, from the plantsite of Moorman Manufacturing Co., Quincy, Ill., to points in South Dakota, Nebraska, Oklahoma, and Texas; Cheyenne and Sherman Counties, Kans.; and (4) *dry animal and poultry feed, and dry mineral feed mixtures*, from the plantsite of Moorman Manufacturing Co. at Comanche, Tex., to points in Louisiana, New Mexico, 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 Omaha or Lincoln, Nebr.

No. MC 103993 (Sub-No. 410) (Amendment), filed May 21, 1969, published in the FEDERAL REGISTER issue of June 12, 1969, amended and republished this issue. Applicant: MORGAN DRIVE-AWAY, INC., 3800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani (same address as above), and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, from points in Crawford County, Ark., to points in the United States (except Alaska and Hawaii); and (2) *buildings* in sections mounted on wheeled undercarriages, from points in Crawford County, Ark., to points in the United States (except Alaska, Hawaii, Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, West Virginia, and Wisconsin). NOTE: The purpose of this republication is to reflect Crawford County, Ark., in lieu of Sebastian County as the origin point. 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.

No. MC 107678 (Sub-No. 40), filed June 26, 1969. Applicant: HILL & HILL TRUCK LINE, INC., 13025 Sarah Lane, Post Office Box 9698, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Buildings, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of their size or weight require the use of special equipment or special handling; and (2) *ammunition and explosives*, when moving on U.S. Government bills of lading; (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 Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. 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 107743 (Sub-No. 11), filed June 30, 1969. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway, Spokane, Wash. 99206. Applicant's representative: George LaBissoniere, 1424 Washington Building, Seattle,

Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix 5, group 3 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, from points in Utah County, Utah, to points in Montana on and west of U.S. Highway 89, points in Idaho in and north of Idaho County, points in Washington, and points in Oregon on and north of U.S. Highway 20. NOTE: Applicant states it does not intend to tuck, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Spokane or Seattle, Wash.

No. MC 108053 (Sub-No. 87), filed June 30, 1969. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, Nebr. 68025. 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: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as defined in appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles and except hides, from the plantsite and storage facilities of Swift & Co., Glenwood, Iowa, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, restricted to traffic originating at said plantsite. NOTE: Common control may be involved. Applicant states it does not intend to tuck, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 108393 (Sub-No. 17), filed June 20, 1969. Applicant: SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores, and mail order houses, and related advertising material*, between Buffalo, N.Y., and Erie, Pa., under continuing contract or contracts with Sears, Roebuck & Co. NOTE: Common control and dual operations may be involved. Applicant holds common carrier authority under Docket No. MC 118459, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108460 (Sub-No. 41), filed June 30, 1969. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Post Office Box 782, Sloux Falls, S. Dak. 57101. 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 irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Fremont, Nebr., to points in Minne-

sota, South Dakota, and Nebraska. NOTE: Common control may be involved. Applicant states it does not intend to tuck, and apparently is 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 108676 (Sub-No. 32), filed June 30, 1969. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. 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 tubing*; (3) *materials, parts, and accessories* used in the installation of plastic pipe and plastic tubing, from Knoxville, Tenn., to points in the United States (except Alaska and Hawaii); and (4) *materials and supplies* used in the manufacture of plastic pipe and plastic tubing (except commodities in bulk and commodities which because of size or weight require the use of special equipment or handling), from Houston and Port Arthur, Tex., Baton Rouge, La., Cleveland and Avon Lake, Ohio, and Louisville, Ky., to Knoxville, Tenn. NOTE: Applicant states it does not intend to tuck, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 110098 (Sub-No. 102), filed June 19, 1969. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, Tex. 78220. 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: *Meat, meat products and meat byproducts, and articles distributed by packinghouses* as described in sections A and C of appendix I to *Descriptions of Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Glenwood, Iowa, to points in Oklahoma, Louisiana, Texas, and New Mexico, restricted to traffic originating at the plantsite and/or storage facilities of Swift & Co. at or near Glenwood, Iowa, and destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110420 (Sub-No. 585) (Amendment), filed March 26, 1969, published in the FEDERAL REGISTER issues of April 24, 1969, and June 5, 1969, amended, and republished this issue. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils, and products thereof*, in bulk, from the plantsite of Central Soya Co., Inc., at or near Decatur, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa,

Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Rhode Island, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and Maine (except Aroostook County); and (2) *vegetable oils and products thereof*, in bulk, from the plantsites of Central Soya Co., Inc., at or near Bellevue, Delphos, and Marion, Ohio; Chicago and Gibson City, Ill.; Chattanooga, Tenn.; and Belmond, Iowa, to Decatur, Ind. NOTE: The purpose of this republication is to amend the commodity description in (2) above. Applicant states it can tuck at Chicago, Ill., and Cudahy, Wis., to serve additional destination States. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 111401 (Sub-No. 281), filed June 23, 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: *Sodium silicate*, liquid or dry bulk, from the plantsite of E. I. du Pont de Nemours & Co. at Pineville (Rapides Parish), La., to points in Alabama, Georgia, Missouri, and Tennessee (except Kingsport, Tenn.). NOTE: Applicant states it does not intend to tuck, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 111401 (Sub-No. 283), filed June 30, 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: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Maine, Maryland, Massachusetts, New Hampshire, New York, Vermont, Connecticut, Delaware, New Jersey, Pennsylvania, Rhode Island, Texas, District of Columbia, Louisiana, Oklahoma, Michigan, Minnesota, Wisconsin, Illinois, Indiana, Ohio, and Mississippi; restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: Applicant states it does not intend to tuck, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 112304 (Sub-No. 32), filed June 20, 1969. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street,

Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, aluminum and aluminum articles*, from points in Oakland and Wayne Counties, Mich., to points in Tennessee. **NOTE:** Applicant states that it would tack with its Sub 1 "size and weight" authority, whereas it is authorized to operate to points in Ohio, Indiana, Kentucky, West Virginia, Michigan, Pennsylvania, Illinois, Wisconsin, New York, and New Jersey. Applicant further states that no duplicating authority is sought and is willing to accept an appropriate restriction regarding same. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 113678 (Sub-No. 356), filed June 23, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as defined 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 commodities in bulk, in tank vehicles and except hides), from the plantsite and/or storage facilities of Swift & Co. at Glenwood, Iowa, to points in Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, lower Michigan, Montana, New York, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wyoming, and the District of Columbia, restricted to named destination States. **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 113678 (Sub-No. 357), filed June 30, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh and meats fresh frozen*, from plantsite and and/or storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., to points in Connecticut, Delaware, Maryland, Maine, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above specified plantsite and/or cold storage facilities and destined to the above-specified destination points. **NOTE:** If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113828 (Sub-No. 161), filed June 30, 1969. Applicant: O'BOYLE

TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006, and John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from the plantsite of the Sun Oil Co. at Marcus Hook, Pa., to points in Kentucky. **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 Washington, D.C.

No. MC 114890 (Sub-No. 42), filed June 25, 1969. Applicant: C. E. REYNOLDS TRANSPORT, INC., 2209 Range Line, Joplin, Mo. 64802. Applicant's representative: J. David Harden, Jr., 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of the Cherokee Nitrogen Co., at or near Pryor, Okla., to points in Iowa, Missouri, and Nebraska. **NOTE:** Applicant states that it is not aware of any feasible tacking operations that would result from a grant herein, however, applicant opposes the imposition of a tacking restriction. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 116538 (Sub-No. 5), filed June 23, 1969. Applicant: DEFOREST L. REED, 102 Champion Street, Carthage, N.Y. 13619. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (a) from Cortland, Lafayette, Richland, and Syracuse, N.Y., to Dover, Englewood, Hoboken, Jersey City, Kenilworth, Newark, and Paterson, N.J.; (b) from Lowville, N.Y., to New York, N.Y.; (c) from Bernhards Bay, N.Y., to New York, N.Y.; and (d) from Smyrna, Waterloo, Hannibal, Deer River, Lowville, Wolcott, Heuvelton, Croghan, Appalachin, Boonville, Bernhards Bay, Bleeker, North Creek, Little Falls, Central Square, Cato, Cassadaga, Delhi, East Branch, Ellington, Herkimer, Hartwick, Lyons, Locke, Marion, Margaretville, Medina, Poland, Stratford, Stamford, Wellesville, West Leyden, Warrensburg, Cohocton, Pine Plains, and Kingston, N.Y., to Gardner, Templeton, Boston, and Lawrence, Mass.; Branford, Ivoryton, and Stamford, Conn.; Hellam, Herndon, Kreamer, Lancaster, Union City, Lewisburg, Montrose, Philadelphia, Scranton, Simpson, Wilkes-Barre, Endeavor, Troy, Youngsville, Mifflensburg, and Port Allegany, Pa.; Hagerstown, Md.; ports of entry on the international boundary line between the United States and Canada located in New York; Washington, Old Bridge, Bayonne, Newark, Paterson, and Jersey City, N.J. **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 Buffalo or Rochester, N.Y.

No. MC 116544 (Sub-No. 109), filed June 23, 1969. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as above). 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 Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Glenwood, Iowa, to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, and South Carolina, restricted to traffic originating at the plantsite and storage facilities of Swift & Co., at Glenwood, Iowa, and destined to points in the named destination States. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 116632 (Sub-No. 13), filed June 23, 1969. Applicant: RALPH E. CURTIS & SON, INC., 123 Mount Hope Avenue, Bangor, Maine 04401. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, Maine 04038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*; (1) from the ports of entry on the international boundary line between the United States and Canada located at or near Fort Fairfield and Van Buren, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania; (2) from the port of entry on the United States and Canada located at or near Houlton, Maine, to points in Maine; and (3) from the port of entry on the international boundary line between the United States and Canada located at or near Calais, Maine, to points in Maine (except points in Washington and Hancock Counties). **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 Augusta or Portland, Maine.

No. MC 117883 (Sub-No. 126), filed June 26, 1969. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and 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 Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles),

from Glenwood, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite or storage facilities used by Swift & Co. at or near Glenwood, Iowa, and to the named destination States. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 119388 (Sub-No. 11), filed June 30, 1969. Applicant: GLEN R. ELLIS, INC., 3911 Jerome Avenue, Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Winston-Salem, N.C., to points in Georgia, points in Tennessee on and east of Tennessee Highway 13, and points in Kentucky on and east of U.S. Highway 41. NOTE: Applicant states this application would eliminate Chattanooga gateway to Georgia and provide direct service. No duplicate authority is sought. Applicant further states it presently holds authority in its MC 119388 which duplicates in part authority sought herein. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Nashville, or Knoxville, Tenn.

No. MC 119741 (Sub-No. 31), filed June 23, 1969. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, Iowa 50501. 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: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined in sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and except hides), from the plantsite and storage facilities of Swift & Co. at or near Glenwood, Iowa, to points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, New York, New Jersey, Ohio, Pennsylvania, Missouri, Kansas, Minnesota, and Wisconsin, restricted to traffic originating at the named plantsite and storage facilities of Swift & Co. at Glenwood, Iowa, and destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 120543 (Sub-No. 60), filed June 25, 1969. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Applicant's representative: L. D. Fay, Post Office Box 1086, 1205 Universal Marion Building, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from ports of entry on the international boundary line between the United States and Canada located on the Detroit and

Niagara Rivers, to points in Florida, restricted to commodities originating in the Province of Ontario, Canada. 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 Miami, Fla., or Washington, D.C.

No. MC 123639 (Sub-No. 114), filed June 26, 1969. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: David Senseney, 3395 South Bannock, Englewood, Colo. 80110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Glenwood, Iowa, and points within 5 miles of Glenwood, Iowa, to points in Illinois, Indiana, Ohio, Michigan, Pennsylvania, New York, Maryland, District of Columbia, Delaware, Rhode Island, Connecticut, Massachusetts, New Jersey, Vermont, and New Hampshire, except the Chicago, Ill., Commercial Zone. 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 133870, filed June 25, 1969. Applicant: JOHN P. WEYER AND CAROLINE WEYER, a partnership, doing business as WEYER TRUCK SERVICE, Rural Route 1, Brownsville, Wis. 53006. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Quicklime, hydrated lime, lime products, pallets, and pallet material*, from points in Dodge, Fond du Lac, and Brown Counties, Wis., to Minneapolis-St. Paul, Minn., and points within its Commercial Zone, Osseo, and Duluth, Minn., under a continuing contract or contracts with the Western Lime & Cement Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 124078 (Sub-No. 386) (Correction), filed June 6, 1969, published in FEDERAL REGISTER issue of July 3, 1969, corrected July 8, 1969, and republished as corrected this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). 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 matter*, from Pabst, Houston County, Ga., to points in Alabama, Florida, Mississippi, North Carolina, South Carolina, and those points in Tennessee on and east of Interstate Highway 65.

NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to correctly set forth the authority sought. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 124078 (Sub-No. 393), filed June 22, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, dry, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas and Mississippi. 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 Memphis, Tenn.

No. MC 124078 (Sub-No. 394), filed June 23, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash cement blended product* (fly ash and cement mixed), in bulk, in tank or hopper type vehicles, from Indianapolis, Ind., to points in Illinois, Indiana, Kentucky, Michigan, and Ohio. 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 does not specify a location.

No. MC 124170 (Sub-No. 17), filed June 30, 1969. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, Mich. 48209. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, plantains, pineapples, and coconuts*; and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b) (6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with (1) above, from Wilmington, Del., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Pennsylvania. 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., Chicago, Ill., or Detroit, Mich.

No. MC 124679 (Sub-No. 24), filed June 18, 1969. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E

Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Philadelphia, Chester, and Montgomery Counties, Pa., and Pennsauken, Blackwood, Vineland, Bridgeton, and Blue Anchor, N.J., to points in Colorado, Wyoming, Utah, Idaho, Nevada, New Mexico, California, Arizona, Oregon, Washington, and Montana. NOTE: Applicant holds contract carrier authority under Docket No. MC 128813, therefore, dual operations may be involved. Applicant states there are no tacking possibilities, but objects to the imposition of a "no-tacking" restriction. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 124796 (Sub-No. 49), filed June 30, 1969. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. 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) (a) *Plastic film, sheeting, bags and trays, and material, supplies, and equipment* used in the manufacture and distribution of such products between the plantsites and warehouse facilities utilized by W. R. Grace & Co. at or near Simpsonville and Duncan, S.C., on the one hand, and, on the other, Cedar Rapids, Iowa, (b) *plastic film, sheeting, bags and trays* from the plantsite and warehouse facilities utilized by W. R. Grace & Co. at or near Simpsonville and Duncan, S.C. and Cedar Rapids, Iowa, to points in the United States west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada (except Alaska and Hawaii) and *returned shipments, materials, supplies and equipment* used in the manufacture and distribution of such products, on return. (2) *Food processing and packaging machinery and equipment, and component parts and accessories therefor* from the plantsite and warehouse facilities utilized by W. R. Grace & Co., at or near Woburn, Mass., to points in the United States (except Alaska, Hawaii, and Massachusetts), and *returned shipments, materials, equipment, and supplies* used in the manufacture and distribution of such products, on return, under contract with W. R. Grace & Co. Restriction: Both parts 1 and 2 restricted against the transportation of commodities in bulk or those which because of size or weight require special equipment or special handling. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Des Moines, Iowa.

No. MC 126039 (Sub-No. 11), filed June 12, 1969. Applicant: MORGAN TRANSPORTATION SYSTEM, INC., U.S. Highways 6 and 15, New Paris, Ind.

46553. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and supplies and materials* used in the manufacturing, processing, and distribution thereof, between Fort Wayne, Ind., and 5 miles thereof and points in Ohio, Illinois, Michigan, Kentucky, 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 Washington, D.C., or Chicago, Ill.

No. MC 127042 (Sub-No. 40), filed June 20, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Swift & Co. at or near Glenwood, Iowa, to points in Illinois, Iowa, Nebraska, Kansas, Missouri, Minnesota, North Dakota, South Dakota, Wisconsin, and Wyoming, restricted to named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 127099 (Sub-No. 8), filed June 30, 1969. Applicant: ROBERT NEFF & SONS, INC., 132 Shawnee Avenue, South Zanesville, Ohio 43701. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, parts, materials, and supplies* used in the manufacturing, processing, sale, packaging, or distribution of windows, window frames, door frames, and hardware therefor from points in the United States on and east of U.S. Highway 85 to Malta, Ohio. NOTE: The proposed service will be performed under a continuing contract with Malta Manufacturing Co., a shipper which applicant is presently serving under permit No. MC 127099 in the transportation of windows, window frames, door frames, and hardware therefor from Malta, Ohio, to points in the United States on and east of U.S. Highway 85. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127902 (Sub-No. 2), filed July 1, 1969. Applicant: M. L. DIETZ, doing business as DIETZ MOTOR LINES, Post Office Box 757, Hickory, N.C. 28601. Applicant's representative: Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Buncombe, Caldwell, Catawba, Burke, Alexander, Iredell, Rutherfordton, and McDowell Counties, N.C., to points in Alabama, Mississippi, Louisiana, and Arkansas (except from Conover and Hickory, N.C.) to points in Alabama, and *damaged, rejected, and returned shipments of new furniture*, from the destinations specified to the origins specified. NOTE: Applicant states it presently holds authority under MC 127902 to transport subject commodity from Hickory and Conover, N.C., to points in Alabama. Hickory and Conover are located in Catawba County, N.C., on the above-sought origin points. Applicant further 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 Charlotte or Raleigh, N.C.

No. MC 128909 (Sub-No. 11), filed June 25, 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) *House trailers* designed to be drawn by passenger automobiles, *buildings* in sections mounted on wheeled undercarriages with hitchball connectors, *pickup and tent campers, and motor homes*; (2) *unrelated parts, appliances, furniture, and accessories* when moving in the commodities described in (1) above; (a) between Compton and Bellflower, Calif., and Elkhart, Ind.; (b) between the points listed in part (a) above, on the one hand, and, on the other, Falls City and North Bend, Nebr.; Roseburg and Lebanon, Oreg.; Red Bay, Haleyville, Hamilton, and Carbon Hill, Ala.; Arlington, Tenn.; Danville, Va.; Thomasville, Ga.; Corsicana and Fort Worth, Tex.; and Bellefonte, Pa.; (c) between Elkhart, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, 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 (d) between Bellflower and Compton, Calif., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and (3) *Wheels, axles and hitches*, from points in the United States (except Alaska and Hawaii), to Compton and Bellflower, Calif.; Elkhart, Ind.; Carbon Hill, Ala.;

Corsicana and Fort Worth, Tex.; Thom-
asville, Ga.; Bellefonte, Pa.; and
Lebanon, Oreg. Restrictions: (1) All
service hereunder shall be limited to traf-
fic originating or terminating at the
plantsites of the Commodore Corp., its
subsidiaries or divisions; and (2) all
service shall be performed under con-
tinuing contracts with the Commodore
Corp., its subsidiaries or divisions. **NOTE:**
If a hearing is deemed necessary, appli-
cant requests it be held at Omaha, Nebr.

No. MC 129071 (Sub-No. 4), filed
June 27, 1969. Applicant: WHITEHALL
TRANSPORT, INC., Post Office Box 387,
Whitehall, Wis. 54773. Applicant's repre-
sentative: A. R. Fowler, 2288 Univer-
sity Avenue, St. Paul, Minn. 55114. Author-
ity sought to operate as a *contract*
carrier, by motor vehicle, over irregular
routes, transporting: *Meat, meat prod-*
ucts, and meat byproducts as described in
section A, appendix I to the report in
Descriptions in Motor Carrier Certifi-
cates, 61 M.C.C. 209 and 766, from Mil-
waukee, Wis., to points in Maryland,
Michigan, New Jersey, Ohio, Pennsylvania,
and the District of Columbia. **NOTE:** If a hearing is deemed necessary,
applicant requests it be held at Mil-
waukee, Wis.

No. MC 129656 (Sub-No. 4), filed
June 25, 1969. Applicant: TRI DELTA
BUILDING AND MATERIALS CO.,
INC., 2245 East Jackson Street, Phoenix,
Ariz. 85034. Applicant's representative:
Richard E. Apple (same address as appli-
cant). Authority sought to operate as a
common carrier, by motor vehicle, over
irregular routes, transporting: *Gypsum*
plaster, and gypsum wallboard, from
Apex and Blue Diamond, Nev., to points
in Los Angeles, Orange, Riverside, and
San Bernardino Counties, Calif., and
Benson, Coolidge, Casa Grande, Douglas,
Eloy, Florence, Globe, Havasu City,
Miami, Nogales, Parker, Superior, Tuc-
son, and Yuma, Ariz. **NOTE:** Applicant
states it does not intend to tack, and ap-
parently is willing to accept a restriction
against tacking, if warranted. If a hear-
ing is deemed necessary, applicant re-
quests it be held at Phoenix, Ariz., Las
Vegas, Nev., or Los Angeles, Calif.

No. MC 133495 (Sub-No. 2), filed
June 11, 1969. Applicant: JOHN M.
AKIKI, Rural Route No. 1, Box 9, Im-
perial, Mo. 63052. Authority sought to
operate as a *contract carrier*, by motor
vehicle, over irregular routes, transport-
ing: *Beer* from the plantsites of Associ-
ated Brewing Co., at Chicago, Ill., and
Evansville, Ind., to points in St. Louis,
Mo., and Joplin, Mo.; and empty bottles
on return, under contract with Peoples
Liquor Inc., St. Louis, Mo. If a hearing
is deemed necessary, applicant requests
it be held at St. Louis, Mo.

No. MC 133698 (Sub-No. 2), filed
June 30, 1969. Applicant: PROTECTIVE
MOTOR SERVICE COMPANY, INC.,
725-29 South Broad Street, Philadelphia,
Pa. 19147. Applicant's representatives:
Russell S. Bernhard, 1625 K Street N.W.,
Washington, D.C. 20006, and John M.
Delaney, 2 Nevada Drive, Lake Success,
N.Y. 11040. Authority sought to operate
as a *common carrier*, by motor vehicle,
over irregular routes, transporting: (1)

Exposed and processed film and prints,
complimentary replacement film, inci-
dental dealer handling supplies, and ad-
vertising literature moving therewith
(excluding motion picture film used pri-
marily for commercial theater and tele-
vision exhibition), on traffic having an
immediately prior or subsequent move-
ment by air, rail, or motor carrier, be-
tween Philadelphia, Pa., on the one hand,
and, on the other, points in Adams, Bed-
ford, Berks, Blair, Bucks, Cambria, Car-
bon, Centre Clearfield, Clinton, Cumber-
land, Dauphin, Franklin, Huntingdon,
Lancaster, Lebanon, Lehigh, Luzerne,
Lycoming, Mifflin, Monroe, Montgomery,
Northampton, Snyder, Union, and York
Counties, Pa.; (2) *business papers, re-*
ports and records, checks and audit and
accounting media, between Lancaster,
Pa., on the one hand, and, on the other,
points in Howard County, Md., and those
in Spotsylvania and Frederick Counties,
Va.; (3) *business papers, reports and*
records, and audit and accounting media,
between points in Baltimore County, Md.,
on the one hand, and, on the other,
points in Dauphin, Bucks, and Blair
Counties, Pa.; (4) *business papers, re-*
ords, and audit and accounting media,
between Harrisburg, Pa., on the one
hand, and, on the other, Washington,
D.C.; and (5) *business papers, business*
records and audit and accounting
media, between Allentown, Pa., on the
one hand, and, on the other, Washing-
ton, D.C. **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., or Phila-
delphia, Pa.

No. MC 133761 (Sub-No. 1) (Correc-
tion), filed May 28, 1969, published in the
FEDERAL REGISTER issue of June 26, 1969,
and July 10, 1969, corrected and repub-
lished as corrected, this issue. Applicant:
GEORGE A. LABAGH, 713 North Street,
Middletown, N.Y. 10940. Applicant's re-
presentative: Arthur J. Piken, 160-16
Jamaica Avenue, Jamaica, N.Y. 11423.
NOTE: The purpose of this partial repub-
lication is to reflect the correct address
of applicant's representative as shown
above, in lieu of 100-16 Jamaica Avenue.
The rest of the application remains the
same.

No. MC 133851, filed June 24, 1969.
Applicant: MATS, INC., Post Office Box
2799, Baltimore, Md. 21225. Applicant's
representative: Arthur R. Baker, 6237
Radcliff Road, Alexandria, Va. 22300.
Authority sought to operate as a *contract*
carrier, by motor vehicle, over irregular
routes, transporting: *Asphalt and*
asphalt products, in bulk, in tank vehi-
cles, from Baltimore, Md., to points in
Delaware, Pennsylvania, Virginia, West
Virginia, and the District of Columbia;
under contract with E. Stewart Mitchell,
Inc. **NOTE:** If a hearing is deemed neces-
sary, applicant requests it be held at
Baltimore, Md., or Washington, D.C.

No. MC 133866, filed June 30, 1969.
Applicant: Samuel E. Leonard, Norman E.
Wilt, Floyd R. Mearkle, Richard E.
Koontz, and Richard Riley, a partner-
ship, doing business as EVERETT AS-

SOCIATES, Rural Delivery No. 3, Box
9, Everett, Pa. 15337. Applicant's repre-
sentative: Arthur J. Diskin, 806 Frick
Building, Pittsburgh, Pa. 15219. Author-
ity sought to operate as a *common car-*
rier, by motor vehicle, over irregular
routes, transporting: *Coal*, from points in
Westmoreland, Bedford, Fayette, Somer-
set, Indiana, and Cambria Counties, Pa.,
to points in Maryland, Delaware, New
Jersey, Virginia, and West Virginia.
NOTE: If a hearing is deemed necessary,
applicant requests it be held at Pitts-
burgh, Pa.

No. MC 133869, EX, filed June 30, 1969.
Applicant: BRUCE BROWN, 2119 Dub-
lin Road, Oklahoma City, Okla. Appli-
cant's representative: Glen Ham, 100
North Chickasaw, Pauls Valley, Okla. A
certificate of exemption sought under
section 204(a) (4a), Part II, of the Inter-
state Commerce Act, in the conduct of
operations as a *common carrier*, by motor
vehicle, over irregular routes, transport-
ing: *General commodities*, wholly within
the State of Oklahoma; between
Waukomis, Bison, Hennessey, Dover,
Kingfisher, Okarche, and Oklahoma City,
Okla.

No. MC 133890, filed June 20, 1969. Ap-
plicant: SCHULZ, INCORPORATED,
310 Bluff Street, Red Wing, Minn. 55066.
Applicant's representative: Donald B.
Taylor, 1515 Lone Oak Road, St. Paul,
Minn. 55111. Authority sought to operate
as a *common carrier*, by motor vehicle,
over irregular routes, transporting:
Flour, in bulk, moving in shipper-owned
trailers, and in bags, from the plantsite
of the Red Wing Milling Co. at Red
Wing, Minn., to points in Wisconsin,
Illinois, and Michigan. **NOTE:** If a hear-
ing is deemed necessary, applicant re-
quests it be held at Minneapolis, Minn.,
or Chicago, Ill.

No. MC 133898, filed July 16, 1969.
Applicant: EXPLOSIVES MOTOR EX-
PRESS, INC., 2701 South Prospect, Okla-
homa City, Okla. 73129. Applicant's re-
presentatives: W. T. Brunson, 419 North-
west Sixth, Oklahoma City, Okla. 73102,
and Everett Hutchinson, 1140 Connecti-
cut Avenue N.W., Washington, D.C.
20036. Authority sought to operate as a
common carrier, by motor vehicle, over
irregular routes, transporting: *Ammuni-*
tion and explosives, including classes A,
B, and C explosives as defined by the
Commission; (1) between Doyline, La.,
on the one hand, and, on the other,
Oklahoma City and McAlester, Okla.;
Denver, Pueblo, and Fort Carson, Colo.;
Albuquerque, N. Mex.; Texarkana, Tex.;
and Toelle and Hill AFB, Utah; (2) be-
tween Parsons, Kans., on the one hand,
and, on the other, Denver, Colo., Hill
AFB, Utah, and Albuquerque, N. Mex.;
(3) between De Soto, Kans., on the one
hand, and, on the other, McAlester,
Okla., and Camden, Ark.; (4) between
Grand Island, Nebr., on the one hand,
and, on the other, Albuquerque, N. Mex.,
and Oklahoma City, Okla.; (5) between
Crane, Ind., on the one hand, and, on
the other, Denver, Colo., and Alberque-
que, N. Mex.; (6) between McAlester,
Okla., on the one hand, and, on the
other, Denver, Colo., Amarillo, Tex.,

Albuquerque, N. Mex., and Toelle, Utah; and (7) between Baraboo, Wis., on the one hand, and, on the other, McAlester, Okla. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 3649 (Sub-No. 416), filed June 30, 1969. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). 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 points in Branchburg Township, N.J.; from junction U.S. Highway 202 and Old York Road, near Centerville, Branchburg Township, N.J., thence over Old York Road, Drahook Road, and Readington Road to junction U.S. Highway 22, near North Branch, Branchburg Township, N.J., and return over the same route; serving all intermediate points. NOTE: Applicant states it intends to tack the proposed route with its existing routes. If a hearing is deemed necessary, applicant requests it be held at Somerville or Newark, N.J.

No. MC 13300 (Sub-No. 84), filed June 23, 1969. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, N.C. 27602. Applicant's representatives: Bruce E. Mitchell, and James E. Wilson, 1735 K Street NW., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage, express, and newspapers* in the same vehicle with passengers, (1) Regular routes: (a) Between Tarboro and Aulander, N.C., from Tarboro over North Carolina Highway 44 to Oak City, N.C., thence over North Carolina Highway 11 to junction North Carolina Highway 305, and thence over North Carolina Highway 305 to Aulander, and return over the same route serving all intermediate points; and (b) between Scotland Neck, N.C., and junction North Carolina Highway 122 and U.S. Highway 258, from Scotland Neck over North Carolina Highway 305 to Hobgood, N.C., and thence over North Carolina Highway 122 to junction U.S. Highway 258, and return over the same route, serving all intermediate points. (2) Irregular routes: *Passengers and their baggage*, in charter operations, beginning at points named in (1) above and extending to points in the United States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Rocky Mount, N.C.

No. MC 123577 (Sub-No. 10), filed June 25, 1969. Applicant: WARWICK GREENWOOD LAKE AND NEW YORK TRANSIT, INC., JOSEPH THIEBERG, RECEIVER, 730 Madison Avenue, Pater-

son, N.J. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicles with passengers, between points in Wayne Township, N.J., from the junction of Valley Road and the Paterson and Hamburg Turnpike along Valley Road to the headquarters of Union Camp Corp., and return over the same route, serving all intermediate points. NOTE: Applicant states that it proposes to join the authority sought to its existing authority in Docket No. MC 123577 in order to provide service over its existing routes to and from New York, N.Y., and to and from Warwick, N.Y., over existing routes in Passaic County. Applicant has contract carrier authority in MC 129976 Sub 2, as a motor carrier of passengers. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

APPLICATION OF FREIGHT FORWARDER

No. FF - 379 SIERRA - PACIFIC FREIGHT FORWARDING, INC., Freight Forwarder Application, filed July 14, 1969. Applicant: SIERRA-PACIFIC FREIGHT FORWARDING, INC., 8 East Prater Way, Sparks, Nev. Applicant's representative: Robert L. La Vine, Suite 415, Hearst Building, San Francisco, Calif. 94103. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through the use of the facilities of common carriers by railroad, water, air, and motor vehicle in the transportation of, *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 Reno and Sparks, Nev., and the terminal areas thereof, and points and places on the islands of Oahu, Maui, and Hawaii, in the State of Hawaii.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130090, filed June 30, 1969. Applicant: NORTH LAND TOURS, INC., 539 Northeast Northgate Way, Seattle, Wash. 98125. Applicant's representative: John M. Stern, Jr., Post Office Box 1672, Anchorage, Alaska 99501. For a license (BMC-5) to engage in operation as a broker at Seattle, Wash., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage* in the same vehicle with passengers, both as individuals and in groups, between points in Washington and points in Alaska.

No. MC 130091, filed June 20, 1969. Applicant: JAMES S. PORTER, doing business as EDUCATORS AND BOARD TOURS/SEMINARS, Rural Delivery No. 2, Ford City, Pa. 16226. For a license (BMC-5) to engage in operation as a broker at Ford City, Pa., in arranging for the transportation in interstate or foreign commerce, of *passengers and*

their baggage, in special and charter operations, between points in the United States. NOTE: Applicant states that the basic purpose of the tours is to observe exemplary school systems located anywhere in the United States and that the tours will be limited to board of education members, educators, and their guests (example, an architect or an engineer developing a building).

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 109126 (Sub-No. 12), filed May 5, 1969. Applicant: LA SALLE TRUCKING COMPANY, a corporation, 2286 Main Street, San Diego, Calif. 92113. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: (A) *Petroleum products*, in bulk (except liquefied petroleum gases and any other petroleum products requiring pressurized tanks and except liquid asphalt and hot road oils and any other petroleum products requiring insulated tanks), between the points hereinafter specified and upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of 50 miles of said routes: (1) U.S. Highway 101 and U.S. Highway 101 Bypass between Santa Barbara and the California-Mexico Line; (2) U.S. Highway 99 between Bakersfield and the Mexican Border; (3) U.S. Highway 395 between Lone Pine and Junction U.S. Highway 66; (4) U.S. Highway 66 between Los Angeles and Needles; (5) U.S. Highway 60 between Los Angeles and the California-Arizona State line; (6) U.S. Highways 91 and 466 between Barstow and Nevada-California State line; and

(7) California Highway 127 between Baker and Nevada-California State line; and (B) *general commodities* (except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and motor vehicles). (a) Between those points in the part of California on and within the boundaries set forth in Part II (Los Angeles Basin Territory) on the one hand, and, on the other; (1) those points in the part of California on and within the boundaries set forth in Part III (San Diego Drayage Area) over U.S. Highways 101 and 395, serving intermediate points and off-route points within 10 miles laterally of such highways; (2) Tecate, Calif.; (3) those points in the part of California on and within the boundaries set forth in Part IV (Imperial Valley Territory). (b) Between those points in the part of California on and within the boundaries set forth in Part III (San Diego Drayage Area) on the one hand, and, on the other; (1) Tecate, Calif.; (2) those points in the part of California on and within the boundaries set forth in Part IV (Imperial Valley Territory). Part II. 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; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly 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 to the Atchison, Topeka & Santa Fe Railway Co.; southwesterly 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.

Part III, San Diego Drayage Area includes the area embraced by the following boundary: Beginning at the inter-

section of the international boundary and the shoreline of the Pacific Ocean; thence easterly along the international boundary to the eastern boundary line of sec. 5, T. 19 S., R. 1 W.; northerly along the eastern boundary line of sec. 5, T. 19 S., R. 1 W., and sec. 32, T. 18 S., R. 1 W., to the intersection of Otay Valley Road and Mesa Road; northerly and westerly along Otay Valley Road to the Otay River; westerly along the Otay River to the intersection of Beyer Way and Otay River in the community of Otay; northerly along Beyer Way and Third Avenue to Quintard Street; easterly along Quintard Street to First Avenue; northerly along First Avenue to Oxford Street; easterly along Oxford Street to Hill Top Drive; northerly along Hill Top Drive to Emerson Street; easterly along Emerson Street to Theresa Way; easterly along Theresa Way to Monserate Avenue; northerly along Monserate Avenue to L Street; westerly along L Street to Cuyamaca Avenue; northerly along Cuyamaca Avenue to San Miguel Drive; westerly along San Miguel Drive to Hill Top Drive; northerly along Hill Top Drive to J Street; easterly along J Street to Dennis Avenue; northerly along Dennis Avenue to Gretchen Road; easterly, northerly and westerly along Gretchen Road to Robert Avenue; northerly along Robert Avenue to I Street; westerly along I Street to Hill Top Drive; northerly along Hill Top Drive and its prolongation to Sweetwater Road; easterly along Sweetwater Road to Valley Road; easterly along Valley Road to Reo Drive; northerly along Reo Drive to Rancho Hills Drive; easterly along Rancho Hills Drive to Sea Breeze Drive; northerly along Sea Breeze Drive to Winchester Street; easterly along Winchester Street to Calle Serena; northerly along Calle Serena to Calle Pintoresco; easterly along Calle Pintoresco to Paradise Valley Road;

Northerly along a direct line to the intersection of a southerly prolongation of 69th Street and Skyline Drive; easterly and northerly along Skyline Drive to Jamacha Road; easterly along Jamacha Road to Helix Street; northerly along Helix Street to Lamar Street; easterly along Lamar Street and Upland Street to Kenora Drive; northerly along Kenora Drive to Dale Avenue; easterly along Dale Avenue to Bonita Street; southerly along Bonita Street to Buena Vista Drive; easterly along Buena Vista to Sweetwater Springs Boulevard; southerly along Sweetwater Springs Boulevard to Del Rio Road; easterly along Del Rio Road to Calavo Drive; northerly along Calavo Drive to Campo Road; northeasterly along Campo Road to Avocado Boulevard; northerly along Avocado Boulevard to Chase Avenue; easterly along Chase Avenue to Anza Street; northerly along Anza Street to Washington Avenue; easterly along Washington Avenue to Dorothy Street; northerly along Dorothy Street to Jamacha Road; northwesterly along Jamacha Road to Main Street (U.S. Highway No. 80); northeasterly along Main Street (U.S. High-

way No. 80) to Greenfield Drive; northwesterly and westerly along Greenfield Drive to Magnolia Avenue; northerly along Magnolia Avenue, Mesa Avenue, and Cottonwood Avenue to the San Diego River; westerly and southerly along the San Diego River to Ward Road; northerly along Ward Road, Friars Road, and Murphy Canyon Road to Escondido Boulevard; northeasterly along Escondido Boulevard to Mission Road; northerly along Mission Road to U.S. Highway No. 395; northerly along U.S. Highway No. 395 to the boundary of the city of San Diego; westerly, southwesterly, northwesterly, and westerly along the boundary of the city of San Diego to its intersection with Border Avenue and via De La Valle northwesterly of the Del Mar Race Track; westerly along Border Avenue and its prolongation to the shoreline of the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to the point of beginning.

Part IV, Imperial Valley Territory includes that area embraced by the following boundaries: Beginning at a point on the international boundary line between the United States and the Republic of Mexico and the southwest corner of the Imperial County line; thence northerly along the Imperial/San Diego County line to California State Highway No. 78; thence easterly to U.S. Highway No. 99; thence northerly and easterly to the confluence of San Felipe Creek and the Salton Sea; thence southerly, easterly, and northerly along the shoreline of the Salton Sea to a point due west of Niland; thence easterly to Niland; thence southerly and easterly along an unnumbered road (Niland-Glamis Road) to Ogilby; thence southerly to U.S. Highway No. 80; then due south to the international boundary; thence easterly along the international boundary to the point of beginning. Note: Applicant states that the sole purpose of this application is to convert its registered authority to an independent interstate certificate. No new territory or commodity authorization is sought. Applicant's necessity for conversion of authority rests in its present and future operations into the Republic of Mexico.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-8932; Filed, July 30, 1969;
8:45 a.m.]

[S.O. 994; ICC Order 26, Amdt. 1]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Diversion or Rerouting of Traffic

Upon further consideration of ICC Order No. 26 (Atchison, Topeka and Santa Fe Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 26 be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 28, 1969.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[P.R. Doc. 69-8976; Filed, July 30, 1969;
8:46 a.m.]

[S.O. 1002; Car Distribution Direction 59-A]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., Chicago, Burlington & Quincy Railroad Co.

Upon further consideration of Car Distribution Direction No. 59, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 59 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., July 25, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 25, 1969.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[P.R. Doc. 69-8977; Filed, July 30, 1969;
8:46 a.m.]

[S.O. 1002; Car Distribution Direction 61]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., and Chicago and North Western Railway Co.

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Seaboard Coast Line Railroad Co. shall deliver to the St. Louis-San Francisco Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The St. Louis-San Francisco Railway Co. shall deliver to the Chicago and North Western Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 a.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., July 26, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., August 24, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 25, 1969.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[P.R. Doc. 69-8978; Filed, July 30, 1969;
8:46 a.m.]

[S.O. 1002; Car Distribution Direction 60]

SOUTHERN RAILWAY CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Southern Railway Co. shall deliver to the Chicago and North Western Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each seven days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., July 26, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., August 24, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 25, 1969.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[P.R. Doc. 69-8980; Filed, July 30, 1969;
8:46 a.m.]

[S.O. 1002; Car Distribution Direction 58-A]

SOUTHERN RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 58, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 58 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., July 25, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 25, 1969.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[P.R. Doc. 69-8979; Filed, July 30, 1969;
8:46 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 28, 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. 41702—*Liquid caustic soda from points in Louisiana.* Filed by O. W. South, Jr., agent (No. A6119), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, as described in the application, from Baton Rouge, North Baton Rouge, and Geismar, La., to Chickamauga, Tenn., and Thomaston, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 105 to Southern Freight Association, agent, tariff ICC S-699.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 69-8981; Filed, July 30, 1969;
8:46 a.m.]

[Notice 875]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 28, 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 1131), 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 protests 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 field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 94265 (Sub-No. 221 TA), filed July 14, 1969. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: Harry G. Buckwalter (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, coconuts, pineapples, and agricultural commodities*, exempt from economic regulations pursuant to section 203(b)(6) Interstate Commerce Act when transported at the same time in the same vehicle in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, West Virginia, Ohio, Michigan, Indiana, Illinois, Iowa, Wisconsin, Minnesota, Nebraska, Kansas, and Missouri, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 107515 (Sub-No. 666 TA), filed July 17, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 10799, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic material, liquid and*

film, on sheeting other than cellulose, from Dallas, Tex., to Marietta, Ga., and Charleston, S.C., for 150 days. Note: Applicant does not intend to tack, but does intend to interline with Frozen Food Express, Inc., at origin of Dallas, Tex. Supporting shipper: Reliabond, Reliable Manufacturing, Inc., 1970 Placentia Avenue, Costa Mesa, Calif. 92627. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 667 TA), filed July 17, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 10799, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic material, liquid and film, on sheeting other than cellulose, and plastic moulding compound*, from Stamford, Conn., to Huntsville, Ala.; Orlando, Fla.; Marietta, Ga.; Wichita, Kans.; Baltimore and Hagerstown, Md.; Detroit, Mich.; Akron, Cincinnati, Columbus, Middletown, and Toledo, Ohio; Creighton, Pa.; Fort Worth, Tex.; Alexandria and Marion, Va., for 150 days. Supporting shipper: U.S. Polymeric, Inc., Canal and Ludlow Streets, Stamford, Conn. 06904. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 668 TA), filed July 17, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 10799, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unexposed photographic paper, unexposed photographic film, and photographic chemicals*, from Atlanta, Ga., to points in Tennessee, Florida, North Carolina, South Carolina, Georgia, Mississippi, Alabama, and Texas, for 150 days. Supporting shipper: Agfa-Gevaert, Inc., Photographic Products, 275 North Street, Teterboro, N.J. 07608. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 668 TA), filed July 17, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, SE., Post Office Box 10799, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unexposed photographic paper, unexposed photographic film, and photographic chemicals*, from Atlanta, Ga., to

points in Tennessee, Florida, North Carolina, South Carolina, Georgia, Mississippi, Alabama, and Texas, for 150 days. Supporting shipper: Agfa-Gevaert, Inc., Photographic Products, 275 North Street, Teterboro, N.J. 07608. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 111812 (Sub-No. 386 TA), filed July 17, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (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 packinghouses as described in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk and hides, from Buhl, Idaho, to points in Minnesota and Wisconsin (except Austin, St. Paul, and Minneapolis, Minn., and Milwaukee and Eau Claire, Wis.), for 180 days. Supporting shipper: Carter Packing Co., Inc., Post Office Box 4358, Buhl, Idaho. L. Gordon Carter, Vice President and General Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 123819 (Sub-No. 27 TA), filed July 14, 1969. Applicant: ACE FREIGHT LINE, INC., 261 East Webster Street, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned food preparations and canned foodstuffs and advertising promotional and display materials* when moving therewith, from the plantsite, warehouses, and the facilities of Delta Food Processing Corp., in Sunflower County, Miss., to points in Alabama, Arkansas, Oklahoma, Missouri, Kentucky, Tennessee, Mississippi, Florida, Texas, Louisiana, Illinois, Indiana, and Georgia, restricted to traffic originating at the origin points named; (2) *Cans, boxes, cartons, and containers*, from Tampa, Fla.; Atlanta, Ga.; Birmingham, Ala.; New Orleans, La.; Dallas, Houston, and Arlington, Tex.; Kansas City, and St. Louis, Mo.; Chicago, Ill.; Austin, Ind., and Spartanburg, S.C., and their respective commercial zones as defined by the Commission, to points in Sunflower County, Miss., and (3) *Cardboard, fiberboard, paper, and composition containers*, from Memphis and Nashville, Tenn.; Birmingham, Ala.; Atlanta, Ga.; Monroe and New Orleans, La.; Dallas and Houston, Tex., and their respective commercial zones, to points in Sunflower County, Miss., for 180 days. Note: Applicant does not intend to tack, but will interline with all qualified carriers at any authorized point of interchange. Supporting shipper: Delta Food Processing Corp., Moor-

head, Sunflower County, Miss. 38761 (R. C. Hadley, Executive Vice-President and General Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 124988 (Sub-No. 3 TA), filed July 16, 1969. Applicant: H. H. HOCKER, doing business as TRUCK SERVICE COMPANY, 2111 Southwest Boulevard, Tulsa, Okla. 74107. Applicant's representative: H. H. Hocker (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, vermiculite*, other than crude, *wood chips* nor charred, *naphtha* (distillate), *lighter fluid* in containers, *spices and sauces*, from Kingsford Co. plant and warehouse sites near Belle, Mo., and Ellis Spur, near Bland, Mo., to points in Arkansas (except Little Rock), New Mexico, Texas, and Oklahoma (except Oklahoma City and Tulsa), for 180 days. Supporting shippers: Kingsford Co., Lavern N. Forseth, Traffic Manager, Post Office Box 1033, Louisville 1, Ky.; Rogers & Shirley Brokerage Co., Carl Rogers, General Manager, Post Office Box 4091, Tulsa, Okla. 74152. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla.

No. MC 127628 (Sub-No. 2 TA), filed July 24, 1969. Applicant: HUDSON TRANSFER & WAREHOUSE CO., doing business as FRONTIER FORWARDING SERVICE, 4600 North Santa Maria Road., Laredo, Tex. 78040. Applicant's representative: Alan P. Wohlsetter, 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 Val Verde, Edwards, Brooks, La Salle, Kinney, Maverick, Duval, Zavalla, Dimmit, Uvalde, Webb, Zapata, Jim Wells, and Jim Hogg Counties, Tex., 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, for 180 days. Supporting shippers: Columbia Export Packers, Inc., 19000 South Vermont Avenue, Torrance, Calif. 90502; Four Winds Forwarding, Inc., 4600 Wheeler Avenue, Post Office Box 9056, Alexandria, Va. 22304; International Export Packers, Inc., 5360 Wheeler Avenue, Alexandria, Va. 22304. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 206, 301 Broadway, San Antonio, Tex. 78205.

No. MC 133564 (Sub-No. 1 TA), filed July 15, 1969. Applicant: CONRAD CYR, 198 St. Jean-Baptist Street, St. Guillaume, Province of Quebec, Canada. Applicant's representative: Adrien R.

Paquette, 10ieme Etage, 200 St. Jacques Street, Montreal 126, Province of Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles*, from Montreal, Province of Quebec, 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, for 180 days. Supporting shipper: Featherweight Corp., 9500 St. Lawrence Boulevard, Montreal, Province of Quebec, Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 133899 TA, filed July 18, 1969. Applicant: B. F. RODMAN, doing business as RODMAN TRUCK SERVICE, 11101 North Western Avenue, Oklahoma City, Okla. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, face and common, and related products; architectural extruded concrete roofing tile; and multiple concrete conduit*, all palletized and moving on trucks equipped with special unloading devices, from points in Oklahoma to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, and Texas, for 180 days. Supporting shippers: W. R. Council, Distributor, Council Construction Co., 3001 Kerry Lane, Oklahoma City, Okla. 73111; Max L. Dietrich, President, Heritage Tile, Inc., 1007 Northwest 69th Street, Oklahoma City, Okla. 73116; Mr. Marvin Ahlefeld, Oklahoma Brick Corp., 2642 Northwest 10th, Oklahoma City, Okla. 73107. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 133886 TA, filed July 15, 1969. Applicant: ADALID P. VERLARDE, doing business as NORTE Y CENTRO DEL PACIFICO, 307 Roanoke Street, San Francisco, Calif. 94131. Applicant's representative: E. H. Griffiths, 433 Turk Street, San Francisco, Calif. 94102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, between the ports of entry, located on the international boundary line, between California and Mexico and San Francisco, Calif., no local service will be provided in any of the three foreign countries traversed, or within the State of California, said passengers will be transported in through transportation in foreign commerce between San Salvador, El Salvador, C.A., and San Francisco, Calif., for 180 days. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined

here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-8982; Filed, July 30, 1969;
8:46 a.m.]

[Notice 386]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 28, 1969.

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

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

No. MC-FC-71505. By order of July 18, 1969, the Motor Carrier Board approved the transfer to Joseph T. Zoline, doing business as Telluride Transfer, Telluride, Colo., of the operating rights in certificate No. MC-79148 and the certificate of registration No. MC-79148 (Sub-No. 2), issued April 22, 1964 and February 3, 1965, respectively, to Jennie Belle Schuler and Robert F. Schuler, a partnership, doing business as Telluride Transfer, Telluride, Colo., the former authorizing the transportation of general commodities, with usual exceptions, between Grand Junction, Colo., and

Telluride, Colo., and the latter evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Colorado, pursuant to Certificate of Public Convenience and Necessity No. PUC 60, issued by the Public Utilities Commission of the State of Colorado. Stockton and Lewis, The 1650 Grant Street Building, Denver, Colo. 80203, attorneys for applicants.

No. MC-FC-71515. By order of July 18, 1969, the Motor Carrier Board approved the transfer to Carl S. Tucker, Woodrow W. Tucker, Jesse C. Tucker, Harry E. Tucker, and Russell A. Tucker, a partnership, doing business as H. Tucker & Sons, Philadelphia, Pa., of the certificate in No. MC-519, issued September 13, 1949, to Emma J. Tucker, Emily P. Tucker, Jess C. Tucker, Russell A. Tucker, Carl C. Tucker, Harry E. Tucker, Lester W. Tucker, Woodrow W. Tucker, and Reba P. Tucker, a partnership, doing business as H. Tucker & Sons, Philadelphia, Pa., authorizing the transportation of household goods between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland, and Delaware; and electrical equipment, between points in Philadelphia County, Pa.; and between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and Atlantic City, N.J. Wesley M. Keely, Suite 201, 6 Penn Center Plaza, Philadelphia, Pa. 19103, attorney for applicants.

No. MC-FC-71516. By order of July 18, 1969, the Motor Carrier Board approved the transfer to Wayne C. Holmes and Robert S. Holmes, a partnership, doing business as Holmes Brothers, 1105 West, Shenandoah, Iowa, 51601 of certificate No. MC-84684, issued April 7, 1954, to Adrian H. Looper, 318 East Grant, Shenandoah, Iowa, authorizing the transportation of: Feed and building materials, from Omaha, Nebr., to Shenandoah, Iowa, and points within 10 miles of Shenandoah; bricks, from Nebraska City, Nebr., to Shenandoah, Iowa; gravel and sand, from Plattsmouth, Nebr., and points within 5 miles of Plattsmouth, to Shenandoah, Iowa, and points within 10 miles of Shenandoah; insecticide and spraying equipment,

paint, and store fixtures, from Shenandoah, Iowa, to Nebraska City, Norfolk, Waterloo, and Grand Island, Nebr.; and agricultural implements, agricultural implements parts, stoves, and radios, from Omaha, Nebr., to Shenandoah, Iowa.

No. MC-FC-71517. By order of July 18, 1969, the Motor Carrier Board approved the transfer to M.C.B. Co., Inc., doing business as M.C.B. Co., Inc., Marlboro, N.J., of the operating rights in permit No. MC-129211 (Sub-No. 2) issued on June 20, 1968 to Mariann Burn and Charles W. Burn, a partnership, doing business as M.C.B. Co., Marlboro, N.J., authorizing the transportation of: Dinnerware, tableware, and reproduced paintings, between Marlboro, N.J., on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa. Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102, attorney for applicants.

[SEAL] ANDREW ANTHONY, JR.,
Secretary.

[F.R. Doc. 69-8983; Filed, July 30, 1969;
8:46 a.m.]

[Notice 386-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 28, 1969.

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-71561. By application filed July 25, 1969, THE REPUBLIC CORPORATION, 2314 Bissonnet, Houston, Tex. 77005, seeks authority to lease the operating rights of CARPENTER BROS. TRUCKING, INC., 2322 East 46th, Denver, Colo. 80216, under section 210a(b). The transfer to THE REPUBLIC CORPORATION, of the operating rights of CARPENTER BROS. TRUCKING, INC., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-8984; Filed, July 30, 1969;
8:47 a.m.]

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