

FEDERAL REGISTER

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Pages 17415-17504

Part I

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Agencies in this issue—

The President
Civil Aeronautics Board
Coast Guard
Comptroller of the Currency
Consumer and Marketing Service
Farmers Home Administration
Federal Aviation Administration
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Hazardous Materials Regulations Board
Interior Department
Interstate Commerce Commission
Land Management Bureau
National Transportation Safety Board
Public Health Service
Securities and Exchange Commission
Small Business Administration
Social and Rehabilitation Service
Tariff Commission

Detailed list of Contents appears inside.



Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1969]

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The 86-page "Guide" contains over 900 digests which tell the user (1) what type records must be kept, (2) who must keep

them, and (3) how long they must be kept. Each digest carries a reference to the full text of the basic law or regulation providing for such retention.

The booklet's index, numbering over 2,000 items, lists for ready reference the categories of persons, companies, and products affected by Federal record retention requirements.

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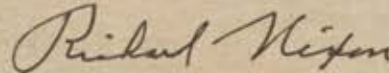
Title 3—THE PRESIDENT

Executive Order 11489

AMENDING EXECUTIVE ORDER NO. 11248, PLACING CERTAIN POSITIONS IN LEVELS IV AND V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, section 1 of Executive Order No. 11248¹ of October 10, 1965, as amended, placing certain positions in level IV of the Federal Executive Salary Schedule, is further amended by deleting "(1) Special Assistant to the Secretary (for Enforcement), Treasury Department", and inserting in lieu thereof the following:

(1) Special Assistant to the Secretary (Congressional Relations), Treasury Department.



THE WHITE HOUSE,
October 27, 1969.

[F.R. Doc. 69-12986; Filed, Oct. 28, 1969; 11:13 a.m.]

¹ 30 F.R. 12999; 3 CFR, 1964-1965 Comp., p. 349.

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

OF

SCOTLAND

AND

OF

ENGLAND

IN

SEVEN VOLUMES

THE SECOND

VOLUME

AND

THE SECOND PART

OF

THE SECOND VOLUME

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Rules and Regulations

Title 21—FOOD AND DRUGS

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

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

Basic Zinc Sulfate

A petition (PP 9F0827) was filed with the Food and Drug Administration by the Woolfolk Chemical Works, Ltd., Fort Valley, Ga. 31030, proposing the establishment of tolerances for residues of zinc in or on the raw agricultural commodities cherries, peaches, and plums at 30 parts per million from application of the fungicide basic zinc sulfate. Subsequently, the petitioner amended the petition by withdrawing the requests for tolerances regarding cherries and plums.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which the tolerance is being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.244 Basic zinc sulfate; tolerances for residues.

A tolerance of 30 parts per million is established for residues of the fungicide basic zinc sulfate, calculated as elemental zinc, in or on the raw agricultural commodity peaches.

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

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(5))

Dated: October 22, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[P.R. Doc. 69-12849; Filed, Oct. 28, 1969;
8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

Effective on date of publication hereof in the FEDERAL REGISTER, § 121.2520 is republished in its entirety as follows for codification purposes. No substantive changes are made hereby.

§ 121.2520 Adhesives.

(a) Adhesives may be safely used as components of articles intended for use in packaging, transporting, or holding food in accordance with the following prescribed conditions:

(1) The adhesive is prepared from one or more of the optional substances named in paragraph (c) of this section, subject to any prescribed limitations.

(2) The adhesive is either separated from the food by a functional barrier or used subject to the following additional limitations:

(i) *In dry foods.* The quantity of adhesive that contacts packaged dry food shall not exceed the limits of good manufacturing practice.

(ii) *In fatty and aqueous foods.* (a) The quantity of adhesive that contacts packaged fatty and aqueous foods shall not exceed the trace amount at seams and at the edge exposure between packaging laminates that may occur within the limits of good manufacturing practice.

(b) Under normal conditions of use the packaging seams or laminates will remain firmly bonded without visible separation.

(b) To assure safe usage of adhesives, the label of the finished adhesive container shall bear the statement "food-packaging adhesive."

(c) Subject to any limitations prescribed in this section and in any other regulation promulgated under section 409 of the act which prescribes safe conditions of use for substances that may be employed as constituents of adhesives, the optional substances used in the formulation of adhesives may include the following:

(1) Substances generally recognized as safe for use in food or food packaging.

(2) Substances permitted for use in adhesives by prior sanction or approval and employed under the specific conditions of use prescribed by such sanction or approval.

(3) Flavoring substances permitted for use in food by regulations in this part, provided that such flavoring substances are volatilized from the adhesives during the packaging fabrication process.

(4) Color additives approved for use in food.

(5) Substances permitted for use in adhesives by other regulations in this subpart and substances named in this subparagraph: *Provided however*, That any substance named in this subparagraph and covered by a specific regulation in this subpart, must meet any specifications in such regulation.

COMPONENTS OF ADHESIVES

Substances	Limitations
Abietic acid.....	
Acetone.....	
Acetone-urea-formaldehyde resin.	
N-Acetyl ethanolamine..	
Acetyl tributyl citrate...	
Acetyl triethyl citrate...	
Albumin, blood.....	
1-Alkyl (C ₈ -C ₁₈) amino-3-amino-propane monoacetate.	
Alkylated (C ₄ and/or C ₆) phenols.	
Alkyl (C ₆ -C ₁₂) benzene...	
Alkyl (C ₁₀ -C ₂₀) dimethylbenzyl ammonium chloride.	
n-Alkyl(C ₁₂ , C ₁₄ , C ₁₆ , or C ₁₈) dimethyl (ethylbenzyl) ammonium cyclohexylsulfamate.	For use as preservative only.
Alkyl ketene dimers as described in § 121.2538.	
Alkyl (C ₇ -C ₂₂) naphthalene.	
Aluminum.....	
Aluminum acetate.....	
Aluminum di(2-ethylhexoate).	
Aluminum potassium silicate.	
N-β-Aminoethyl-gamma-aminopropyl trimethoxysilane.	
Aminomethylpropanol ..	
Ammonium benzoate....	For use as preservative only.
Ammonium bifluoride....	For use only as bonding agent for aluminum foil, stabilizer, or preservative. Total fluoride from all sources not to exceed 1 percent by weight of the finished adhesive.
Ammonium borate.....	
Ammonium citrate.....	
Ammonium persulfate....	

COMPONENTS OF ADHESIVES—Continued		COMPONENTS OF ADHESIVES—Continued		COMPONENTS OF ADHESIVES—Continued	
Substances	Limitations	Substances	Limitations	Substances	Limitations
Ammonium polyacrylate.	For use only as bonding agent for aluminum foil, stabilizer, or preservative. Total fluoride from all sources not to exceed 1 percent by weight of the finished adhesive.	<i>p</i> - <i>tert</i> -Butylphenyl salicylate.	For use only as polymerization - control agent.	Cyclohexanol	For use as preservative only.
Ammonium potassium hydrogen phosphate.		Butyl phthalate butyl glycolate.		Cyclohexanone resin	
Ammonium silico-fluoride.		<i>p</i> - <i>tert</i> - Butylpyrocatechol.		Cyclohexanone-formaldehyde condensate.	
Ammonium sulfamate		Butyl ricinoleate		<i>N</i> -Cyclohexyl <i>p</i> -toluene sulfonamide.	
Ammonium thiocyanate.		Butyl rubber polymer		Damar	
Ammonium thiosulfate		Butyl stearate		Defoaming agents as described in § 121.2519.	
Amyl acetate		Butyl titanate, polymerized.		Dehydroacetic acid	
Anhydroenneaheptitol.		Butyraldehyde		Diacetone alcohol	
Anilam glue as described in § 121.2534.		Calcium ethyl acetoacetate.		Diacetyl peroxide	
2 - Anthraquinone sulfonic acid, sodium salt.		Calcium nitrate		<i>N,N'</i> - Dialkyl - 4,4'-diaminodiphenylmethane mixtures where the alkyl groups are derived from marine fatty acids (C ₁₂ -C ₂₄).	
Antimony oxide	Calcium metasilicate	2,5-Di- <i>tert</i> - amphihydroquinone.			
Asbestos	Camphor	Diaryl- <i>p</i> - phenylenediamine, where the aryl group may be phenyl, tolyl, or xylyl.			
Asphalt, paraffinic and naphthenic.	Camphor fatty acid esters.	Di(<i>t</i> butoxyethyl) phthalate.			
Azo-bis-isobutyronitrile	Candellilla wax	2,5-Di- <i>tert</i> - butylhydroquinone.			
Balata rubber	<i>epsilon</i> - Caprolactam (ethylene-ethyl acrylate) graft polymer.	Dibutyl maleate			
Barium acetate	Carbon black, channel process.	2,6-Di- <i>tert</i> -butyl-4-methylphenol			
Barium peroxide	Carbon disulfide-1,1'-methylene-dipiperidine reaction product.	Dibutyl phthalate			
Barium sulfate	Carbon tetrachloride	Dibutyl sebacate			
Bentonite	Carboxymethylcellulose	Dibutyltin dilaurate for use only as a catalyst for polyurethane resins.			
Benzene (benzol)	Castor oil, polyoxyethylated (4-84 moles ethylene oxide).	1, 2 - Dichloroethylene (mixed isomers)			
Benzothiazyl disulfide	Cellulose acetate butyrate.	Dicumyl peroxide			
<i>p</i> -Benzoxyphenol	Cellulose acetate propionate.	Dicyclohexyl phthalate			
Benzoyl peroxide	Ceresin wax (ozocerite)	Diethanolamine			
Benzyl alcohol	Cetyl alcohol	Diethanolamine condensed with animal or vegetable fatty acids.			
Benzyl benzoate	Chloracetamide	Diethylene glycol			
<i>p</i> -Benzoyloxyphenol	Chloral hydrate	Diethylene glyco-adipic acid copolymer.			
BHA (butylated hydroxyanisole).	Chlorinated liquid n-paraffins with chain lengths of C ₁₀ -C ₂₀ , containing 40-70 percent chlorine by weight.	Diethylene glycol dibenzoate.			
BHT (butylated hydroxytoluene).	Chlorinated rubber polymer (natural rubber polymer containing approximately 67 percent chlorine).	Diethylene glycol hydrogenated tallowate, monoester.			
Bicyclo[2.2.1]hept-3-ene-6-methyl acrylate.	1 - (3 - Chloroallyl) - 3,5,7-trifaza-1-azoniaadamantane chloride.	Diethylene glycol laurate.			
2-Biphenyl diphenyl phosphate.	Chlorobenzene	Diethylene glycol monobutyl ether.			
1,3-Bis(2-benzothiazolylmercaptomethyl) urea.	4 - Chloro - 3,5-dimethylphenol (<i>p</i> - chloro - <i>m</i> - xylenol).	Diethylene glycol monobutyl ether acetate.			
2,6-Bis (1-methylheptadecyl) - <i>p</i> -cresol.	4 - Chloro - 3-methylphenol.	Diethylene glycol monoethyl ether.			
Bis(tri- <i>n</i> -butyltin) oxide.	Chloroform	Diethylene glycol monooleate.			
Borax	Chloroprene	Diethylene glycol monophenyl ether.			
Boric acid	Chromium caseinate	Diethylene glycol copolymer of adipic acid and phthalic anhydride.			
1,3-Butanediol	Chromium nitrate	Di(2-ethylhexyl) adipate.			
1,4-Butanediol	Chromium potassium sulfate.	Di(2-ethylhexyl) hexahydrophthalate.			
1,4-Butanediol modified with adipic acid.	Cobaltous acetate	Di(2-ethylhexyl) phthalate.			
Butoxy polyethylene polypropylene glycol (molecular weight 900-4,200).	Coconut fatty acid amine salt of tetrachlorophenol.	Diethyl oxalate			
Butyl acetate	Copal	Diethyl phthalate			
Butyl acetyl ricinoleate	Copper 8-quinolinolate	Dihexyl phthalate			
Butyl alcohol	Coumarone-indene resin.	Dihydroabietylphthalate.			
Butylated, styrenated cresols identified in § 121.2566(b).	Cresyl diphenyl phosphate.	Di(2 - hydroxy - 5 - <i>tert</i> -butylphenyl) sulfide.			
Butyl benzoate	Cumene hydroperoxide	2,2'-Dihydroxy - 5,5' - dichlorodiphenylmethane (dichlorophene).			
Butyl benzyl phthalate	Cyanoguanidine	Dilsobutyl adipate			
Butyldecyl phthalate	Cyclized rubber as identified in § 121.2526(b) (2).	Dilsobutyl ketone			
1,3-Butylene glycol-diglycolic acid copolymer.	Cyclohexane				
<i>tert</i> -Butyl hydroperoxide.					
4,4'-Butylidenebis(6- <i>tert</i> -butyl- <i>m</i> -cresol).					
Butyl lactate					
Butyloctyl phthalate					

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Dilsobutylphenoxyethoxyethyl dimethyl benzyl ammonium chloride.	
Dilsobutyl phthalate.	
Dilsodecyl adipate.	
Dilsodecyl phthalate.	
Dilsodecyl phthalate.	
Dilsopropylbenzene hydroperoxide.	
N,N - Dimethylcyclohexylamine dibutylidithiocarbamate.	
Dimethyl formamide.	
Dimethyl hexynol.	
Dimethyl octynediol.	
Dimethyl phthalate.	
3,5 - Dimethyl - 1,3,5,2H-tetrahydrothiadiazine-2-thione	For use as preservative only.
Di-β-naphthyl - p - phenylenediamine.	
4,6-Dinonyl-o-cresol	
Dinonylphenol	
Di-n-octyldecyl adipate.	
Diocetyl-diphenylamine	
Diocetylphthalate	
Diocetylsebacate	
Dioxane	
Dipentaerythritol penta-stearate.	
Dipentamethylene - thiram-tetrasulfide.	
Dipentene	
Dipentene resins.	
Diphenyl - 2 - ethylhexyl phosphate.	
Diphenyl, hydrogenated.	
N,N' - Diphenyl - p-phenylenediamine.	
Diphenyl phthalate.	
1,3-Diphenyl-2-thiourea.	
Dipropylene glycol.	
Dipropylene glycol dibenzoate.	
Dipropylene glycol monomethyl ether.	
Dipropylene glycol copolymer of adipic acid and phthalic anhydride.	
Disodium cyanodithioimidocarbonate.	
N,N'-Distearoylethylenediamine.	
Distearyl thiodipropionate.	
4,4'-Dithiodimorpholine	
n-Dodecylmercaptan	
tert-Dodecylmercaptan	
Dodecylphenoxybenzene disulfonic acid and/or its calcium, magnesium, and sodium salts.	
Elemi gum.	
Epichlorohydrin-4,4'-isopropylidenediphenol resin.	
Epichlorohydrin-4,4'-sec-butylidenediphenol resin.	
Epichlorohydrin-4,4'-isopropylidene-di-o-cresol resin.	
Epichlorohydrin-phenol-formaldehyde resin.	
Erucamide (erucylamide).	
Ethanolamine	
Ethoxypropanol butyl ether.	
Ethyl alcohol (ethanol)	
Ethylenediamine	
Ethylenediaminetetraacetic acid, calcium, ferric, potassium, or sodium salts, single or mixed.	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Ethylene dichloride.	
Ethylene Glycol.	
Ethylene glycol monobutyl ether.	
Ethylene glycol monobutyl ether acetate.	
Ethylene glycol monoethyl ether.	
Ethylene glycol monoethyl ether acetate	
Ethylene glycol monoethyl ether ricinoleate.	
Ethylene glycol monomethyl ether.	
Ethylene glycol monophenyl ether.	
Ethylene-maleic anhydride copolymer, ammonium or potassium salt.	
Ethylene - methacrylic acid copolymer partial salts: Ammonium, calcium, magnesium, sodium, and/or zinc.	
Ethylene - methacrylic acid-vinyl acetate copolymer partial salts: Ammonium, calcium, magnesium, sodium, and/or zinc.	
Ethylene-propylene - dicyclopentadiene copolymer rubber.	
Ethyl-p-hydroxybenzoate.	For use as preservative only.
Ethyl hydroxyethylcellulose.	
Ethyl lactate.	
Ethyl phthalyl ethyl glycolate.	
Ethyl-p-toluene sulfonamide.	
Fats and oils derived from animal or vegetable sources, and the hydrogenated, sulfated, or sulfonated forms of such fats and oils.	
Fatty acids derived from animal or vegetable fats and oils; and salts of such acids, single or mixed, as follows:	
Aluminum	
Ammonium	
Calcium	
Magnesium	
Potassium	
Sodium	
Zinc	
Ferric chloride.	
Ferrous silicic acid (hydrofluosilicic acid).	For use only as bonding agent for aluminum foil, stabilizer, or preservative. Total fluoride from all sources not to exceed 1 percent by weight of the finished adhesive.
Formaldehyde	
Formaldehyde o- and p-toluene sulfonamide.	
Formamide	
Furfural	
Furfuryl alcohol	
Fumaric acid	
Glutaraldehyde	
Glycerides, di- and monoesters.	
Glyceryl borate (glycol boriborate resin).	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Glyceryl ester of damar, copal, elemi, and sandarac.	
Glyceryl monobutyl ricinoleate.	
Glyceryl monohydroxy stearate.	
Glyceryl monohydroxy tallowate.	
Glyceryl polyoxypropylene triol (average molecular weight 1,000).	
Glyceryl tribenzoate.	
Glycol diacetate.	
Gyloxal	
Heptane	
Hexamethylenetetramine.	
Hexane	
Hexanetrols	
Hexylene glycol	
Hydroabietyl alcohol	
Hydrofluoric acid.	For use only as bonding agent for aluminum foil stabilizer, or preservative. Total fluoride from all sources not to exceed 1 percent by weight of the finished adhesive.
Hydrogen peroxide.	
Hydroquinone	
Hydroquinone monobenzyl ether.	
Hydroquinone monoethyl ether.	
Hydroxyacetic acid.	
7-Hydroxycoumarin	
Hydroxyethylcellulose	
1 - (2 - Hydroxyethyl) - 1 - (4-chlorobutyl) - 2 alkyl (C ₆ -C ₁₇) imidazolium chloride.	
Hydroxyethyldiethylene-triamine.	
β-Hydroxyethyl pyridinium 2-mercaptobenzothiazol.	
Hydroxyethyl starch.	
Hydroxyethylurea	
Hydroxylamine sulfate.	
Hydroxypropyl methylcellulose.	
Iodoform	For use only as polymerization-control agent.
Isoascorbic acid.	
Isobutyl alcohol (isobutanol).	
Isobutylene-isoprene copolymer.	
Isophorone	
Isopropanolamine (mono-, di-, tri-).	
Isopropyl acetate.	
Isopropyl alcohol (isopropanol).	
Isopropyl-m- and p-cresol (thymol derived).	
4,4' - Isopropylidenediphenol.	
4,4' - Isopropylidenediphenol, polybutylated mixture.	For use as preservative only.
Isopropyl peroxydicarbonate.	
p-Isopropoxy diphenylamine.	
4,4' - Isopropylidene - bis(p-phenyleneoxy) - di-2-propanol.	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Itaconic acid.....	
Japan wax.....	
Kerosene.....	
Lauroyl peroxide.....	
Lauroyl sulfate salts:	
Ammonium.....	
Magnesium.....	
Potassium.....	
Sodium.....	
Lauryl alcohol.....	
Lauryl pyridinium 5-chloro - 2 - mercapto - benzothiazole.	
Lignin calcium sulfonate.	
Lignin sodium sulfonate.	
Linoleamide (linoleic acid amide).	
Magnesium fluoride.....	For use only as bonding agent for aluminum foil, stabilizer, or preservative. Total fluoride from all sources not to exceed 1 percent by weight of the finished adhesives.
Magnesium glycerophosphate.	
Maleic acid.....	
Maleic anhydride-dilso-butylene copolymer, ammonium or sodium salt.	
Manganese acetate.....	
Marine oil fatty acid soaps, hydrogenated.	
Melamine.....	
Melamine - formaldehyde copolymer.	
2-Mercaptobenzothiazole.	
2-Mercaptobenzothiazole and dimethyl dithiocarbamic acid mixture, sodium salt.	For use as preservative only.
2-Mercaptobenzothiazole, sodium or zinc salt.	For use as preservative only.
Methacrylate-chlorine complex, ethyl or methyl ester.	
p - Methane hydroperoxide.	
Methyl acetate.....	
Methyl acetyl ricinoleate.	
Methyl alcohol (methanol).	
Methylcellulose.....	
4,4' - Methylenebis - (2-chloroaniline).	For use only as a vulcanization agent for polyurethane resins.
Methylene chloride.....	
4,4' - Methylenebis(2,6-di-tert-butylphenol).	
2,2 - Methylenebis (4-ethyl - 6-tert-butylphenol).	
2,2 - Methylenebis (4-methyl - 6 - nonylphenol).	
2,2 - Methylenebis (4-methyl - 6 - tert-butylphenol).	
Methyl ethyl ketone.....	
Methyl ethyl ketone-formaldehyde condensate.	
2-Methylhexane.....	
1-Methyl-2-hydroxy-4-isopropyl benzene.	
Methyl isobutyl ketone..	
Methyl oleate.....	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Methyl oleate-palmitate mixture.	
Methyl phthalyl ethyl glycolate.	
Methyl ricinoleate.....	
Methyl salicylate.....	
α - Methylstyrene - vinyl toluene copolymer.	
Methyl tallowate.....	
Mineral oil.....	
Monochloroacetic acid.....	
Monooctyldiphenylamine.	
Montan wax.....	
Morpholine.....	
Myristic acid-chromic chloride complex.	
Myristyl alcohol.....	
Naphtha.....	
Naphthalene, monosulfonated.	
Naphthalene sulfonic acid-formaldehyde condensate, sodium salt.	
α -Naphthylamine.....	
a,a', a'', a'''-Neopentane tetrayltetrakis [omega-hydroxypoly (oxypropylene) (1-2 moles)], average molecular weight 400.	
Nitric acid.....	
o-Nitrobiphenyl.....	
Nitrocellulose.....	
2-Nitropropane.....	
α - (p - Nonylphenyl) - omega - hydroxypoly (oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters; the nonyl group is a propylene trimer isomer and the poly (oxyethylene) content 50 moles.	
α - (p - Nonylphenyl) - omega - hydroxypoly (oxyethylene) produced by the condensation of 1 mole of p-nonylphenol (nonyl group is a propylene trimer isomer) with an average of 1-40 moles of ethylene oxide.	
endo - cis-5-Norbornene-2,3-dicarboxylic anhydride.	
α - cis - 9 - Octadecenyl-omega - hydroxypoly (oxyethylene); the octadecenyl group is derived from oleyl alcohol averages 6-9 moles or the poly (oxyethylene) content averages 20 moles.	
Octyl alcohol.....	
Octyldecyl phthalate.....	
Octylphenol.....	
Octylphenoxyethanols ..	
Octylphenoxypropoxy-polypropoxyethanol (13 moles of ethylene oxide and propylene oxide).	
Odorless light petroleum hydrocarbons.	
Oleamide (oleic acid amide).	
Oleic acid, sulfated.....	
Oxazoline.....	
n-Oxydiethylene - benzothiazole.	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Palmitamide (palmitic acid amide).	
Paraffin (C ₁₂ -C ₂₀) sulfonate.	
Paraformaldehyde.....	
Pentachlorophenol.....	For use as preservative only.
Pentaerythritol ester of maleic anhydride.	
Pentaerythritol mono-stearate.	
Pentaerythritol tetra-stearate.	
2,4-Pentanedione.....	
Perchloroethylene.....	
Petrolatum.....	
Petroleum hydrocarbon resin (cyclopentadiene type), hydrogenated.	
Petroleum hydrocarbon resins (produced by the homo- and copolymerization of dienes and olefins of the aliphatic, alicyclic, and monobenzenoid arylalkene types from distillates of cracked petroleum stocks).	
Phenol.....	For use as preservative only.
Phenol - coumarone - indene resin.	
Phenolic resins as described in § 121.2514 (b) (3) (vi).	
Phenothiazine.....	For use only as polymerization-control agent.
Phenyl- β -naphthylamine (free of β -naphthylamine).	
o-Phenylphenol.....	For use as preservative only.
o-Phthalic acid.....	
Pimaric acid.....	
Pine oil.....	
Piperazine.....	
Piperidinium pentamethylenedithiocarbamate.	
Polyamides derived from dimerized vegetable oil acids and the following amines:	
Bis(hexamethylene) triamine and higher homologues.	
Diethylenetriamine ..	
Diphenylamine.....	
Ethylenediamine.....	
Hexamethylenediamine.	
Tetraethylenepentamine.	
Triethylenetetramine..	
Polybutene, hydrogenated.	
Polybutylene glycol (molecular weight 1,000).	
Poly [2(diethylamino) ethyl methacrylate] phosphate.	
Polyester of adipic acid, phthalic acid, and propylene glycol, terminated with butyl alcohol.	
Polyester of diglycolic acid and propylene glycol containing ethylene glycol monobutyl ether as a chain stopper.	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Polyester resins (including alkyd type), as the basic polymer, formed as esters when one or more of the following acids are made to react with one or more of the following alcohols:	
Acids:	
Azelaic acid.....	
Polybasic and monobasic acids identified in § 121.2514 (b) (3) (vii) (a) and (b).	
Tetrahydrophthalic acid.	
Alcohols:	
1,4 - Cyclohexanedimethanol.	
2,2 - Dimethyl - 1,3-propanediol.	
Polyhydric and monohydric alcohols identified in § 121.2514 (b) (3) (vii) (c) and (d).	
Polyethylenedipate modified with ethanamine with the molar ratio of the amine to the adipic acid less than 0.1 to 1.	For use only in the preparation of polyurethane resins.
Polyethylene glycol (molecular weight 200-6,000).	
Polyethylene, oxidized...	
Polyethylene resins, carboxyl modified, identified in § 121.2580.	
Polyethylenimine.....	
Polyethylenimine-epichlorohydrin resins.....	
Polysoprene.....	
Polymeric esters of polyhydric alcohols and polycarboxylic acids prepared from glycerin and phthalic anhydride and modified with benzoic acid, castor oil, coconut oil, linseed oil, rosin, soybean oil, styrene, and vinyl toluene.	
Polymers: Homopolymers and copolymers of the following monomers:	
Acrylamide.....	
Acrylic acid.....	
Acrylonitrile.....	
Butadiene.....	
Butene.....	
<i>N-tert</i> -Butylacrylamide.....	
Butyl acrylate.....	
1,3-Butylene glycol dimethacrylate.....	
Butyl methacrylate.....	
Crotonic acid.....	
Decyl acrylate.....	
Diallyl fumarate.....	
Diallyl maleate.....	
Diallyl phthalate.....	
Dibutyl fumarate.....	
Dibutyl itaconate.....	
Dibutyl maleate.....	
Di(2-ethylhexyl) maleate.....	
Dimethyl- α -methylstyrene.....	
Diethyl fumarate.....	
Diethyl maleate.....	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Divinylbenzene.....	
Ethyl acrylate.....	
Ethylene.....	
Ethylene cyanohydrin.....	
2-Ethylhexyl acrylate.....	
Ethyl methacrylate.....	
Fumaric acid and/or its methyl, ethyl, propyl, butyl, amyl, hexyl, heptyl and octyl esters.	
Glycidyl methacrylate.....	
2-Hydroxyethyl acrylate.....	
2-Hydroxyethyl methacrylate.....	
2-Hydroxypropyl methacrylate.....	
Isobutyl acrylate.....	
Isobutylene.....	
Itaconic acid.....	
Maleic anhydride.....	
Methacrylic acid.....	
Methyl acrylate.....	
<i>N, N'</i> - Methylenebisacrylamide.....	
Methyl methacrylate.....	
<i>N</i> -Methylolacrylamide.....	
Methyl styrene.....	
Monoethyl maleate.....	
Monomethyl maleate.....	
Mono (2-ethylhexyl) maleate.....	
5-Norbornene-2,3-dicarboxylic acid, mono- <i>n</i> -butyl ester.	
Propyl acrylate.....	
Propylene.....	
Styrene.....	
Triallyl cyanurate.....	
Vinyl acetate.....	
Vinyl alcohol (from alcoholysis or hydrolysis of vinyl acetate units).	
Vinyl butyrate.....	
Vinyl chloride.....	
Vinyl crotonate.....	
Vinyl ethyl ether.....	
Vinyl hexoate.....	
Vinylidene chloride.....	
Vinyl methyl ether.....	
Vinyl pelargonate.....	
Vinyl propionate.....	
Vinyl pyrrolidone.....	
Vinyl stearate.....	
Polyoxyalkylated - phenolic resin (phenolic resin obtained from formaldehyde plus butyl- and/or amylphenols, oxyalkylated with ethylene oxide and/or propylene oxide).	
Polyoxyethylated (40 moles) tallow alcohol sulfate, sodium salt.	
Polyoxyethylene (molecular weight 200) dibenzoate.	
Polyoxyethylene (molecular weight 200-600) esters of fatty acids derived from animal or vegetable fats and oils (including tall oil).	
Polyoxyethylene (15 moles) ester of rosin.	
Polyoxyethylene (4-5 moles) ether of phenol.	
Polyoxyethylene (25 moles) - glycerol adduct.	
Polyoxyethylene (40 moles) stearate.	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Polyoxyethylene (5-15 moles) tridecyl alcohol.	
Polyoxypropylene (3 moles) tridecyl alcohol sulfate.	
Polyoxypropylene (20 moles) butyl ether.	
Polyoxypropylene (40 moles) butyl ether.	
Polyoxypropylene (20 moles) oleate butyl ether.	
Polyoxypropylene - polyoxyethylene condensate (minimum molecular weight 1,900).	
Polypropylene glycol (molecular weight 150-3,000).	
Polypropylene glycol (3-4 moles) triether with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, average molecular weight 730.	
Polypropylene, noncrystalline.	
Polysiloxanes:	
Diethyl polysiloxane.....	
Dihydrogen polysiloxane.	
Dimethyl polysiloxane.....	
Diphenyl polysiloxane.....	
Ethyl hydrogen polysiloxane.	
Ethyl phenyl polysiloxane.	
Methyl ethyl polysiloxane.	
Methyl hydrogen polysiloxane.	
Methyl phenyl polysiloxane.	
Phenyl hydrogen polysiloxane.	
Polysorbate 60.	
Polysorbate 80.	
Polysorbate 20 (polyoxyethylene (20) sorbitan monolaurate).	
Polysorbate 40 (polyoxyethylene (20) sorbitan monopalmitate).	
Polytetrafluoroethylene.	
Polyurethane resins produced by reacting diisocyanates with one or more of the polyols or polyesters named in this subparagraph or produced by reacting the chloroformate derivatives of one or more of the polyols or polyesters named in this subparagraph with one or more of the polyamines named in this subparagraph.	
Polyvinyl alcohol modified so as to contain not more than 3 weight percent of comonomer units derived from 1-alkenes having 12 to 20 carbon atoms.	
Polyvinyl butyral.....	
Polyvinyl formal.....	
Potassium ferricyanide... For use only as polymerization-control agent.	
Potassium <i>N</i> -methylthiocarbamate.	

COMPONENTS OF ADHESIVES—Continued	
Substances	Limitations
Potassium pentachlorophenate.	For use as preservative only.
Potassium permanganate.	
Potassium persulfate.	For use as preservative only.
Potassium phosphates (mono-, di-, tribasic).	
Potassium tripolyphosphate.	
β -Propiolactone.	
Propyl alcohol (propanol).	
Propylene carbonate.	
Propylene glycol and p-p'-isopropylidenediphenol diether.	
Propylene glycol esters of coconut fatty acids.	
Propylene glycol mono-laurate.	
Propylene glycol monomethyl ether.	
Propylene glycol mono-stearate.	For use as preservative only.
Quaternary ammonium chloride (hexadecyl, octadecyl derivative).	
Rosin (wood, gum, and tall oil rosin), rosin dimers, decarboxylated rosin (including rosin oil, disproportionated rosin, and these substances as modified by one or more of the following reactants:	
Alkyl (C ₁ -C ₈) phenol-formaldehyde.	
Ammonia.	
Ammonium caseinate.	
p-Cyclohexylphenol-formaldehyde.	
Diethylene glycol.	
Dipentaerythritol.	
Ethylene glycol.	
Formaldehyde.	
Fumaric acid.	
Glycerin.	
Hydrogen.	
Isophthalic acid.	
4,4'-Isopropylidenediphenol-epichlorohydrin (epoxy).	
4,4'-Isopropylidenediphenol-formaldehyde.	
Maleic anhydride.	
Methyl alcohol.	
Pentaerythritol.	
Phthalic anhydride.	
Polyethylene glycol.	
Phenol-formaldehyde.	
Phenyl o-cresol-formaldehyde.	
p-Phenylphenol-formaldehyde.	
Sulfuric acid.	
Triethylene glycol.	
Xylenol-formaldehyde.	
Rosin salts (salts of wood, gum, and tall oil rosin, and the dimers thereof, decarboxylated rosin, disproportionated rosin, hydrogenated rosin):	For use as preservative only.
Aluminum.	
Ammonium.	
Calcium.	
Magnesium.	
Potassium.	
Sodium.	
Zinc.	
Rosin, gasoline-insoluble fraction.	

COMPONENTS OF ADHESIVES—Continued	
Substances	Limitations
Rubber hydrochloride polymer.	For use as preservative only.
Rubber latex, natural.	
Salicylic acid.	For use as preservative only.
Sandarac.	
Sebacic acid.	
Shellac.	
Sodium alkyl (C ₂ -C ₁₂ aliphatic) benzenesulfonate.	
Sodium aluminum pyrophosphate.	
Sodium aluminum sulfate.	
Sodium bisulfate.	
Sodium calcium silicate.	
Sodium capryl polyphosphate.	
Sodium carboxymethylcellulose.	For use as preservative only.
Sodium chlorate.	
Sodium chlorite.	
Sodium chromate.	
Sodium decylsulfate.	
Sodium dehydroacetate.	
Sodium di-(2-ethylhexoate).	
Sodium di(2-ethylhexyl) pyrophosphate.	
Sodium dihexylsulfosuccinate.	
Sodium diisobutylphenoxydiethoxyethyl sulfonate.	
Sodium diisobutylphenoxymonoethoxyethyl sulfonate.	
Sodium diisopropyl- and trisopropyl-naphthalenesulfonate.	
Sodium dimethyldithiocarbamate.	
Sodium dioctylsulfosuccinate.	
Sodium n-dodecylpolyethoxy (50 moles) sulfate.	
Sodium ethylene ether of nonylphenol sulfate.	
Sodium 2-ethylhexyl sulfate.	
Sodium fluoride.	For use only as bonding agent for aluminum foil, stabilizer, or preservative. Total fluoride for all sources not to exceed 1 percent by weight of the finished adhesive.
Sodium formaldehyde sulfoxylate.	
Sodium formate.	
Sodium heptadecylsulfate.	
Sodium hypochlorite.	
Sodium isododecylphenoxypolyethoxy (40 moles) sulfate.	
Sodium N-lauroyl sarcosinate.	
Sodium metaborate.	
Sodium α -naphthalene sulfonate.	
Sodium nitrate.	
Sodium nitrite.	
Sodium oleoyl isopropanolamide sulfosuccinate.	

COMPONENTS OF ADHESIVES—Continued	
Substances	Limitations
Sodium pentachlorophenate.	For use as preservative only.
Sodium perborate.	
Sodium persulfate.	For use as preservative only.
Sodium o-phenylphenate.	
Sodium polyacrylate.	For use as preservative only.
Sodium polymethacrylate.	
Sodium polystyrene sulfonate.	
Sodium salicylate.	
Sodium tetradecylsulfate.	
Sodium thiocyanate.	
Sodium bis-tridecylsulfosuccinate.	
Sodium xylene sulfonate.	
Sorbitan monooleate.	
Sorbitan monopalmitate.	
Sorbitan monostearate.	
Sorbitan trioleate.	
Sorbitan tristearate.	
Soybean oil, epoxidized.	For use only as a catalyst for polyurethane resins.
Spermaceti wax.	
Sperm oil wax.	
Stannous oleate.	
Stannous stearate.	
Starch hydrolysates.	
Starch or starch modified by one or more of the treatments described in §§ 121.1031 and 121.1032.	
Starch, reacted with formaldehyde.	
2506.	
Stearamide (stearic acid amide).	
Stearic acid.	
Stearic acid-chromic chloride complex.	
Stearyl-cetyl alcohol, technical grade, approximately 65 percent-80 percent stearyl and 20 percent-35 percent cetyl.	
Strontium salicylate.	
Styrenated phenol.	
Styrene-maleic anhydride copolymer, ammonium or potassium salt.	
Styrene-maleic anhydride copolymer (partially methylated) sodium salt.	
Styrene-methacrylic acid copolymer, potassium salt.	
Sucrose acetate isobutyrate.	
Sucrose benzoate.	
Sucrose octaacetate.	
Sulfonated octadecylene (sodium form).	
Sulfur.	
Tall oil.	
Tall oil fatty acids, linoleic and oleic.	
Tall oil fatty acid methyl ester.	
Tall oil, methyl ester.	
Tall oil pitch.	
Tall oil soaps.	
Tallow alcohol (hydrogenated).	
Tallow amine, secondary (hexadecyl, octadecyl), of hard tallow.	
Tallow, blown (oxidized).	

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Tallow, propylene glycol ester.	
Terpene resins (α - and β -pinene) homopolymers, copolymers, and condensates with phenol, formaldehyde, coumarone, and/or indene.	
Terphenyl	
Terphenyl, hydrogenated.	
Terpineol	
Tetraethylene pentamine.	
Tetraethylthiuram disulfide.	
Tetrahydrofuran	
Tetrahydrofurfuryl alcohol.	
Tetra-isopropyl titanate.	
α -[p -(1,1,3,3-Tetramethylbutyl) phenyl]- ω -hydroxypoly-(oxyethylene) produced by the condensation of 1 mole of p -(1,1,3,3-tetramethylbutyl) phenol with an average of 1-40 moles of ethylene oxide.	
Tetrakis[methylene (3,5-di- <i>tert</i> -butyl-4-hydroxy-hydrocinna-mate)] methane.	
α -[p -(1,1,3,3-Tetramethylbutyl) phenyl]- ω -hydroxypoly (oxyethylene) mixture of dihydrogen phosphate and mono hydrogen phosphate esters and their sodium, potassium, and ammonium salts having a poly (oxyethylene) content averaging 6-9 or 40 moles.	
Tetramethyl decanediol.	
Tetramethyl decynediol.	
Tetramethyl decynediol plus 1-30 moles of ethylene oxide.	
Tetramethylthiuram monosulfide.	
Tetrasodium N -(1,2-dicarboxyethyl)- N -octadecylsulfosuccinamate.	
4,4'-Thiobis-6- <i>tert</i> -butyl-m-cresol.	
Thiram	
Thymol	For use as preservative only.
Titanium dioxide	
Titanium dioxide-barium sulfate.	
Titanium dioxide-calcium sulfate.	
Titanium dioxide-magnesium silicate.	
Toluene	
Toluene 2,4-disocyanate.	
Toluene-2,6-disocyanate	
o - and p -Toluene ethyl sulfonamide.	
o - and p -Toluene sulfonamide.	
p -Toluene sulfonic acid.	
p -(p' -Toluene-sulfonylamide)-diphenylamide.	
Triazine - formaldehyde resins as described in § 121.2514 (b) (3) (xiii).	
Tributyl citrate	
Tri- <i>tert</i> -butyl- p -phenyl phenol.	For use as preservative only.
Tributyl phosphate	
Tri- n -butyltin acetate	For use as preservative only.

COMPONENTS OF ADHESIVES—Continued

Substances	Limitations
Tri- n -butyltin neodecanoate.	For use as preservative only.
1,1,1-Trichloroethane	
1,1,2-Trichloroethane	
Trichloroethylene	
Tri- β -chloroethyl phosphate.	
Triethanolamine	
Triethylene glycol	
Triethylene glycol dibenzoate.	
Triethylene glycol di(2-ethylhexoate).	
Triethylene glycol polyester of benzoic acid and phthalic acid.	
Triethylhexyl phosphate.	
Triethylphosphate	
2,4,5-Trihydroxy butyrophenone.	
Trisopropanolamine	
Trimethylol propane	
2,2,4 - Trimethylpentanediol-1,3-dilisobutyrate.	
Trimeric aromatic amine resin from diphenylamine and acetone of molecular weight approximately 500.	
Triphenylphosphate	
Tripolyethylene glycol monomethyl ether.	
Turpentine	
Urea-formaldehyde resins as described in § 121.2514 (b) (3) (xii).	
Vegetable oil, sulfonated or sulfated, potassium salt.	
Vinyl acetate-maleic anhydride copolymer, sodium salt.	
Waxes, petroleum	
Wax, petroleum, chlorinated (40% to 70% chlorine).	
3-(2-Xenolyl)-1,2-epoxypropane.	
Xylene	
Xylene (or toluene) alkylated with dicyclopentadiene.	
Zein	
Zinc acetate	
Zinc ammonium chloride.	
Zinc dibenzyl dithiocarbamate.	
Zinc dibutylidithiocarbamate.	
Zinc diethyldithiocarbamate.	
Zinc di(2-ethylhexoate).	
Zinc formaldehyde sulfoxylate.	
Zinc naphthenate and dehydroabietylamine mixture.	
Zinc nitrate	
Zinc orthophosphate	
Zinc resin	
Zinc sulfide	
Zineb (zinc ethylenebis-dithiocarbamate).	
Ziram (zinc dimethylidithiocarbamate).	
(Secs. 409, 701 (a), 52 Stat. 1055, 72 Stat. 1786 et seq.; 21 U.S.C. 348, 371 (a))	
Dated: October 20, 1969.	
R. E. DUGGAN, Acting Associate Commissioner for Compliance.	
[F.R. Doc. 69-12818; Filed, Oct. 28, 1969; 8:45 a.m.]	

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

VINYLDENE CHLORIDE COPOLYMER COATINGS FOR NYLON FILM

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2399) filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of acrylic acid as an optional component of vinylidene chloride copolymers used as food-contact coatings on nylon film. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2599 (b) is revised to read as follows:

§ 121.2599 Vinylidene chloride copolymer coatings for nylon film.

(b) The coatings are prepared from vinylidene chloride copolymers produced by copolymerizing vinylidene chloride with one or more of the monomers acrylic acid, acrylonitrile, ethyl acrylate, methacrylic acid, and methyl acrylate. The finished copolymers contain at least 50 weight percent of polymer units derived from vinylidene chloride.

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

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

(Sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1))

Dated: October 22, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 69-12850; Filed, Oct. 28, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Amendments Regarding Submission of Drug Experience Information on Computer Printouts in Lieu of Form FD-1639

Current regulations relating to drug experience information reporting require the submission of such information on Form FD-1639. Various interested persons have demonstrated that drug experience information acceptable from the technical and informational standpoints can be submitted on computer printouts. Such submission would be advantageous for applicants and for FDA.

The Commissioner of Food and Drugs concludes that the new-drug regulations should be amended as set forth below to permit, under specified conditions, submission of drug experience information on computer printouts in lieu of Form FD-1639.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052-53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 130 is amended as follows:

1. Section 130.4(c) (2) is amended by revising item 12d in Form FD-356H, as follows:

§ 130.4 Applications.

- (c) * * *
 (2) * * *
 FD-356H * * *
 12. * * *

d. Attach as a separate section a completed Form FD-1639, Drug Experience Report (obtainable, with instructions, on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204), for each adverse experience or, if feasible, for each subject or patient experiencing one or more adverse effects, described in item 12c, whether or not full information is available. Form FD-1639 should be prepared by the applicant if the adverse experience was not reported in such form by the investigator. The Drug Experience Report should be cross-referenced to any narrative description included in item 12c. In lieu of a Form FD-1639, a computer-generated report may be submitted if equivalent in all elements of information with the identical enumerated sequence of events and methods of completion; all formats proposed for such use will require initial review and approval by the Food and Drug Administration.

2. Section 130.13(b) is revised to read as follows:

§ 130.13 Records and reports concerning experience on drugs for which an approval is in effect.

(b) The applicant shall submit to the Food and Drug Administration copies of the records and reports described in

paragraph (a) of this section (except routine assay and control records) appropriately identified with the new-drug application(s) to which they relate, as follows. Such copies, including Form FD-1639, shall be submitted in duplicate, except that other individual patient case reports may be submitted in single copy. In lieu Form FD-1639, a computer-generated report may be submitted if equivalent in all elements of information with the identical enumerated sequence of events and methods of completion and if forwarded with the same number of copies as specified for Form FD-1639; all formats proposed for such use will require initial review and approval by the Food and Drug Administration. Each report for human-use drugs that forwards an advertisement or promotional labeling pursuant to subparagraph (3) of this paragraph or a periodic report pursuant to subparagraph (4) of this paragraph shall be accompanied by a completed transmittal Form FD-2253 (Transmittal of Advertisements and Promotional Labeling for Drugs for Human Use) or FD-2252 (Transmittal of Periodic Reports for Drugs for Human Use), respectively. Forms are obtainable from the Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204.

3. Section 130.13a(a) (1) is revised to read as follows:

§ 130.13a Reporting of adverse drug experiences.

(a) (1) All adverse experiences with drugs for human use reported as part of a new-drug application under § 130.4, as part of a supplemental new-drug application under § 130.9, or as part of the reporting requirements concerning experiences with drugs for which an approval is in effect prescribed by § 130.13, shall also be reported on Form FD-1639, Drug Experience Report, obtainable with instructions from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204. If feasible, such forms may be used on a per patient basis, rather than on an adverse experience basis. In lieu of a Form FD-1639, a computer-generated report may be submitted if equivalent in all elements of information with the identical enumerated sequence of events and methods of completion and if forwarded with the same number of copies; all formats proposed for such use will require initial review and approval by the Food and Drug Administration.

This order provides for a change in submission procedure that is optional and cannot be implemented without initial review and approval by the Food and Drug Administration. Accordingly, this order is nonrestrictive and noncontroversial in nature and therefore notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Secs. 505, 701(a), 52 Stat. 1052-53, as amended, 1055; 21 U.S.C. 355, 371(a))

Dated: October 21, 1969.

HERBERT L. LEY, Jr.,

Commissioner of Food and Drugs.

[F.R. Doc. 69-12851; Filed, Oct. 23, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Dockets Nos. AO-271-A12, AO-271-A12-RO2; Milk Order 131]

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

Order Amending Order

FINDINGS AND DETERMINATIONS

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

(a) Findings upon the basis of the hearing record. Pursuant to the 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), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arizona marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified

in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Central Arizona marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1131.7, the introductory text immediately preceding paragraph (a) is revised as follows:

§ 1131.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk pursuant to the requirements specified in paragraph (a) or (b) of this section, and whose milk is received directly from the farm at a pool plant, or is diverted as producer milk pursuant to § 1131.13. The term "producer" shall not include a person with respect to milk diverted to a pool plant from an other order plant if such person retained producer status under the other order and if the operators of both the diverting plant and the plant to which diverted have requested Class III classification in their reports of receipts and utilization filed with the market administrators of the respective orders.

2. In § 1131.8, paragraphs (a) and (b) are revised to read as follows:

§ 1131.8 Pool plant.

"Pool plant" means any milk plant, except the plant of a producer-handler or a plant exempt pursuant to § 1131.61:

(a) Approved by a duly constituted state or municipal health authority for the receipt or processing of Grade A milk or which supplies processed milk to an agency of the United States Government located within the marketing area, from which during the month:

(1) There are disposed of on routes fluid milk products, except filled milk, equal to at least 50 percent of the total receipts at the plant (i) of milk qualified

by inspection to become producer milk pursuant to § 1131.13(a), and (ii) from other milk plants and a cooperative association acting in the capacity of a handler pursuant to § 1131.10(c) in the form of fluid milk products, except filled milk, qualified for fluid consumption; and

(2) There are disposed of on routes in the marketing area fluid milk products, except filled milk, in a volume not less than 25 percent of such receipts and also greater than an average of 600 pounds per day.

(b) Any plant which ships fluid milk products, except filled milk, approved by any health authority having jurisdiction in the marketing areas as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualifies as a pool plant) in the current month during the period of July through October or 20 percent in the current month during the period of November through June to a plant specified in paragraph (a) of this section: *Provided*, That if a plant qualifies in each of the months of July through October in the manner prescribed in this section such plant shall upon written application to the market administrator on or before October 31 following such compliance be designated as a pool plant until the end of the following June.

3. In § 1131.9, the introductory text preceding paragraph (a), and paragraph (d) are revised to read as follows:

§ 1131.9 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved during the month to a pool plant and which is not an other order plant nor a producer-handler plant.

4. Section 1131.11 is revised to read as follows:

§ 1131.11 Producer-handler.

"Producer-handler" means:

(a) Any person who is both a dairy farmer and the operator of a plant from which fluid milk products are disposed of in the marketing area on routes and who:

(1) Receives at his plant, or acquires for disposition on routes, fluid milk products only from:

(i) His own farm production, and
(ii) Fluid milk products obtained by transfer from pool plants or other order plants in an amount not to exceed 5 percent of his total fluid milk product disposition for the month or 5,000 pounds, whichever is less;

(2) Does not reprocess or convert milk products into a fluid milk product except to increase the nonfat milk solids con-

tent above that of the fluid milk product received;

(3) Furnishes proof satisfactory to the market administrator that:

(i) The maintenance, care, and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from regulated plants) is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and

(ii) The operation of such plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(b) A governmental agency that operates a milk plant, except that a plant operated by such agency shall be a pool plant if bulk milk is delivered during the month by such governmental agency to another plant that is a pool plant and a written request is filed by the agency with the market administrator asking that its plant be considered a pool plant. If such a plant is made a pool plant at the request of the governmental agency for 1 month and thereafter resumes the status of a nonpool plant, it shall not be eligible for pool plant status again until it has been a nonpool plant for 12 consecutive months.

5. Section 1131.15 is revised to read as follows:

§ 1131.15 Fluid milk product.

"Fluid milk product" means milk (including frozen or concentrated milk), cream (sweet or sour), skim milk, butter-milk, flavored milk, flavored milk drinks, filled milk, or any mixture in fluid form of milk, skim milk or cream (including such products made by reconstituting or recombining concentrated or dehydrated milk constituents with water), with or without other ingredients. This definition shall not include sterilized products packaged in hermetically sealed containers, a product which contains 6 percent or more nonmilk fat (or oil), eggnog, yogurt, ice cream mix or aerated, plastic or frozen cream.

6. Section 1131.16 is revised to read as follows:

§ 1131.16 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or a plant store) of a fluid milk product classified as Class I milk pursuant to § 1131.41(a), other than a delivery to a plant described in § 1131.8(a).

7. A new § 1131.18 is added to read as follows:

§ 1131.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1131.22, paragraph (1) is revised to read as follows:

§ 1131.22 Duties.

(i) Verify all reports and payments of each handler by audit, as necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

9. In § 1131.30, paragraphs (b) and (c) are revised to read as follows:

§ 1131.30 Reports of receipts and utilization.

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk.

(c) Each handler specified in § 1131.10 (d) who operates a partially regulated distributing plant shall report as required in this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement as to the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

10. In § 1131.44, paragraph (d), and subparagraph (5) of paragraph (g) are revised to read as follows:

§ 1131.44 Transfers.

(d) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located outside the marketing area and outside Imperial County, Calif., except that cream may be classified as Class III if prior notice is given to the market administrator, each container is labeled by the transferor as "cream for manufacturing use only" and such shipment is so invoiced.

(g) * * *

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to another class shall be classified as Class III; and

11. In § 1131.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised to read as follows:

§ 1131.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1131.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of

skim milk classified as Class III pursuant to § 1131.41(c) (5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, in sequence beginning with Class III from the pounds of skim milk remaining in Class II and III but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph:

(a) For which the handler requests Class III utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative handlers pursuant to § 1131.10(c), and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfers to such plant, if Class III utilization is requested by the handler and the operator of the transferor plant requests the lowest class utilization under the other order;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds

subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3) (iv) or (4) (i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3) (v) or (4) (ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1131.22(1) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

§ 1131.51 [Amended].

12. In § 1131.51(a), the figure "\$2.30" is revised to "\$2.32".

13. In § 1131.53, paragraph (c) is revised to read as follows:

§ 1131.53 Location adjustments to handlers.

(c) For other source milk to which a location adjustment is applicable and for milk received from producers at a plant located in Pima County, Ariz., and which is classified as Class I milk, the price computed under § 1131.51(a) shall be increased 12 cents.

14. Section 1131.61 is revised to read as follows:

§ 1131.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except as specified in paragraphs (c) and (d):

(a) Any plant qualified pursuant to § 1131.8(a) which disposes of a lesser volume of Class I milk, except filled milk, in the Central Arizona marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order is exempted;

(b) Any plant qualified pursuant to § 1131.8(b) for any portion of the period November through June, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

(c) Each handler operating a plant described in paragraph (a) or (b) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1131.30 and 1131.31) and allow verification of such reports by the market administrator; and

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

15. Section 1131.62 is revised to read as follows:

§ 1131.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant except one from which less than an average of 600 pounds per day of Class I milk is disposed of on a route(s) in the marketing area shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1131.30(c) and 1131.31(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1131.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I

milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1131.70(f) and a credit in the amount specified in § 1131.82 (b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph a value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

16. In § 1131.70, paragraph (e) is revised to read as follows:

§ 1131.70 Computation of the net pool obligation of each pool handler.

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1131.46(a) (3) and the corresponding step of § 1131.46(b) except that for receipts of fluid milk products assigned to Class I pursuant to § 1131.46 (a) (3) (iv) and (v) and (b) the Class I price shall be adjusted to the location of the transferor plant;

17. Section 1131.81 is revised to read as follows:

§ 1131.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1131.82, 1131.61, and 1131.62 and out of which he shall make all payments pursuant to

§ 1131.83: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

17a. In § 1131.87, paragraphs (a) and (d) are revised to read as follows:

§ 1131.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat, involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,
(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15) (A) of the act, a petition claiming such money.

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

Effective date: December 1, 1969.

Signed at Washington, D.C., on October 24, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[P.R. Doc. 69-12900; Filed, Oct. 28, 1969; 8:49 a.m.]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

PART 1800—ADMINISTRATIVE PROVISIONS

Subpart D—Separate and Individual Liability of Wife

Part 1800 of Title 7 of the Code of Federal Regulations (31 F.R. 14109) is amended by adding a new Subpart D to prescribe the liability of the wife when her signature is obtained on promissory notes or other evidences of indebtedness, and to read as follows:

Subpart D—Separate and Individual Liability of Wife

Sec.
1800.41 Applicability.
1800.42 Execution of promissory notes, assumption agreements or other evidence of indebtedness.

AUTHORITY: The provisions of this Subpart D issued under 5 U.S.C. 301; sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec. 203, 79 Stat. 13, 40 U.S.C. App. 203 (Supp. II, 1964 Ed.); Orders of Director, Office of Economic Opportunity, 29 F.R. 14764, 33 F.R. 9850; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650, 33 F.R. 9677.

§ 1800.41 Applicability.

The loan programs administered by the Farmers Home Administration are authorized by laws of Congress to carry out national purposes and policies throughout the entire United States and its territories and possessions. Therefore, the liability of wives on promissory notes and other instruments executed in connection with such programs shall be determined and enforced in accordance with applicable Federal law.

§ 1800.42 Execution of promissory notes, assumption agreements, or other evidence of indebtedness.

In all cases in which a wife joins with her husband in executing a promissory note, assumption agreement, or other evidence of indebtedness for loans made or insured by the United States of America, acting through the Farmers Home Administration, one purpose and effect of the wife's signature shall be to engage her separate and individual personal liability whether or not specifically so stated in the note or other instrument and notwithstanding any State statute or decisional rule of the contrary whether based on coverture or other grounds and irrespective of whether the loan is for her benefit or for the benefit of property held or to be held by her and her husband as tenants in common, joint tenants, an estate by the entirety, community property, or otherwise, or is separate property of either.

Dated: October 22, 1969.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[F.R. Doc. 69-12901; Filed, Oct. 28, 1969;
8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

The Commission announces the following amendments to Chapter I of Title 16 of the Code of Federal Regulations. These amendments are effective on the

date of their publication in the FEDERAL REGISTER.

PART 1—GENERAL PROCEDURES

Subpart A—Industry Guidance

ADVISORY OPINIONS

1. Section 1.4 is amended to read as follows:

§ 1.4 Public disclosure.

(a) Advisory opinions, and requests therefor, including names and details, will be published by the Commission when rendered, subject to any limitations on public disclosure arising from statutory restrictions, the Commission's rules, and the public interest.

(b) All requests for advice submitted under § 1.2 concerning proposed mergers, together with supporting materials, will be placed on the public record as soon after they are received as circumstances permit, except for information for which confidential classification has been requested, with a showing of justification therefor, and which the Commission, with due regard to statutory restrictions, its rules, and the public interest, has determined should not be made public. Additionally, any communications, written or oral, concerning such proposed mergers, received by any member of the Commission, or by any employee involved in the decisional process, will be placed on the public record immediately after their receipt. In the case of an oral communication, the member or employee shall immediately furnish the Commission with a memorandum setting forth the full contents of such communication and the circumstances thereof, and such memorandum will immediately be placed on the public record. Within thirty (30) days after such requests and materials are placed on the public record, any person may file for the public record written objections or comments with the Secretary of the Commission. Any advice given under § 1.3 concerning proposed mergers, together with a statement of supporting reasons, will be published when given.

PART 2—NONADJUDICATIVE PROCEDURES

Subpart A—Investigations

2. In § 2.2, paragraph (d) is amended to read as follows:

§ 2.2 Request for Commission action.

(d) It is Commission policy not to publish or divulge the name of an applicant or complaining party, except as required by law or by the Commission's rules.

Subpart C—Consent Order Procedure

3. Section 2.35 is added to read as follows:

§ 2.35 Notice of proposed adjudicative proceeding included in public records.

Notices and proposed forms of complaints and orders under § 2.31 are in-

cluded in the public records of the Commission and will be the subject of releases through the Commission's Office of Information. Ordinarily, there will be no additional release if and when a complaint is issued under the Commission's adjudicative procedures. All negotiations and communications under §§ 2.32, 2.33, and 2.34 will constitute a part of the confidential records of the Commission, except to the extent otherwise specifically provided therein.

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Subpart G—Reports of Compliance

4. In § 3.61, paragraphs (b) and (c) are amended and paragraph (e) is added as follows:

§ 3.61 Reports of Compliance.

(b) The Commission has delegated to the Directors and Assistant Directors of the Bureaus of Deceptive Practices, Restraint of Trade, and Textiles and Furs, without power of redelegation, the authority, for good cause shown, to extend the time within which reports of compliance with orders to cease and desist may be filed. It is to be noted, however, that an extension of time within which a report of compliance may be filed, or the filing of a report which does not evidence full compliance with the order, does not in any circumstances suspend or relieve a respondent from his obligation under the law with respect to compliance with such order. An order of the Commission to cease and desist becomes final on the date and under the conditions provided in section 5 (g), (h), (i), (j), and (k) of the Federal Trade Commission Act (15 U.S.C. 45 (g), (h), (i), (j), and (k)) and section 11 (g), (h), (i), (j), and (k) of an Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes, as amended—the Clayton Act, as amended (15 U.S.C. 21 (g), (h), (i), (j), and (k)). Any person, partnership or corporation against which an order to cease and desist has been issued who is not in full compliance with such order on and after the date provided in these statutes for the order to become final is in violation of such order and is subject to an immediate action for civil penalties.

(c) Any respondent subject to a Commission order may request advice from the Commission as to whether a proposed course of action, if pursued by it, will constitute compliance with such order. The request for advice should be submitted in writing to the Secretary of the Commission and should include full and complete information regarding the proposed course of action. On the basis of the facts submitted, as well as other information available to the Commission, the Commission will inform the respondent whether or not the proposed course of action, if pursued, would constitute compliance with its order. (This procedure is applicable only to advice sought

with respect to a proposed course of action, and not to advice sought concerning any course of action already in being. Furthermore, the filing of a request for advice under this subsection does not in any circumstances suspend or relieve a respondent from his obligation under the law with respect to his compliance with the order. He must in any event be in full compliance on and after the date the order becomes final as prescribed by statute referred to in paragraph (b) of this section.) Advice to respondents under this paragraph will be published by the Commission in the same manner and subject to the same restrictions and considerations as advisory opinions under § 1.4 of this chapter.

(e) All applications for approval of proposed divestitures, acquisitions, or similar transactions subject to Commission review under outstanding orders, together with supporting materials, will be placed on the public record as soon after they are received as circumstances permit, except for information for which confidential classification has been requested, with a showing of justification therefor, and which the Commission, with due regard to statutory restrictions, its rules, and the public interest, has determined should not be made public. Also, any communications, written or oral, concerning such proposed transactions, received by any member of the Commission, or by any employee involved in the decisional process, will be placed on the public record immediately after their receipt. In the case of an oral communication, the member or employee shall immediately furnish the Commission with a memorandum setting forth the full contents of such communication and the circumstances thereof, and such memorandum will immediately be placed on the public record. Within thirty (30) days after such applications and materials are placed on the public record, any person may file for the public record written objections or comments with the Secretary of the Commission. All responses to applications for approval of proposed divestitures, acquisitions, or similar transactions subject to Commission review under outstanding orders, together with a statement of supporting reasons, will be published when made.

PART 4—MISCELLANEOUS RULES

5. In § 4.9, paragraphs (c)(3), (d), (e)(2), and (e)(10) are amended, and new paragraph (e)(13) is added as follows:

§ 4.9 Public records.

(c) * * *
 (3) Cease-and-desist orders and orders of divestiture, industry guides, advisory opinions and compliance advice, together with requests therefor, and other administrative interpretations;

(d) The Commission publishes periodically in official reports under the title "Federal Trade Commission De-

isions": the initial decisions of hearing examiners in adjudicative proceedings; the decisions of the Commission in adjudicative proceedings, including statements of the reasons or basis for its action and any concurring and dissenting opinions; significant orders and opinions on interlocutory matters in adjudicative proceedings; the decisions of the Commission in proceedings disposed of by the entry of consent orders to cease and desist; and advisory opinions and compliance advice.

(e) * * *
 (2) A current record of the final votes of each member of the Commission in every agency proceeding and in every action by the Commission made public under the rules of this chapter;

(10) Notices and proposed forms of complaint and order under § 2.31 of this chapter, and agreements containing orders to cease and desist after acceptance by the Commission;

(13) Requests for advice concerning proposed mergers and applications for approval of proposed divestitures, acquisitions, or similar transactions subject to Commission review under outstanding orders, together with supporting materials and communications with respect to such proposed transactions received by any member of the Commission and any employee involved in the decisional process, to the extent that such requests, applications, and materials are made public under §§ 1.4(b) and 3.61(e) of this chapter; objections or comments with respect thereto which are filed for the public record; and any advice or response given and made public under §§ 1.4(b) and 3.61(e) of this chapter, together with a statement of supporting reasons.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

Issued: October 14, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
 Secretary.

[P.R. Doc. 69-12882; Filed, Oct. 28, 1969; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 234—FINANCIAL ASSISTANCE TO INDIVIDUALS

Federal Financial Participation

Part 234 of Chapter II of Title 45 of the Code of Federal Regulations is amended by adding a new § 234.120 as set forth below. This section is added to implement policy in accordance with the Comptroller General's decision of January 17, 1969 which authorizes Federal

financial participation in initial assistance payments made under Title I, IV-A, XIV, or XVI of the Social Security Act to any family or individual for periods beginning with the month in which they meet all eligibility conditions under the plan and in which an application has been received by the agency.

§ 234.120 Federal financial participation.

Federal financial participation is available in assistance payments made under a State plan under Title I, IV-A, X, XIV, or XVI of the Social Security Act to any family or individual for periods beginning with the month in which they meet all eligibility conditions under the plan and in which an application has been received by the agency. Such assistance payments include money payments, protective payments, and nonmedical vendor payments for foster care and institutional services in intermediate care facilities. Federal financial participation is available in vendor payments for medical care under the above titles for services to an eligible individual provided in or after the third month before the month in which the individual made application.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date: This regulation shall be effective on the date of its publication in the FEDERAL REGISTER and shall apply to all claims in open audits.

Dated: September 2, 1969.

MARY E. SWITZER,
 Administrator, Social and Rehabilitation Service.

Approved: October 23, 1969.

ROBERT H. FINCH,
 Secretary.

[P.R. Doc. 69-12883; Filed, Oct. 23, 1969; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-5016 and 34-8728]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Publicity Concerning Petroleum Discoveries on North Slope of Alaska

The Securities and Exchange Commission today expressed its concern with the effect which publicity being given the oil and gas discoveries in the North Slope

area of Alaska may have upon public investors. Such publicity may stimulate public interest and give rise to estimates of potential values beyond justification by the factual information now available. Before petroleum produced in the area may appear in world markets complicated problems in exploration, operations, transportation and marketing must be favorably resolved and several years may pass.

Accordingly, the commission cautioned that investors should proceed with extreme care in reaching any investment decision on the basis of the published releases and news articles concerning oil exploration and development on the North Slope. This area covers not one but several geological structures none of which has been fully explored by drilling; and dry holes have been drilled on the North Slope. Uncertainties arising from lack of information, as well as the problems referred to above, render premature any estimates of quantities of petroleum deposits which can be economically produced, or of profits which may result from their exploration and development.

Oil companies which have oil exploration and development interests on the North Slope are cautioned to weigh carefully the conclusions and interpretations of information they may use in statements released to the public, and in filings with the Commission, which describe the results of exploration and drilling programs which have been carried out.

It is the policy of the Commission to encourage prompt disclosure of material developments in the affairs of publicly owned companies. Such disclosure, however, should not be false or misleading. Moreover, while a registration statement is pending or a proxy solicitation is in progress, any such disclosure should be made in accordance with applicable requirements of the Federal securities laws and Commission's rules and regulations thereunder.

With respect to the disclosure of reserves, the Commission observed that the term "oil reserves" denotes oil which has not been lifted from the ground but which, it is believed, can feasibly be produced. "Proved reserves" has been defined as reserves which are considered proved to a high degree of certainty by production at commercial rates or by successful well tests made in conjunction with favorable and reliable core analysis or quantitative log interpretation. In filings under the Securities Act of 1933 and the Securities Exchange Act of 1934, the Commission permits claims of quantitative amounts of reserves only within the proved category. Investors unfamiliar with the technical aspects of the oil and gas business—and these may include most shareholders of major oil companies—could ignore or misconstrue the difference between categories of reserves and would attribute to any numerical estimates of reserves in other categories a degree of certainty which is not warranted.¹ While the absence of

proved reserves does not preclude factual disclosures of exploratory activities such as information relating to drilling operations, any statements which are made should be appropriately qualified to indicate the limitations upon the significance of the facts disclosed.

By the Commission, October 20, 1969.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-12893; Filed, Oct. 28, 1969;
8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-344; Order No. 389]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Uniform Systems of Accounts and Annual Report Forms Nos. 1 and 2

OCTOBER 9, 1969.

On September 4, 1968, the Commission issued a notice of proposed rulemaking in this proceeding (33 F.R. 12967, Sept. 13, 1968) proposing to amend certain accounts in its Uniform Systems of Accounts for Class A and Class B Public Utilities and Licensees, and for Class A and Class B Natural Gas Companies as well as certain schedules pertaining to the Statement of Income in the Commission's Annual Report Forms Nos. 1 and 2, prescribed respectively by §§ 141.1 and 260.1 of its Regulations for use by public utilities, licensees and natural gas companies, effective for the reporting year 1968.

Comments were invited from interested persons to be submitted by October 29, 1968. Upon request, this date for filing written views was subsequently extended to December 30, 1968 (33 F.R. 16126). In response to this notice, the Commission has received comments from 63 respondents,¹ which include one Federal agency, three State commissions, four accounting firms, 42 electric utilities, eight gas utilities, four associations, and one individual.

¹ Interstate Commerce Commission, State of Washington, Wisconsin Public Service Commission, Wyoming Public Services Commission, Arthur Anderson and Co., Lybrand, Ross Bros. and Montgomery, Niles and Niles, Price Waterhouse and Co., Allegheny Power

The principal objections to the proposed revisions of the Commission's systems of accounts and annual report forms were that 5 percent of income should not be used as a rigid standard in determining classification as an extraordinary item; the requirement of prior Commission approval before recording transactions in Account 439, Adjustments to Retained Earnings; the absence of a provision for "above and below the line" allocation of income tax effects applicable to Interest Charges; the alleged cost and burden of supplying what appeared to be such a large number of items in the schedule for gain or loss on disposition of property on page 300 of the report form; and the alleged unduly broad scope of Note 7 to the Statement of Income schedule on page 115. Additionally, there were objections to the restrictive nature of the items list prescribing entries to Account 439, the lack of separate specific accounts for allocating taxes "above and below-the-line" and the location of Account 432, Interest Charged to Construction-Credit, as the last item of the Interest Charges section of the income statement schedule on page 114. Some of the other more minor objections related to adding two notes to the income statement and not condensing the income statement more by consolidating under major captions.

The Commission's basic purpose in the proposed modifications of its Uniform Systems of Accounts is to require that all items of revenue and expense, with few exceptions, be included in the current income statement. It is anticipated that the adoption of these changes,

Service Corp., American Electric Power Service Corp., Arizona Public Service Co., Baltimore Gas and Electric Co., Boston Edison Co., Carolina Power and Light Co., Central Hudson Gas and Electric Corp., Cincinnati Gas and Electric Co., Cleveland Electric Illuminating Co., Columbus and Southern Ohio Electric Co., Consumers Power Co., Commonwealth Edison Co., Detroit Edison Co., Duke Power Co., Florida Power Corp., General Public Service Corp., Georgia Power Co., Gulf States Utilities Co., Illinois Power Co., Iowa Electric Light and Power Co., Iowa-Illinois Gas and Electric Co., Kansas City Power and Light Co., The Montana Power Co., Natural Gas Pipeline Company of America, New England Electric System, New York State Electric and Gas Corp., Northern States Power Co., Oklahoma Gas and Electric Co., Pacific Power and Light Co., Pennsylvania Gas Co., Panhandle Eastern Pipe Line Co., Pennsylvania Power and Light Co., Portland General Electric Co., Potomac Electric Power Co., Public Service Company of Colorado, Public Service Electric and Gas Co., Public Service Company of Indiana, Inc., Public Service Company of Oklahoma, Puget Sound Power and Light Co., Southern California Edison Co., Tennessee Gas Transmission Co., Texas Gas Transmission Corp., Union Electric Co., Union Light, Heat and Power Co., Upper Peninsula Power Co., Virginia Electric and Power Co., Washington Gas Light Co., Washington Water Power Co., Wisconsin Electric Power Co., Consolidated Natural Gas Co., American Gas Association, Independent Natural Gas Association of America, National Association of Regulatory and Utility Commissioners, American Institute of Certified Public Accountants, Inc., and Mr. Robert E. Stromberg.

¹ See Sunray DX Oil Co. v. Helmerich & Payne, Inc., 398 F. 2d 447 (10th Cir. 1968).

sometimes referred to as the "all inclusive income statement" concept, will strengthen the meaningfulness of the income statement. They are generally consistent with the recommendations of the Accounting Principles Board of the American Institute of Certified Public Accountants in Opinion 9, Reporting the Results of Operations, issued in December 1966, after modification to satisfy regulatory needs, such as Commission approval being required to treat an item of less than 5 percent as extraordinary and use of Account 439, Adjustments to Retained Earnings.

The main changes proposed by our notice to the Uniform Systems of Accounts are the elimination of the "Miscellaneous Debits to Surplus" and "Miscellaneous Credits to Surplus" accounts and the addition of five new accounts entitled: "Gain on Disposition of Property," "Loss on Disposition of Property," "Extraordinary Income," "Extraordinary Deductions," and "Adjustments to Retained Earnings." In addition, the rulemaking notice proposed to change the account entitled "Earned Surplus" to "Retained Earnings" and to modify certain accounts in order to record all Federal and local income taxes in Account 409, Income Taxes, rather than the present dispersal among several accounts.

The major proposed changes to the Statement of Income in the Annual Report Forms include:

The removal of the "Earned Surplus" section. Such information will be reported on schedule page 117 (revised) in the "Statement of Retained Earnings for the Year."

The addition of new section "Extraordinary Items."

The addition of income tax accounts in the Other Income and Deductions section.

The addition of accounts "Gain on Disposition of Property", "Loss on Disposition of Property", "Extraordinary Income," and "Extraordinary Deductions."

The addition of two notes. The notes require disclosure be made of the amount of difference between taxes payable when using liberalized depreciation and taxes payable under straight line depreciation and of any changes in accounting procedure during the year and the resultant dollar effect. Both notes are intended primarily to require full disclosure of information needed for a thorough evaluation of income data.

The views expressed in the responses to our rulemaking notice indicate generally strong support for the principles underlying adoption of any "all inclusive income statement". We shall not attempt to discuss all of the suggestions for revising the proposed changes in our systems of accounts and report forms. However, we will adopt certain comments which were made that improve upon the changes as contained in our notice to the accounts and report forms.

Most respondents oppose the 5 percent standard for determining the classification of extraordinary items, together

with the requirement that classifying items aggregating less than 5 percent of income as extraordinary receive Commission approval. For consistency purposes we will continue to require the 5 percent standard, however, to reduce the rigidity of the former requirement we have modified the measure to approximately 5 percent of income in arriving at the classification of extraordinary items. We shall also continue to require Commission approval regarding items aggregating less than 5 percent of income. Grouping small items in the extraordinary item accounts could result in inadequate disclosure or an unintended use of these accounts.

Although more than half of the respondents except to the requirement of prior Commission approval for recording prior period items in Account 439, these large, unique items will be few in number and therefore should be analyzed on an individual basis before granting approval for entries in Account 439.

We concur in the suggestion that the income tax effects applicable to Interest Charges should be allocated "above and below the line", and conclude that the allocation can be made equitably on the basis of the ratio of net investment in utility plant to net investment in non-utility plant. Also, there is merit to the argument that the reporting burden in preparing the schedule on Gain or Loss on Disposition of Property is too great. Hence, we shall allow the lumping of all gains and losses on property whose value is less than \$50,000.

Although many respondents question the uses that certain persons might make of amounts reported pursuant to Note 6 (now Note 7) of the schedule on page 115 as the difference between taxes payable using liberalized depreciation and those payable under the straight line depreciation method, the need for disclosure of the tax benefit "flowed through" for comparison and ratemaking purposes far outweighs the possibility of misuse of this information. However, we believe that the objections to Note 7's (now Note 8) broad scope of a requirement of an explanation of any changes during the year in accounting procedures and the dollar effect of such changes have validity. Accordingly, we are limiting Note 8 by restricting the changes in accounting methods to those having effect on net income.

We also are adopting two additional suggestions made in the comments. We adopt the suggestion of making less restrictive the proposed items list for prescribing entries to Account 439, and also are devising subaccounts for the proposed primary tax accounts in which taxes allocated "below-the-line" are recorded.

In accordance with a comment by other respondents, Account 432 will be relocated under the Other Income and Deductions section of the income statement, rather than under the Interest Charges section, in order to negate any unintended implication that entries to this account serve as an offset to interest charges. Although this item is not

included within the rulemaking proceeding, we are adopting this modification since it does not reflect a substantive change and comports with our prime objective of achieving a more realistic and revealing income statement. Inasmuch as the increase in the reporting requirement resulting therefrom would be very minor and thus no further notice is necessary, we also are including an addition to instruction 5 of the tax schedule, page 222 of Form Nos. 1 and 2, which requires disclosure of adjustments to Account 236, Taxes Accrued, resulting from Internal Revenue Service audits. This information has presented a hiatus when attempting to reconcile reported income taxes.

We have adopted those more minor suggestions which have followed a "full disclosure" concept in the income statement approach by making known all of those facts that are required in reaching informed opinions. In view of the delay in adopting these amendments, we shall postpone the effective date of the proposed changes to the Uniform Systems of Accounts to be effective January 1, 1970, and to the annual report forms for the reporting year 1970.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 4 of the Administrative Procedure Act.

(2) The amendments of the Commission's Uniform Systems of Accounts and Annual Report Forms herein prescribed are necessary and appropriate for the administration of the Federal Power Act.

(3) Since the amendments prescribed herein which were not included in the notice in this proceeding are of a minor nature and consistent with the prime purpose of the proposed rulemaking herein, further notice thereof is unnecessary.

(4) The modifications herein of the Uniform Systems of Accounts and Annual Report Forms Nos. 1 and 2 requiring all items of revenue and expense, with few exceptions, to be included in the current income statement, further the objective of an "all inclusive income statement", which will strengthen the meaningfulness of that statement.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 301, 304, and 309 (49 Stat. 838, 854, 855, 858, 16 U.S.C. §§ 825, 825c, 825h) and the provisions of the Natural Gas Act, as amended, particularly sections 8, 10, and 16 thereof (52 Stat. 825, 826, 830, 15 U.S.C. §§ 717g, 717i, and 717o), orders:

(A) Effective for the year commencing January 1, 1970, the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees as prescribed by Part 101, Chapter I, Title 18, CFR and the Uniform System of Accounts for

Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR are hereby amended as set forth in Attachments A and B hereto.

(B) Effective for the reporting year commencing January 1, 1970, certain schedules of FPC Form No. 1, Annual Report for Electric Utilities and Licensees, Class A and Class B, prescribed by § 141.1, Chapter I, Title 18, CFR and of FPC Form No. 2, Annual Report for Natural Gas Companies, Class A and Class B, prescribed by § 260.1, Chapter I, Title 18, CFR are hereby amended as set forth in Attachment C hereto.¹

(C) Effective January 1, 1970, paragraph (d) of § 141.1 of the Commission's regulations under the Federal Power Act is revised by changing the titles of two schedules, deleting one schedule, and adding two schedules as follows:

Title Changes. Change title of "Statement of Earned Surplus—Statement D" to "Statement of Retained Earnings for the Year—Statement D"

Change title of "Accrued and Prepaid Taxes" to "Taxes Accrued, Prepaid and Charged During Year"

Delete: Taxes Charge During Year.

Add Schedules. Insert Gain or Loss on Disposition of Property to follow the line "Accumulated Deferred Investment Tax Credits."

Insert Extraordinary Items to follow the line "Expenditures for Certain Civic, Political and Related Activities" [sections 301, 304, 309 (49 Stat. 838, 854, 855, 858, 16 U.S.C. §§ 825, 825c, 825h)].

(D) Effective January 1, 1970, paragraph (c) of § 260.1 of the regulations under the Natural Gas Act is revised by changing titles of two schedules, deleting one schedule, and adding two schedules as follows:

Title Changes. Change title of "Statement of Earned Surplus—Statement D" to read "Statement of Retained Earnings for the Year—Statement D."

Change title of "Accrued and Prepaid Taxes" to read "Taxes Accrued, Prepaid and Charged During Year."

Delete: Taxes Charged During Year.

Add Schedules. Insert Gain or Loss on Disposition of Property to follow the line "Accumulated Deferred Investment Tax Credits."

Insert Extraordinary Items to follow the line "Expenditures for Certain Civic, Political and Related Activities" [sections 8, 10, 16 (52 Stat. 825, 826, 830, 15 U.S.C. §§ 717g, 717i, 717o)].

(E) The Secretary of the Commission shall cause prompt publication of this order.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

REVISIONS TO THE UNIFORM SYSTEMS OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES CLASS A AND CLASS B

(Secs. 301, 304, 309 (49 Stat. 838, 854, 855, 858, 16 U.S.C. §§ 825, 825c, 825h))

Definitions. Add new number 28 and renumber remainder of definitions.

¹ Filed as part of the original document.

28. "Retained Earnings" (formerly earned surplus) means the accumulated net income of the utility less distribution to stockholders and transfers to other capital accounts.

General Instruction 2E. Line 7: Change "account 426, Other Income Deductions" to read "account 426, Miscellaneous Income Deductions."

General Instruction 3A. Change accounts "400-439 Income accounts." to "400-432, 434-435 Income accounts, 433, 436-439 Retained earnings accounts."

General Instruction 7. Delete present general instruction 7 and insert the following:

7. **Extraordinary Items.** It is the intent that net income shall reflect all items of profit and loss during the period with the sole exception of prior period adjustments as described in paragraph 7.1 below. Those items related to the effects of events and transactions which have occurred during the current period and which are not typical or customary business activities of the company shall be considered extraordinary items. Accordingly, they will be events and transactions of significant effect which would not be expected to recur frequently and which would not be considered as recurring factors in any evaluation of the ordinary operating processes of business. (In determining significance, items of a similar nature should be considered in the aggregate. Dissimilar items should be considered individually; however, if they are few in number, they may be considered in aggregate.) To be considered as extraordinary under the above guidelines, an item should be more than approximately 5 percent of income, computed before extraordinary items. Commission approval must be obtained to treat an item of less than 5 percent, as extraordinary. (See accounts 434 and 435.)

Add General Instruction 7.1.

7.1 **Prior Period Items.** A. As a general rule, items relating to transactions which occurred prior to the current calendar year but were not recorded in the books of account shall be included in the same accounts in which they would have been recorded had the item been recorded in the proper period. Such items relate to events or transactions which occurred in a prior period of periods, the accounting effects of which could not be determined with reasonable assurance at the time, usually because of major uncertainty then existing. When the amount of a prior period item is relatively so large its inclusion for a single month would distort the accounts for that month, the amount may be distributed in equal amounts to the accounts for the current and remaining months of the calendar year. However, if the amount of any prior period item is so large that the company believes its inclusion in the income statement would seriously distort the net income for the year, the company may request Commission approval to record the amount in account 439, Adjustments to Retained Earnings. Such a request must be accompanied by adequate justification.

B. Treatment as prior period adjustments should not be applied to the normal, recurring corrections and adjustments which are the natural result of the use of estimates inherent in the accounting process. For example, changes in the estimated remaining lives of fixed assets affect the computed amounts of depreciation, but these changes should be considered prospective in nature and not prior period adjustments. Similarly, relatively insignificant adjustments of provisions for liabilities (including income taxes) made in prior periods should be considered recurring items to be reflected in operations of the current period. Some uncertainties, for example those relating to the realization of assets (collectibility of accounts receivable, ultimate recovery of deferred costs of realizability of inventories or other assets), would not qualify for prior period adjustment treatment, since economic events subsequent to the date of the financial statements must of necessity enter into the elimination of any previously existing uncertainty. Therefore, the effects of such matters are considered to be elements in the determination of net income for the period in which the uncertainty is eliminated. (See account 439.)

General Instruction 16. Subparagraph (d), line 2: Change "surplus" to "retained earnings."

Electric Plant Instruction 5F. Lines: 26, 27, and 28: Change "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" to "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property."

Electric Plant Instruction 7E. Lines 6, 7, and 8: Change "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" to "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property."

Electric Plant Instruction 10E. Lines 10, 11, and 12: Change "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" to "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property."

Balance Sheet Accounts. Balance sheet account 215: Change title to "Appropriated Retained Earnings." Balance sheet account 216: Change title to "Unappropriated Retained Earnings."

In Account 108, *Accumulated provision for depreciation of electric plant in service.* In paragraph A(2), delete and renumber remaining subparagraphs. In paragraph E, line 5: change "surplus" to "retained earnings."

In Account 109, *Accumulated provision for depreciation of electric plant leased to others,* in paragraph A, line 4, 5, and 6: delete: "or to account 435, Miscellaneous Debits to Surplus." In paragraph C, line 5 change "surplus" to "retained earnings."

In Account 110, *Accumulated provision for depreciation of electric plant held for future use,* paragraph B, line 5 change "surplus" to "retained earnings."

In Account 111, *Accumulated provision for amortization of electric plant in service*, paragraph A, lines 5, 6, and 7 delete: "or to account 435, Miscellaneous Debits to Surplus, for past accrued amortization." In lines 11, 12, and 13 delete: "or to account 435, Miscellaneous Debits to Surplus." In Paragraph B, lines 10, 11, and 12 change "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" to "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property." In Paragraph D, line 5 change "surplus" to "retained earnings."

In Account 112, *Accumulated provision for amortization of electric plant leased to others*, paragraph A, lines 7, 8, and 9 delete: "or to account 435, Miscellaneous Debits to Surplus for past accrued amortization." In paragraph B, lines 10, 11, and 12 change "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" to "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property." In paragraph D, line 5 change "surplus" to "retained earnings."

In Account 113, *Accumulated provision for amortization of electric plant held for future use*, in paragraph B, line 5 change "surplus" to "retained earnings."

In Account 115, *Accumulated provision for amortization of electric plant acquisition adjustments*, in line 4: delete "comma" and substitute word "or" therefor. In lines 6 and 7 delete ", or account 435, Miscellaneous Debits to Surplus."

In Account 116, *Other electric plant adjustments*. Add to end of paragraph A: "(See electric plant instruction 1C)."

In Account 123, *Investment in associated companies*, in Note D, lines 12 and 13: change "435, Miscellaneous Debits to Surplus" to "426.5, Other Deductions."

In Account 181, *Unamortized debt discount and expense*, in paragraph D, lines 12, 13, and 14 and paragraph E, lines 5, 6, and 7: change "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" to "428, Amortization of Debt Discount and Expense, or account 429, Amortization of Premium on Debt-Cr." In paragraph E(2), lines 1 and 2: change "435, Miscellaneous Debits to Surplus" to "428, Amortization of Debt Discount and Expense."

In Account 183, *Preliminary survey and investigation charges*, in paragraph A, lines 10 and 11: change "435, Miscellaneous Debits to Surplus" to "426.5, Other Deductions."

In Account 213, *Discount on capital stock*, and account 214, *Capital stock expense*, paragraph B, lines 8 and 9 and paragraph C, lines 6 and 7: change "435, Miscellaneous Debits to Surplus" to "439, Adjustments to Retained Earnings."

In Account 215, *Appropriated earned surplus*, change title to "Appropriated Retained Earnings," in line 2: change "earned surplus" to "retained earnings."

In Account 216, *Unappropriated earned surplus*, change title to "Unappropriated Retained Earnings." Line 3: change "surplus" to "retained earnings."

In Account 217, *Reacquired capital stock*, paragraph B, lines 12 and 13:

change "435, Miscellaneous Debits to Surplus" to "439, Adjustments to Retained Earnings."

In Account 222, *Reacquired bonds*, in paragraph B, lines 6, 7, and 8: change "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus," to "428, Amortization of Debt Discount and Expense, or account 429, Amortization of Premium on Debt-Cr."

In Account 236, *Taxes accrued*, in paragraph B: Eliminate from last sentence all after the word "expenses" and substitute therefor "see general instruction 7.1."

In Account 265, *Miscellaneous operating reserves*, in Note, lines 5 and 6: change "Earned Surplus" to "Retained Earnings."

In Account 271, *Contributions in aid of construction*, in paragraph B, lines 2 and 3: delete "earned surplus or to." In Note B, under "Accumulated Deferred Income Taxes" section: in line 4, add "and non-utility property" following "etc.," and before "and." In line 7: delete all after the word "below" and substitute the following therefor: "so as to allow ready identification of items relating to each utility department and to Other Income and Deductions."

In Account 281, *Accumulated deferred income taxes—Accelerated amortization*, Paragraph E, line 5, change "surplus" to "retained earnings."

In Account 282, *Accumulated deferred income taxes—Liberalized depreciation*, paragraph E, line 5, change "surplus" to "retained earnings."

In Account 283, *Accumulated deferred income taxes—Other*, in paragraph D, line 5, change "surplus" to "retained earnings."

Electric Plant Accounts, Account 302, *Franchises and consents*, in paragraph B, line 12 and paragraph C, lines 3 and 4, change "435, Miscellaneous Debits to Surplus" to "426.5, Other Deductions."

In Account 303, *Miscellaneous intangible plant*, in paragraph B, lines 4 and 5, change "435, Miscellaneous Debits to Surplus" to "426.5, Other Deductions."

Print entire new chart of Income Accounts as follows:

Income Accounts

1. UTILITY OPERATING INCOME

400 Operating revenues.

401 Operating expenses:

401 Operating expense.

402 Maintenance expense.

403 Depreciation expense.

404 Amortization of limited-term electric plant.

405 Amortization of other electric plant.

406 Amortization of electric plant acquisition adjustments.

407 Amortization of property losses.

408 Taxes other than income taxes.

408.1 Taxes other than income taxes, utility operating income.

409 Income taxes.

409.1 Income taxes, utility operating income.

410 Provision for deferred income taxes.

410.1 Provision for deferred income taxes, utility operating income.

411 Income taxes deferred in prior years—Cr.

411.1 Income taxes deferred in prior years—Cr., utility operating income.

411.3 Investment tax credit adjustments.

411.4 Investment tax credit adjustments, utility operations.

Total utility operating expenses.

Other Operating Income.

412 Revenues from electric plant leased to others.

413 Expenses of electric plant leased to others.

414 Other utility operating income.

Net utility operating income.

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

415 Revenues from merchandising, jobbing, and contract work.

416 Cost and expenses of merchandising, jobbing, and contract work.

417 Revenues from nonutility operations.

417.1 Expenses of nonutility operations.

418 Nonoperating rental income.

419 Interest and dividend income.

421 Miscellaneous nonoperating income.

421.1 Gain on disposition of property.

Total Other Income.

B. OTHER INCOME DEDUCTIONS

421.2 Loss on disposition of property.

425 Miscellaneous amortization.

426 Miscellaneous, income deductions.

426.1 Donations.

426.2 Life insurance.

426.3 Penalties.

426.4 Expenditures for certain civic, political, and related activities.

426.5 Other deductions.

Total other income deductions.

Total Other Income and Deductions.

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

408.2 Taxes other than income taxes, other income and deductions.

409.2 Income taxes, other income and deductions.

410.2 Provision for deferred income taxes, other income and deductions.

411.2 Income taxes deferred in prior years—Cr., other income and deductions.

411.5 Investment tax credit adjustments, nonutility operations.

Total taxes on other income and deductions.

Net other income and deductions.

3. INTEREST CHARGES

427 Interest on long-term debt.

428 Amortization of debt discount and expense.

429 Amortization of premium on debt-Cr.

430 Interest on debt to associated companies.

431 Other interest expense.

Total interest charges.

432 Interest charged to construction-Cr. Income before extraordinary items.

4. EXTRAORDINARY ITEMS

434 Extraordinary income.

435 Extraordinary deductions.

409.3 Income taxes, extraordinary items.

Net income.

In Account 408, *Taxes other than income taxes*, in paragraph A, lines 8 and 9 delete: "which are properly chargeable to electric operations." In paragraph D—Add new paragraph: D. This account shall be maintained according to the sub-accounts 408.1 and 408.2 inclusive as shown below.

Notes: Delete A and D. Redesignate remaining as A through D. Add new note E: "E. Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and

Dividend Income or 431, Other Interest Expense, as appropriate."

Add new subaccounts as follows:

408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes which relate to Other Income and Deductions.

In Account 409, *Income taxes*, in paragraph A, line 2, insert word "income" between words "Federal" and "taxes." Delete: All after the word "adjusted" on line 10 and substitute the following therefor—"by a charge or credit to this account, unless such adjustment is properly includible in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (See general instruction 7.1 for prior period adjustments)." In paragraph B, delete and substitute therefor: B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effects relating to Interest Charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in non-utility plant. Add new paragraph C: "C. This account shall be maintained according to the subaccounts 409.1, 409.2, and 409.3 inclusive as shown below."

Notes: Delete B, C, and D. Change E to B.

Add new subaccounts as follows:

409.1 Income taxes, utility operating income.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes, which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

409.2 Income taxes, other income and deductions.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative), which relate to Other Income and Deductions.

409.3 Income taxes, extraordinary items.

This account shall include the reflected amount of those State and Federal income taxes in account 409, Income Taxes (both positive and negative), which relate to Extraordinary Items.

Account 410, Provision for deferred income taxes, designate first paragraph as "A," and add additional paragraph B: B. This account shall be maintained according to the subaccounts 410.1 and 410.2 inclusive, as shown below.

Add new subaccounts as follows:

410.1 Provisions for deferred income taxes, utility operating income.

This account shall include the amount of those deferred income taxes reflected in account 410, Provision for Deferred Income Taxes, which relate to Utility Operating Income (by department).

410.2 Provisions for deferred income taxes, other income and deductions.

This account shall include the amount of those deferred income taxes reflected in Account 410, provision for Deferred Income Taxes, which relate to Other Income and Deductions.

In Account 411, *Income taxes deferred in prior years—Credit*, designate first paragraph as "A," add additional paragraph as B: B. This account shall be maintained according to the subaccounts 411.1 and 411.2 inclusive, as shown below.

Add new subaccounts as follows:

411.1 Income taxes deferred in prior years—Credit, utility operating income.

This account shall include the amount of those taxes deferred in prior years—credit, reflected in Account 411, Income Taxes Deferred in Prior Years—Credit, which relate to Utility Operating Income (by department).

411.2 Income taxes deferred in prior years—Credit, other income and deductions.

This account shall include the amount of those taxes deferred in prior years—credit, reflected in Account 411, Income Taxes Deferred in Prior Years—Credit, which relate to Other Income and Deductions.

In Account 411.1, *Investment tax credit adjustments*, change account number from 411.1 to 411.3.

Add additional paragraph C: C. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

Add new subaccounts as follows:

411.4 Investment tax credit adjustments, utility operations.

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments, related to property used in Utility Operations (by department).

411.5 Investment tax credit adjustments, nonutility operations.

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Invest-

ment Tax Credit Adjustments, related to property used in Nonutility Operations.

In Account 412, *Revenues from electric plant leased to others*, Account 413, *Expenses of electric plant leased to others*, in paragraph B—Delete items: "Rents, Taxes other than income taxes, Income taxes," add note: "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes, identified separately."

In Account 414, *Other utility operating income*, in paragraph B—line 4: delete word "taxes," add note: "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes, identified separately." Right column: Change section heading "2. Other Income" to "2 Other Income and Deductions."

In Account 415, *Revenues from merchandising, jobbing and contract work*, and Account 416, *Costs and expenses of merchandising, jobbing and contract work*. Note—Designate present note as "A." Add additional note: "B. Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes." Delete item 24 in list of items, and renumber item 25.

In Account 417, *Income from nonutility operations*. Change account title to "Revenues from Nonutility Operations." Add new account number and title directly under above account number and title. "417.1, Expenses of Nonutility Operations." In paragraph A, line 1: Change first two words to read "These accounts." Add note: "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes." In paragraph B, Delete last two items: "Taxes other than income taxes, Income Taxes."

In Account 418, *Nonoperating rental income* in paragraph A, last line: delete "account 417" and substitute "accounts 417 or 417.1" therefor. In paragraph B, Delete last two items: "Taxes Other than income taxes, Income Taxes." Add Note: "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes."

In Account 419, *Interest and dividend income*, delete paragraph B and reletter remaining paragraphs. In new paragraph C, line 2, delete word "including" and substitute word "excluding" therefor. Notes: Add note A: "A. Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes." Designate present note as B.

In Account 421, *Miscellaneous nonoperating income*, in line 2, add after the word "items": ", except taxes." Add final sentence to paragraph as follows: "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes."

Add the following additional item: 3. Gain on disposition of investments and reacquisition and resale or retirement of utility's debt securities and investments.

Add the following new accounts:

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange or transfer of utility or other property to another. (See electric plant instructions 5F, 7E, and 10E.) Record income taxes on gains recorded in this account in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange or transfer of utility or other property to another. (See electric plant instructions 5F, 7E, and 10E.) Record the reductions in income taxes attributable to losses recorded in this account in Account 409, Income Taxes.

Left column: Delete section heading, "3. Miscellaneous Income Deductions."

In Account 425, *Miscellaneous amortization*, in the last sentence, delete entire sentence.

In Account 426, *Other income deductions*, change title of account to "Miscellaneous Income Deductions." Add the note now found under account 426.5.

In Account 426.5, *Other deductions*, add the following:

ITEMS

1. Loss relating to investments in securities written-off or written-down.
2. Loss on sale of investments.
3. Loss on reacquisition, resale or retirement of utility's debt securities.
4. Preliminary survey and investigation expenses related to abandoned projects, when not written-off to the appropriate operating expense account.

Delete note from account, and in right column: Change section heading number "4" to "3."

Left column following account 432: Delete section heading "5. Earned Surplus," and substitute the following therefor: "4. Extraordinary Items." Delete: Accounts 433, Balance Transferred From Income; 434, Miscellaneous Credits to Surplus; 435, Miscellaneous Debits to Surplus; 436, Appropriations of Surplus; 437, Dividends Declared—Preferred Stock; and 438, Dividends Declared—Common Stock.

Add the following new accounts:

434 Extraordinary income.

This account shall be credited with nontypical, noncustomary, infrequently recurring gains, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 7.)

435 Extraordinary deductions.

This account shall be debited with nontypical, noncustomary, infrequently recurring losses, which would significantly distort the current year's income computed before Extraordinary Items, if

reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 7.)

Retained earnings accounts. Following new account 435: add complete new section "Retained Earnings Accounts" following the Income Accounts. This new section will contain a contents sheet and accounts as follows:

Retained Earnings Accounts

- 216 Unappropriated retained earnings (at beginning of period).
- 433 Balance transferred from income.
- 436 Appropriations of retained earnings.
- 437 Dividends declared—preferred stock.
- 438 Dividends declared—common stock.
- 439 Adjustments to retained earnings.
- 216 Unappropriated retained earnings (at end of period).

433 Balance transferred from income.

This account shall include the net credit or debit transferred from income for the year.

436 Appropriations of retained earnings.

This account shall include appropriations of retained earnings.

ITEMS

1. Appropriations required under terms of mortgages, orders of courts, contracts, or other agreements.
2. Appropriations required by action of regulatory authorities.
3. Other appropriations made at option of utility for specific purposes.

437 Dividends declared—preferred stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

B. Dividends shall be segregated for each class and series of preferred stock as to those payable in cash, stock, and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

438 Dividends declared—common stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding common capital stock issued by the utility.

B. Dividends shall be segregated for each class of common stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

439 Adjustments to retained earnings.

A. This account shall include significant nonrecurring transactions relating to prior periods. Other than transactions of capital stock as specified in paragraph B below, all entries to this account must receive prior Commission approval. These transactions are limited to those adjustments which (a) can be specifically identified with and related to the business activities of particular prior periods, and (b) are not attributable to economic events occurring subsequent to the date

of the financial statements for the prior period, and (c) depend primarily on determinations by persons other than the management and (d) were not susceptible of reasonable estimation prior to such determination. This account shall also include the related income tax effects (State and Federal) on items included herein. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

B. Adjustments, charges, or credits due to losses on reacquisition, resale or retirement of the company's own capital stock shall be included in this account. (See account 210, Gain on Resale or Cancellation of Reacquired Capital Stock, for the treatment of gains.)

ITEMS

1. Significant nonrecurring adjustments or settlements of income taxes.
2. Significant amounts resulting from litigation or similar claims.
3. Significant amounts relating to adjustments or settlement of utility revenue under rate processes.
4. Significant adjustments to plant in service depreciation and amortization as a result of Commission direction.
5. Write-off of unamortized capital stock expenses.

In *Operation and Maintenance Expense Accounts* in Account 914, *Revenues from merchandising, jobbing, and contract work* and Account 915, *Cost and expenses of merchandising, jobbing and contract work*. Note: Designate present note as "A." Add additional note: "B. Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes." Items: Delete Item 23 in list of items, and renumber item 24, accordingly.

REVISIONS TO THE UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES CLASS A AND CLASS B

(Secs. 8, 10, 16 (52 Stat. 825, 826, 830, 15 U.S.C. §§ 717g, 717i, 717o))

Definitions. Add new number 25 and renumber remainder of definitions.

25. "Retained Earnings" (formerly earned surplus) means the accumulated net income of the utility less distribution to stockholders and transfers to other capital accounts.

General Instruction 2E. In line 7: Change "account 426, Other Income Deductions" to read "account 426, Miscellaneous Income Deductions."

General Instruction 3A. Change accounts "400-439 Income accounts." to "400-432, 434-435 Income accounts, 433, 436-439 Retained earnings accounts."

General Instruction 7. Delete present general instruction 7 and insert the following:

7. *Extraordinary Items.* It is the intent that net income shall reflect all items of profit and loss during the period with the sole exception of prior period adjustments as described in paragraph 7.1 below. Those items related to the effects of events and transactions which have occurred during the current period and which are not typical or customary business activities of the company shall

be considered extraordinary items. Accordingly, they will be events and transactions of significant effect which would not be expected to recur frequently and which would not be considered as recurring factors in any evaluation of the ordinary operating processes of business. (In determining significance, items of a similar nature should be considered in the aggregate. Dissimilar items should be considered individually; however, if they are few in number, they may be considered in aggregate.) To be considered as extraordinary under the above guidelines, an item should be more than approximately 5 percent of income, computed before extraordinary items. Commission approval must be obtained to treat an item of less than 5 percent, as extraordinary. (See accounts 434 and 435.)

Add General Instruction 7.1.

7.1 Prior Period Items. A. As a general rule, items relating to transactions which occurred prior to the current calendar year but were not recorded in the books of account shall be included in the same accounts in which they would have been recorded had the item been recorded in the proper period. Such items relate to events or transactions which occurred in a prior period or periods, the accounting effects of which could not be determined with reasonable assurance at the time, usually because of major uncertainty then existing. When the amount of a prior period item is relatively so large its inclusion for a single month would distort the accounts for that month, the amount may be distributed in equal amounts to the accounts for the current and remaining months of the calendar year. However, if the amount of any prior period item is so large that the company believes its inclusion in the income statement would seriously distort the net income for the year, the company may request Commission approval to record the amount in account 439, Adjustments to Retained Earnings. Such a request must be accompanied by adequate justification.

B. Treatment as prior period adjustments should not be applied to the normal, recurring corrections and adjustments which are the natural result of the use of estimates inherent in the accounting process. For example, changes in the estimated remaining lives of fixed assets affect the computed amounts of depreciation, but these changes should be considered prospective in nature and not prior period adjustments. Similarly, relatively insignificant adjustments of provisions for liabilities (including income taxes) made in prior periods should be considered recurring items to be reflected in operations of the current period. Some uncertainties, for example those relating to the realization of assets (collectibility of accounts receivable, ultimate recovery of deferred costs of realizability of inventories or other assets), would not qualify for prior period adjustment treatment, since economic events subsequent to the date of the financial statements must of necessity enter into the elimination of any previ-

ously existing uncertainty. Therefore, the effects of such matters are considered to be elements in the determination of net income for the period in which the uncertainty is eliminated. (See account 439.)

Gas Plant Instruction 5F, in lines 26, 27, and 28 change "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" to "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property."

Gas Plant Instruction 7E, in lines 6, 7, and 8 change "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" to "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property."

Gas Plant Instruction 10E, in lines 10, 11, and 12 change "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" to "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property."

Balance Sheet Accounts Balance sheet Account 215 change title to "Appropriated Retained Earnings."

Balance sheet Account 216 change title to "Unappropriated Retained Earnings."

In Account 108, *Accumulated provision for depreciation of gas plant in service* in paragraph A(2) delete and renumber remaining subparagraphs. In paragraph E, line 5 change "surplus" to "retained earnings."

In Account 109, *Accumulated provision for depreciation of gas plant leased to others*, in paragraph A, line 4, 5, and 6 delete: "or to account 435, Miscellaneous Debits to Surplus." In paragraph C, line 5 change "surplus" to "retained earnings."

In Account 110, *Accumulated provision for depreciation of gas plant held for future use*, in paragraph B, line 5 change "surplus" to "retained earnings."

In Account 111.1, *Accumulated provisions for amortization and depletion of producing natural gas land and land rights*, in paragraph B delete entire last sentence. In paragraph C, lines 10, 11, and 12 change "435, Miscellaneous Debits to Surplus, or account 434, Miscellaneous Credits to Surplus" to "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property." In paragraph E, line 5 change "surplus" to "retained earnings."

In Account 111.2, *Accumulated provision for amortization of underground storage land and land rights*, in paragraph C, lines 10, 11, and 12 change "435, Miscellaneous Debits to Surplus, or account 434, Miscellaneous Credits to Surplus" to "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property." In paragraph E, line 4 change "surplus" to "retained earnings."

In Account 111.3, *Accumulated provision for amortization of other gas plant in service*, in paragraph A, lines 5, 6, and 7, delete ", or to account 435, Miscellaneous Debits to Surplus, for past accrued amortization," and in lines 11, 12, and 13, delete "or to account 435, Miscellaneous

Debits to Surplus." In paragraph B, lines 10, 11, and 12, change "435, Miscellaneous Debits to Surplus or account 434, Miscellaneous Credits to Surplus" to "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property." In paragraph D, line 5, change "surplus" to "retained earnings."

In Account 112, *Accumulated provision for amortization and depletion of gas plant leased to others*, in paragraph A, lines 8, 9, and 10 delete "or account 435, Miscellaneous Debits to Surplus, for past accrued amortization and depletion,". In paragraph B, lines 10, 11, and 12 change "435, Miscellaneous Debits to Surplus, or account 434, Miscellaneous Credits to Surplus" to "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property." In paragraph D, line 5, change "surplus" to "retained earnings."

In Account 113.1, *Accumulated provision for abandonment of leases* in paragraph D, line 5 change "surplus" to "retained earnings."

In Account 113.2, *Accumulated provision for amortization of other gas plant held for future use* in paragraph B, line 5 change "surplus" to "retained earnings."

In Account 115, *Accumulated provision for amortization of gas plant acquisition adjustments* in line 4 delete "comma" and substitute word "or" therefor. In lines 6 and 7 delete ", or account 435, Miscellaneous Debits to Surplus."

In Account 116, *Other gas plant adjustments* add to end of paragraph A: (See gas plant instruction 1C).

In Account 117, *Gas stored underground—Noncurrent* in paragraph G, line 6 change "7, Delayed Items" to "7.1, Prior Period Items."

In Account 123, *Investment in associated companies*, in Note D, lines 12 and 13 change "435, Miscellaneous Debits to Surplus" to "426.5, Other Deductions."

In Account 181, *Unamortized debt discount and expense*, in paragraph D, lines 12, 13, and 14 and paragraph E, lines 5, 6 and 7 change "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" to "428, Amortization of Debt Discount and Expense, or account 429, Amortization of Premium of Debt-Cr." In paragraph E(2), lines 1 and 2 change "435, Miscellaneous Debits to Surplus" to "428, Amortization of Debt Discount and Expense."

In Account 183.2, *Preliminary survey and investigation charges*, in paragraph A, lines 12 and 13 change "435, Miscellaneous Debits to Surplus" to "426.5, Other Deductions."

In Account 213, *Discount on capital stock* and Account 214, *Capital stock expense*, in paragraph B, line 8 and 9 and paragraph C, line 6 and 7 change "435, Miscellaneous Debits to Surplus" to "439, Adjustments to Retained Earnings."

In Account 215, *Appropriated earned surplus*, change title to "Appropriated Retained Earnings," and in line 2 change "earned surplus" to "retained earnings."

In Account 216, *Unappropriated earned surplus*, change title to "Unappropriated

Retained Earnings," and line 3 change "surplus" to "retained earnings."

In Account 217, *Reacquired capital stock*, in paragraph B, lines 12 and 13 change "435, Miscellaneous Debits to Surplus" to "439, Adjustments to Retained Earnings."

In Account 222, *Reacquired bonds* in paragraph B, lines 6, 7, and 8 change "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus," to "428, Amortization of Debt Discount and Expense, or account 429, Amortization of Premium on Debt-Cr."

In Account 236, *Taxes accrued*, in paragraph B eliminate from last sentence all after the word "expenses" and substitute therefor "see general instruction 7.1."

In Account 265, *Miscellaneous operating reserves*, in Note, lines 5 and 6 change "Earned Surplus" to "Retained Earnings."

In Account 271, *Contributions in aid of construction* in paragraph B, line 2 delete "earned surplus or to." In Note B, under "Accumulated Deferred Income Taxes" section line 4 add "and non-utility property" following "etc." and before "and." in line 7 delete all after the word "below" and substitute the following therefor: "so as to allow ready identification of items relating to each utility department and to Other Income and Deductions."

In Account 281, *Accumulated deferred income taxes—Accelerated amortization*, in paragraph E, line 5 change "surplus" to "retained earnings."

In Account 282, *Accumulated deferred income taxes—Liberalized depreciation*, in paragraph E, line 5 change "surplus" to "retained earnings."

In Account 283, *Accumulated deferred income taxes—Other*, in paragraph D, line 5 change "surplus" to "retained earnings."

In Gas Plant Accounts in Account 302, *Franchises and consents*, in paragraph B, line 11 and 12 and in paragraph C, line 3 and 4 change "435, Miscellaneous Debits to Surplus" "426.5, Other Deductions."

In Account 303, *Miscellaneous intangible plant*, in paragraph B, lines 4 and 5 change "435, Miscellaneous Debits to Surplus" to "426.5, Other Deductions."

Print entire new chart of Income Accounts as follows:

Income Accounts

1. UTILITY OPERATING INCOME

- 400 Operating revenues.
- 401 Operating expenses:
- 402 Maintenance expense.
- 403 Depreciation expense.
- 404.1 Amortization and depletion of producing natural gas land and land rights.
- 404.2 Amortization of underground storage land and land rights.
- 404.3 Amortization of other limited-term gas plant.
- 405 Amortization of other gas plant.
- 406 Amortization of gas plant acquisition adjustments.
- 407.1 Amortization of property losses.
- 407.2 Amortization of conversion expense.
- 408 Taxes other than income taxes.

- 408.1 Taxes other than income taxes, utility operating income.
- 409 Income taxes.
- 409.1 Income taxes, utility operating income.
- 410 Provision for deferred income taxes.
- 410.1 Provision for deferred income taxes, utility operating income.
- 411 Income taxes deferred in prior years—Cr.
- 411.1 Income taxes deferred in prior years—Cr., utility operating income.
- 411.3 Investment tax credit adjustments.
- 411.4 Investment tax credit adjustments, utility operations.
- Total Utility Operating Expenses.
- Other Operating Income.
- 412 Revenues from gas plant leased to others.
- 413 Expenses of gas plant leased to others.
- 414 Other utility operating income.
- Net utility operating income.

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

- 415 Revenues from merchandising, jobbing, and contract work.
- 416 Cost and expenses of merchandising, jobbing and contract work.
- 417 Revenues from nonutility operations.
- 417.1 Expenses of nonutility operations.
- 418 Nonoperating rental income.
- 419 Interest and dividend income.
- 421 Miscellaneous nonoperating income.
- 421.1 Gain on disposition of property.
- Total other income.

B. OTHER INCOME DEDUCTIONS

- 421.2 Loss on disposition of property.
- 425 Miscellaneous amortization.
- 426 Miscellaneous income deductions.
- 426.1 Donations.
- 426.2 Life insurance.
- 426.3 Penalties.
- 426.4 Expenditures for certain civic, political and related activities.
- 426.5 Other deductions.
- Total other income deductions.
- Total Other Income and Deductions.

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

- 408.2 Taxes other than income taxes, other income and deductions.
- 409.2 Income taxes, other income and deductions.
- 410.2 Provision for deferred income taxes, other income and deductions.
- 411.2 Income taxes deferred in prior years—Cr., other income and deductions.
- 411.5 Investment tax credit adjustments, nonutility operations.
- 420 Investment tax credits.
- Total taxes on other income and deductions.
- Net other income and deductions.

3. INTEREST CHARGES

- 427 Interest on long-term debt.
- 428 Amortization of debt discount and expense.
- 429 Amortization of premium on debt—Cr.
- 430 Interest on debt to associated companies.
- 431 Other interest expense.
- Total interest charges.
- 432 Interest charged to construction—Cr.
- Income before extraordinary items.

4. EXTRAORDINARY ITEMS

- 434 Extraordinary income.
- 435 Extraordinary deductions.
- 409.3 Income taxes, extraordinary items.
- Net income.

In Account 408, *Taxes other than income taxes*, in paragraph A, lines 8 and 9 delete: "which are properly chargeable to gas operations." In paragraph D—Add new paragraph: D. This account shall be maintained according to the subaccounts 408.1 and 408.2 inclusive, shown below. In notes: Delete A and D. Re-designate remaining as A through D. Add new note E: "E. Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividends Income, or 431, Other Interest Expense, as appropriate."

Add new subaccounts as follows:

408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes, which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes, which relate to Other Income and Deductions.

In Account 409, *Income taxes*, in paragraph A, line 2, insert word "income" between words "Federal" and "taxes." and delete: All after the word "adjusted" on line 10 and substitute the following therefor, "by a charge or credit to this account, unless such adjustment is properly includible in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (see general instruction 7.1 for prior period adjustments). In paragraph B—Delete and substitute therefor "B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effects relating to Interest Charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant. Add new paragraph C: C. This account shall be maintained according to the subaccounts 409.1, 409.2 and 409.3 inclusive, shown below. In Notes: Delete B, C, and D, change E to B.

Add new subaccounts as follows:

409.1 Income taxes, utility operating income.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes which relate to utility operating income.

This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by departments), Utility Plant leased to Others and Other Utility Operating Income.

409.2 Income taxes, other income and deductions.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Other Income and Deductions.

409.3 Income taxes, extraordinary items.

This account shall include the reflected amount of those State and Federal income taxes in account 409, Income Taxes (both positive and negative) which relate to Extraordinary Items.

In Account 410, *Provision for deferred income taxes*, designate first paragraph as "A," add additional paragraph B: "B. This account shall be maintained according to the subaccounts 410.1 and 410.2 inclusive, as shown below."

Add new subaccounts as follows:

410.1 Provisions for deferred income taxes, utility operating income.

This account shall include the amount of those deferred income taxes reflected in account 410, *Provision for Deferred Income Taxes* which relate to Utility Operating Income (by department).

410.2 Provisions for deferred income taxes, other income and deductions.

This account shall include the amount of those deferred income taxes reflected in account 410, *Provisions for Deferred Income Taxes* which relate to Other Income and Deductions.

In Account 411, *Income taxes deferred in prior years—Credit*, designate first paragraph as "A." Add additional paragraph as B: B. This account shall be maintained according to the subaccounts 411.1 and 411.2 inclusive, as shown below.

Add new subaccounts as follows:

411.1 Income taxes deferred in prior years—Credit, utility operating income.

This account shall include the amount of those taxes deferred in prior years—credit, reflected in account 411, *Income Taxes Deferred in Prior Years—Credit* which relate to Utility Operating Income (by department).

411.2 Income taxes deferred in prior years—Credit, other income and deductions.

This account shall include the amount of those taxes deferred in prior years—credit, reflected in account 411, *Income Taxes Deferred in Prior Years—Credit* which relate to Other Income and Deductions.

In Account 411.1, *Investment tax credit adjustments*, change account number from 411.1 to 411.3. Add additional paragraph D: D. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

Add new subaccounts as follows:

411.4 Investment tax credit adjustments, utility operations.

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, *Investment Tax Credit Adjustments* related to property used in Utility Operations (by department).

411.5 Investment tax credit adjustments, nonutility operations.

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, *Investment Tax Credit Adjustments* related to property used in Nonutility Operations.

In Account 412, *Revenues from gas plant leased to others* and Account 413, *Expenses of gas plant leased to others*, in paragraph B—delete items: "Rents. Taxes other than income taxes. Income taxes." Add note: "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes, identified separately."

In Account 414, *Other utility operating income*, in paragraph B—line 3: delete word "taxes." Add note: "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes, identified separately." In left column: Change section heading "2. Other Income" to "2. Other Income and Deductions."

In Account 415, *Revenues from merchandising, jobbing and contract work*, and Account 416, *Costs and expenses of merchandising, jobbing and contract work*. Note—Designate present note as "A." Add additional note: "B. Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes." Delete item 24 in list of items, and renumber item 25.

In Account 417, *Income from nonutility operations* change account title to "Revenues from Nonutility Operations." Add new account number and title directly under above account number and title. "417.1, Expenses of Nonutility Operations." In paragraph A, line 1: change first two words to read "These accounts." Add note: "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes." In paragraph B, Delete last two items: "Taxes other than income taxes. Income Taxes."

In Account 418, *Nonoperating rental income*, in paragraph A, last line: delete "account 417" and substitute "accounts 417 or 417.1" therefor. In paragraph B, delete last two items: "Taxes Other than income taxes. Income Taxes." Add note: "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes."

In Account 419, *Interest and dividend income*, delete paragraph B and reletter

remaining paragraphs. In new paragraph C, line 2, Delete word "including" and substitute word "excluding" therefor. In notes—add note A: "A. Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes." Designate present note as B.

In Account 421, *Miscellaneous nonoperating income*, in line 2, add after the word "items": ", except taxes." Add final sentence to paragraph as follows: "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes." Add the following additional item: 3. Gain on disposition of investments and reacquisition and resale or retirement of utility's debt securities and investments.

Add the following new accounts:

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange or transfer of utility or other property to another. (See gas plant instructions 5F, 7E, and 10E.) Record income taxes on gains recorded in this account in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange or transfer of utility or other property to another. (See gas plant instructions 5F, 7E, and 10E.) Record the reductions in income taxes attributable to losses recorded in this account in Account 409, Income Taxes.

Page 70, left column: Delete section heading, "3. Miscellaneous Income Deductions."

In Account 425, *Miscellaneous amortization*, in the last sentence delete entire sentence.

In Account 426, *Other income deductions*, change title of account to "Miscellaneous Income Deductions." Add the note now found under account 426.5.

In Account 426.5, *Other Deductions*, add the following:

ITEMS

1. Loss relating to investments in securities written-off or written-down.
2. Loss on sale of investments.
3. Loss on reacquisition, resale or retirement of utility's debt securities.
4. Preliminary survey and investigation expenses related to abandoned projects, when not written-off to the appropriate operating expense account.

Delete note from account. Following account 426.5: Change section heading number "4" to "3." Following account 432: Delete section heading "5. Earned Surplus," and substitute the following therefor: 4. Extraordinary Items. Delete: Accounts 433, Balance Transferred From Income; 434, Miscellaneous Credits to Surplus; 435, Miscellaneous Debits to Surplus; 436, Appropriations of Surplus; 437, Dividends Declared-Preferred Stock; and 438, Dividends Declared-Common Stock.

Add the following new accounts:

434 Extraordinary income.

This account shall be credited with nontypical, noncustomary, infrequently recurring gains, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 7.)

435 Extraordinary deductions.

This account shall be debited with nontypical, noncustomary, infrequently recurring losses, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 7.)

Retained Earnings Accounts. Following new account 435: add complete new section, "Retained Earnings Accounts" following the Income Accounts. This new section will contain a contents sheet and accounts as follows:

Retained Earnings Accounts

- 216 Unappropriated retained earnings (at beginning of period).
- 433 Balance transferred from income.
- 436 Appropriations of retained earnings.
- 437 Dividends declared—preferred stock.
- 438 Dividends declared—common stock.
- 439 Adjustments to retained earnings.
- 216 Unappropriated retained earnings (at end of period).

433 Balance transferred from income.

This account shall include the net credit or debit transferred from income for the year.

436 Appropriations of retained earnings.

This account shall include appropriations of retained earnings.

ITEMS

- 1. Appropriations required under terms of mortgages, orders of courts, contracts, or other agreements.
- 2. Appropriations required by action of regulatory authorities.
- 3. Other appropriations made at option of utility for specific purposes.

437 Dividends declared—preferred stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

B. Dividends shall be segregated for each class and series of preferred stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

438 Dividends declared—common stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding

common capital stock issued by the utility.

B. Dividends shall be segregated for each class of common stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

439 Adjustments to retained earnings.

A. This account shall include significant nonrecurring transactions relating to prior periods. Other than transactions of capital stock as specified in paragraph B below, all entries to this account must receive prior Commission approval. These transactions are limited to those adjustments which (a) can be specifically identified with and related to the business activities of particular prior periods, and (b) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (c) depend primarily on determinations by persons other than the management, and (d) were not susceptible of reasonable estimation prior to such determination. This account shall also include the related income tax effects (State and Federal) on items included herein. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

B. Adjustments, charges, or credits due to losses on reacquisition, resale or retirement of the company's own capital stock shall be included in this account. (See account 210, Gain on Resale or Cancellation of Reacquired Capital Stock, for the treatment of gains.)

ITEMS

- 1. Significant nonrecurring adjustments or settlements of income taxes.
- 2. Significant amounts resulting from litigation or similar claims.
- 3. Significant amounts relating to adjustments or settlements of utility revenue under rate processes.
- 4. Significant adjustments to plant in service depreciation and amortization as a result of Commission direction.
- 5. Write-off unamortized capital stock expenses.

In Operation and Maintenance Expense Accounts, in Account 808, Gas Withdrawn from underground storage—Debit, in note, lines 7 and 8 delete that part of last sentence reading, "435, Miscellaneous Debits to Surplus" and substitute therefor "439, Adjustments to Retained Earnings." In line 9 delete, "7, Delayed Items" and substitute therefor "7.1, Prior Period Items."

In Account 823, Gas losses, in line 11 and 12 delete "435, Miscellaneous Debits to Surplus" substitute therefor "439, Adjustments to Retained Earnings." In line 13 delete "7, Delayed Items" substitute therefor "7.1, Prior Period Items."

In Account 914, Revenues from merchandising, jobbing, and contract work, and Account 915, Cost and expenses of merchandising, jobbing, and contract work, in Note: designate present note as "A." Add additional note: "B. Related operating taxes shall be recorded in account 408, Taxes Other Than Income

Taxes, and income taxes shall be recorded in account 409, Income Taxes." In items: delete Item 23 in list of items, and renumber item 24, accordingly.

[F.R. Doc. 69-12870; Filed, Oct. 28, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18424, FCC 69-1163]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Albion, Battle Creek, Fremont, and Zeeland, Mich.); RM-1358.

Report and Order. 1. The Commission has before it for consideration its notice of proposed rule making (FCC 69-47, 34 F.R. 1176) released in this proceeding on January 21, 1969, in which comments were invited on the proposal to assign a second FM assignment to Battle Creek, Mich., in response to a petition filed by Don F. Price, Battle Creek.

2. Battle Creek had a 1960 Census population of 44,169 persons and Calhoun County, of which it is the largest city, had a population of 138,858. The city presently has four aural outlets, consisting of one Class B FM station, one daytime-only AM and two unlimited-time AM stations. There are two additional Class A assignments within the county listed in the Table for Albion, one of which, Channel 285A, is unoccupied, and the other, Channel 244A, is authorized for use at Marshall.

3. In support of its request for a second FM assignment in Battle Creek, petitioner states that the projected 1970 population for the city is 48,153; that the intermixture of Class A and B channels under the prevailing circumstances (no Class B appears available) is warranted and not without precedent; and represents that either he or the entity of WVOC, Inc., will file an application for the channel if the proposal is adopted. WVOC, Inc., is the licensee of WVOC (AM), daytime-only, at Battle Creek.

4. The petitioner's proposed plan, and that contained in the notice for this proceeding, would assign Channel 285A to Battle Creek by deleting that channel from Albion and make concomitant changes in a number of other unoccupied assignments in the area to accommodate the assignment at Battle Creek. Even with the changes proposed, a site for Channel 285A would require a site northeast of that city. Since the overall changes proposed were described in detail in the notice, they will not need to be repeated here.

5. The proposed plan was strongly opposed by Triad Stations, Inc., permittee of Station WALM-FM, Channel 244A, Marshall. Triad's principal objection is based on the fact that the deletion of

Channel 285A from Albion (without replacement) would deprive it of an opportunity to file an application to modify the construction permit for Station WALM-FM to specify Channel 285A in lieu of the presently authorized Channel 244A. The opposition points out that Channel 244A now specified for WALM-FM must be located some 6 miles south of Marshall to meet minimum mileage requirements, whereas Channel 285A could be used at or near Marshall, from which location the community and its environs would be better served.¹

6. We conclude, after careful consideration of the showings of need in this case, that Battle Creek warrants a second FM assignment. We are reluctant to adopt petitioner's plan, however, since it would necessarily delete the last remaining channel (for which a replacement does not appear available) from the relatively sizeable community of Albion, population 12,749. We therefore conducted a study of the availability of another channel for Battle Creek. It appears that Channel 237A could be dropped into Battle Creek without requiring any other changes in the Table and in full conformity with the minimum mileage requirements, providing careful attention is given to the selection of a transmitter site within a narrow strip that runs generally northwest to southwest through the city.² The site area, though limited, appears to be less restricted than would be the case for petitioner's proposed Channel 285A. The preclusion considerations are favorable, as only Channel 237A would be involved, which does not contain any community of 2,000 or more population that does not presently have an assignment. The net preclusion impact for Channel 237A would also be less than that for 285A at Battle Creek.

7. Assignment of Channel 237A would merely be a substitute for that proposed in the notice, but without the undesirable feature of requiring a deletion of a channel and changes in other existing assignments. It would fulfill petitioner's objective of a Class A channel at Battle Creek and eliminate the principal basis

¹The assignment of Channel 244A to Albion as its second FM resulted from an earlier rule making proceeding (Docket 15970, RM-719, FCC 65-541), instituted primarily to resolve a hearing case involving two mutually exclusive applications requesting use of Channel 285A (listed for Albion) at Marshall. One of the applicants was Triad. Subsequent to the rule making, Triad amended its application to 244A and then both applications were granted for new stations at Marshall on the two Albion assignments (Channels 244A and 285A) under provisions of the "25 mile" rule then in existence. Neither station was constructed. The construction permit for Channel 285A was forfeited in May 1968, the channel thereby automatically returning to Albion. Triad still holds a construction permit for Channel 244A at Albion, and an application for extension of the construction permit expiration date is being held without action pending the outcome of this proceeding.

²The area described would include the transmitter site of WVOC(AM).

for the opposition's objection. We are of the opinion that it would serve the public interest to finalize the assignment at this time. Accordingly, we are assigning Channel 237A to Battle Creek.

8. In view of the foregoing, *It is ordered*, That effective December 1, 1969, the FM Table of Assignments, is amended to read, insofar as the community named is concerned, as follows:

City Michigan:	Channel No.
Battle Creek.....	237A, 277

9. Authority for the adoption of the amendments contained herein is contained in sections 4(d), 303 and 307(b) of the Communications Act of 1934, as amended.

10. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: October 22, 1969.

Released: October 24, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,³

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-12897; Filed, Oct. 23, 1969;
8:48 a.m.]

[Docket No. 18649, FCC 69-1164]

PART 73—RADIO BROADCAST
SERVICES

Table of Assignments, FM
Broadcast Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Atlanta, Tex.; La Grange, Tex.; Lake Village, Ark.; Waverly, Iowa; Tomahawk, Wis.; Avon Park, Fla.; Durand, Wis.; Grayling, Mich.; Canton, Mo.; Willow Springs, Mo.; Weslaco, Tex.; and Laredo, Tex.); RM-1437, RM-1440, RM-1445, RM-1446, RM-1447, RM-1448, RM-1459, RM-1461, RM-1467, RM-1468.

Report and Order. 1. The Commission has under consideration its notice of proposed rule making issued on August 28, 1969 (FCC 69-939, 34 F.R. 14000), inviting comments on a number of changes in the FM Table of Assignments as advanced by various interested parties. All comments and data filed in response to the notice were considered in making the following determinations. There were no opposing comments filed. Except as noted, the population figures were taken from the 1960 U.S. Census. The following decision disposes of all subject petitions.

2. RM-1437. Atlanta, Tex. (Ark-La-Tex Broadcasting Co.); RM-1440. La Grange, Tex. (Lloyd E. Klobe, doing business as Radio Station KVLG); RM-1445. Lake Village, Ark. (Gene R. Smith); RM-1446. Waverly, Iowa (Cedar Valley Broadcasting Co.); RM-1447. Tomahawk, Wis. (Tomahawk Broadcasting Co.); RM-1448. Avon Park, Fla. (Avon Electronic Services, Inc.); RM-1461.

³By the Commission: Commissioner Cox not participating.

Durand, Wis. (Radio Station WRDN); RM-1467. Grayling, Mich. (Robert D. Ditmer); RM-1468. Canton, Mo. (Francis L. Hollon).

In the above nine cases interested parties seek the assignment of a first Class A channel in a community without requiring any other changes in the table. The communities range in size from 2,015 persons for Grayling, Mich., to 6,357 persons for Waverly, Iowa. The following communities each has one daytime-only AM station: Atlanta, Tex.; La Grange, Tex.; Waverly, Iowa; Tomahawk, Wis.; and Durand, Wis. The remaining communities have no local AM service. None of the communities are a part of an urbanized area (1960 Census) and each appears to warrant the proposed assignment. We are of the view that adoption of each proposal would serve the public interest and are therefore making the following additions to the FM Table of Assignments:

City	Channel No.
Atlanta, Tex.....	257A
La Grange, Tex.....	285A
Lake Village, Ark.....	240A
Waverly, Iowa.....	257A
Tomahawk, Wis.....	261A
Avon Park, Fla.....	292A
Durand, Wis.....	240A
Grayling, Mich.....	261A
Canton, Mo.....	272A

¹A site about 3.5 miles south of Durand would be required in order to meet the minimum spacing requirements of the rules for Channel 240A.

3. RM-1459. Willow Springs, Mo. On May 21, 1969, Stereo Broadcasting, Inc., licensee of Station KTXR(FM), Springfield, Mo., filed a petition requesting the substitution of Channel 261A for 265A at Willow Springs, Mo. The purpose of the proposal is to avoid a short spacing between a proposed new site for KTXR (FM) on Channel 268 and the adjacent channel assignment at Willow Springs. No application is pending for Channel 265A at Willow Springs. Stereo submits that it proposes to move the KTXR site to the site of KMTC(TV), Springfield, in order to increase power and antenna height so as to provide an improved service area. Channel 261A can be assigned to Willow Springs in conformance with all the separation rules and without adversely affecting any other station or assignment. There were no comments filed in opposition to the proposal. We are therefore of the opinion that substitution of Channel 261A for 265A at Willow Springs, Mo., is warranted and the proposal is being adopted.

4. Weslaco, Tex. and Laredo, Tex. In addition to the changes proposed by interested parties, the Commission proposed on its own motion changes in Weslaco and Laredo, Tex. Assignments were inadvertently made short spaced between McAllen, Tex. (Channel 245) and Weslaco (Channel 247). We proposed to substitute Channel 290 for 247 at Weslaco. Substitution of Channel 286 for 289 at Laredo, Tex., is necessary to accommodate the proposed change at Weslaco. None of the channels involved are occupied and no application is pending for

their use. There were no comments filed on these changes. Therefore, the following changes are being made in the Table:

City	Channel No.	
	Present	Proposed
Weslaco, Tex.....	247, 288	258, 290
Laredo, Tex.....	224A, 264, 289	224A, 264, 286

5. Authority for the adoption of the amendments contained herein is contained in sections 4(l), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing, *It is ordered*, That effective December 1, 1969, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, with respect to the communities listed below, as follows:

City	Channel No.
Arkansas: Lake Village.....	240A
Florida: Avon Park.....	292A
Iowa: Waverly.....	257A
Michigan: Grayling.....	261A
Missouri:	
Canton.....	272A
Willow Springs.....	261A
Texas:	
Atlanta.....	257A
La Grange.....	285A
Laredo.....	224A, 264, 286
Weslaco.....	258, 290
Wisconsin:	
Durand.....	240A
Tomahawk.....	261A

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: October 22, 1969.

Released: October 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-12898; Filed, Oct. 28, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak.

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.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Lacreek National Wildlife Refuge, S. Dak., is permitted only on the areas designated by signs as open to hunting. The two open areas; Little White River Recreation Area (310 acres) and Habitat Unit 10 (1,100 acres) are delineated on a map available at the refuge headquarters, Martin, S. Dak. 57551, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

²By the Commission: Commissioner Cox not participating.

Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of upland game subject to the following special conditions:

Little White River Recreation Area

(a) Species permitted to be taken: Pheasants and grouse (sharp-tailed and pinnated) during the seasons specified below. The hunting of other upland species, as may be authorized by South Dakota State regulations, is prohibited.

(b) Open season: Grouse—from sunrise to sunset each day from September 27 through November 30, 1969; Pheasants from noon to sunset (c.s.t.) daily from October 18 through November 16, 1969.

Habitat Unit 10

(a) Species permitted to be taken: Pheasants during the season specified below. The hunting of other upland species, as may be authorized by South Dakota State regulations, is prohibited.

(b) Open season: Pheasant—from noon to sunset (c.s.t.) daily from October 29 through November 9, 1969.

(c) Hunting will be allowed by special permit only. Hunting permits will be issued at designated entrances to the hunting area.

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 November 30, 1969.

ALFRED L. RADTKE, Jr.,
Acting Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

AUGUST 28, 1969.

[F.R. Doc. 69-12872; Filed, Oct. 28, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1134]

[Docket No. AO-301-A10]

MILK IN WESTERN COLORADO MARKETING AREA

Notice of Rescheduled 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 was issued October 15, 1969 (34 F.R. 17070), giving notice of a public hearing to be held at the Holiday Inn, Interstate 70 and Horizon Drive, Grand Junction, Colo., beginning at 9:30 a.m. local time, on November 3, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Western Colorado marketing area.

Notice is hereby given that the said public hearing is rescheduled to be held on December 16, 1969. The location of the hearing and its scheduled time are not changed.

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

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-12866; Filed, Oct. 28, 1969;
8:46 a.m.]

DEPARTMENT OF HEALTH, EDU- CATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

METROPOLITAN DALLAS-FORT WORTH INTRASTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Dallas-Fort Worth Intrastate Air Quality Control Region (Texas) as set forth in the following new § 81.39 which would be added to

Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Texas and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 10 a.m., November 12, 1969, in the Auditorium, Fort Worth Department of Health, 1800 University Drive, Fort Worth, Tex.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.39 is proposed to be added to read as follows:

§ 81.39 Metropolitan Dallas-Fort Worth Intrastate Air Quality Control Region.

The Metropolitan Dallas-Fort Worth Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:	
Collin County.	Kaufman County.
Dallas County.	Parker County.
Denton County.	Rockwall County.
Ellis County.	Tarrant County.
Johnson County.	Wise County.

This section is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2 (a), 1857g(a).

Dated: October 21, 1968.

JOHN T. MIDDLETON,
Commissioner, National Air
Pollution Control Administration.

[F.R. Doc. 69-12767; Filed, Oct. 28, 1969;
8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 69-106]

REPORTS OF HAZARDOUS MATERIALS INCIDENTS

Proposed Rule Making and Public Hearing

The Commandant, U.S. Coast Guard is considering a proposal to amend Part 146 of Title 46 of the Code of Federal Regulations to include a requirement for the immediate reporting of serious incidents involving hazardous materials, as well as a requirement for reporting certain information concerning all hazardous materials incidents whether or not an immediate notification is required.

By a separate document published at page 17450 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation announced proposed amendments to Part 171, Title 49 of the Code of Federal Regulations. The amendments proposed in that document relate primarily to incidents involving rail or highway transportation. For reasons fully stated in that document, the need for the same reporting requirements exists with respect to transportation by water. Accordingly, it is here proposed to apply essentially the same reporting requirements announced in that document to transportation by water.

Interested persons are invited to submit written data, views, arguments or comments regarding this proposal to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591. Communications received on or before January 12, 1969, will be considered before final action is taken on the proposal. Communications should be submitted in triplicate and identify the section number to which it is directed; the specific wording recommended; the reason for the recommended change, and the name and address of the firm, if any, making the submission.

In addition to publication in the FEDERAL REGISTER, copies of this document will be mailed to persons and organizations who have previously requested that they be furnished with copies of proposed changes in the regulations. Also,

copies will be forwarded upon request to the Commandant (CMC) and will be available for examination at that office, as well as the offices of the Coast Guard District Commanders.

In addition, the Merchant Marine Council will hold a public hearing on this proposal on January 12, 1970, at 9:30 a.m. in the Departmental Auditorium, located between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C. The hearing will be an informal one. It will not be a judicial or evidentiary type of hearing and there will be no cross-examination of persons presenting statements. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. After all the parties have completed their initial oral statements, they will be given an opportunity to make rebuttal statements in the same order in which they make their initial statements.

Each communication received within the time specified, whether or not at the public hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 4211, U.S. Coast Guard Headquarters, Washington, D.C., both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the communications received.

This proposal is made under authority of R.S. 4405, as amended, 4417a, as amended, 4462, as amended, 4472, as amended, secs. 10-13, 18 Stat. 128, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 33 U.S.C. 361-364, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2).

There are a number of existing reporting requirements for vessels carrying explosives or other dangerous articles or substances. In the main, these reports must be made to the appropriate Coast Guard District Commander. 46 CFR 146.02-13(a) requires a report from any ocean going vessel prior to entering a port as to the existence on board of a fire or other hazardous condition. 46 CFR 146.02-14(d), 146.02-15(a), and 146.02-15(b) require reports of the presence on board of a vessel of damaged, leaking or insecure containers or the emergency use of unauthorized containers. 46 CFR 146.02-16(a) requires a report as to the presence on board of a vessel of explosives or other dangerous articles under a false or deceptive descriptive name, marking, invoice, shipping paper, or other declaration. 46 CFR 146.19-50(a) requires a report if radioactive materials are involved in a fire or are damaged in any manner.

33 CFR 124.16(a) requires domestic or foreign vessels regardless of the nature of the cargo, if bound to a U.S. port to report the existence on board of a fire or any other abnormal condition which may jeopardize the vessel's safety or that of other vessels or the harbor.

All the above reporting requirements relate directly to Coast Guard operations and prompt notification to the appropriate local Coast Guard official is necessary in order that measures to safeguard the

vessel, other vessels and the port can be immediately instituted. For these reasons, it is not intended to amend these existing requirements.

In addition, 46 CFR 136.05-1 and 136.05-10 require a report to the nearest marine inspection officer by the owner, master or person in charge of a vessel that is involved in a marine casualty. This requirement has no relationship to the cargo carried by the vessel. A reportable casualty is one which results in physical damage to property in excess of \$1,500, material damage affecting the seaworthiness or efficiency of the vessel, stranding or grounding, loss of life, or injury causing any person to remain incapacitated for a period in excess of 72 hours. These sections are supplemented by other sections of the regulations which deal with specific types of inspected vessels. See, 46 CFR 35.15-1 (Tank Vessels); 46 CFR 78.07-1 and 78.07-10 (Passenger Vessels); 46 CFR 97.07-1 and 97.07-10 (Cargo and Miscellaneous Vessels); 46 CFR 167.65-65 (Public Nautical School Ships); 46 CFR 185.15-1 (Small Passenger Vessels); 46 CFR 196.07-1 and 196.07-10 (Oceanographic Vessels).

These reports are required not only to initiate an investigation of the casualty as required by 46 U.S.C. 239, but also to permit in appropriate cases an inspection of the vessel to determine its seaworthiness. Prompt notification to the responsible local official is vital in view of the limited availability in port of merchant vessels. For these reasons no change in these requirements is contemplated.

I. It is proposed to amend Subpart 146.02 as follows:

(A) In Subpart 146.02, Table of Contents, §§ 146.02-35, 146.02-36, would be added to read as follows:

Sec.	
146.02-35	Immediate notice of certain hazardous materials incidents.
146.02-36	Detailed hazardous materials incident reports.

(B) § 146.02-35 would be added to read as follows:

§ 146.02-35 Immediate notice of certain hazardous materials incidents.

(a) *Definitions.* "Hazardous materials" means "explosives or other dangerous articles or substances" as well as "inflammable or combustible liquid cargo in bulk" as used in title 46, United States Code, sections 170 and 391a, respectively.

(b) *Notice required.* The owner, master or agent of any vessel, domestic or foreign which is subject to the provisions of either sections 170 or 391a of title 46, United States Code, engaged in transporting hazardous materials (including loading, unloading, or temporary storage), shall report to the Department by telephone, radiotelephone, or radio message at _____ at the earliest practicable moment each incident which occurs on board while the vessel is in the navigable waters of the United States in which as a direct result of the hazard-

ous materials any of the followings occurs:

(1) A person is killed.
(2) An injured person needs medical attention away from the scene of the incident.

(3) Estimated vessel or other property damage exceeds \$5,000.

(4) A continuing danger to life exists following the incident.

(5) The incident is of such a nature that it is estimated that the resumption of normal operation of the vessel will be prevented for two hours or more.

(c) *Information required.* The following information shall be furnished in each report required by this section:

(1) Name of reporting person.
(2) Name of the vessel and the name and address of the owner or agent represented by reporter.
(3) Phone number where reporter can be contacted.

(4) Date, time, and location of incident.

(5) The extent of injuries, if any.
(6) Classification, name, and quantity of hazardous materials involved, if such information is available.

(7) Type of incident and nature of hazardous material involvement and whether a continuing danger to life exists on the vessel.

(d) *Additional report.* Each person making a report under this section shall also make the report required by § 146.02-36.

(C) § 146.02-36 would be added to read as follows:

§ 146.02-36 Detailed hazardous materials incident reports.

(a) *Foreign vessels.* The owner, master, or agent of any foreign vessel which is subject to the provisions of either sections 170 or 391a of title 46, United States Code, engaged in transporting hazardous materials (including the loading, unloading, or temporary storage), shall report in writing in duplicate on DOT Form _____¹ to the Department within 15 days of the date of discovery each incident which occurs on board while the vessel is in the navigable waters of the United States in which as a direct result of the hazardous materials any of the circumstances set forth in § 146.02-35(b) of this subchapter occurs, or there has been an unintentional release of hazardous materials from a package (including a tank).

(b) *U.S. vessels.* The owner, master, or agent of any vessel of the United States engaged in transporting hazardous materials (including the loading, unloading, or temporary storage), shall report in writing in duplicate on DOT Form _____¹ within 15 days of the date of discovery each incident that occurs on board, regardless of the location of the vessel at the time, in which as a direct result of the hazardous materials any of the circumstances set forth in § 146.02-35(b) of this subchapter occurs, or there has been an unintentional release of hazardous materials from a package (including a tank).

¹ Filed as part of the original document.

(c) *To whom made.* Each person making a report under this section shall make that report to the Director, Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590.

(d) *Form.* Copies of DOT Form -----¹ are available without charge upon request to the above address. Additional copies in the prescribed format may be reproduced and used if on the same size and kind of paper.

Dated: October 17, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-12877; Filed, Oct. 28, 1969;
8:47 a.m.]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-103]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Bismarck, N. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Bismarck, N. Dak., control zone and transition area, the VOR and ILS instrument approach procedures have been modified. In addition, the criteria for designation of control zones and transition areas have been changed. Accordingly, it is necessary to alter the Bismarck control zone and transition area to adequately

¹ Filed as part of the original document.

protect aircraft executing the modified approach procedure and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

BISMARCK, N. DAK.

Within a 5½-mile radius of Bismarck Municipal Airport (latitude 46°46'40" N., longitude 100°45'05" W.); and within 2 miles each side of the Bismarck ILS localizer southeast course, extending from the 5½-mile radius zone to 1 mile northwest of the OM.

2. In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

BISMARCK, N. DAK.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Bismarck VORTAC; within a 20-mile radius of the Bismarck VORTAC, extending from the Bismarck VORTAC 152° radial clockwise to the Bismarck VORTAC 182° radial; within 4½ miles north and 9½ miles south of the Bismarck VORTAC 105° radial, extending from the 17-mile radius area to 18½ miles east of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Bismarck ILS localizer southeast course, extending from the 17-mile radius area to 18½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Bismarck VORTAC, extending from the Bismarck VORTAC 182° radial clockwise to the Bismarck VORTAC 277° radial.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on October 13, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-12861; Filed, Oct. 28, 1969;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-102]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Kaiser, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the

proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Lee C. Fine Memorial Airport, Kaiser, Mo., using a State-owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Kaiser, Mo. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

KAISER, MO.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lee C. Fine Memorial Airport (latitude 38°05'50" N., longitude 92°32'55" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the 045° bearing from Lee C. Fine Memorial Airport, extending from the airport to 18½ miles northeast of the airport; and within 5 miles each side of the 225° bearing from Lee C. Fine Memorial Airport, extending from the airport to 12 miles southwest of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on October 13, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-12862; Filed, Oct. 28, 1969;
8:46 a.m.]

[14 CFR Parts 91, 105]

[Docket No. 9937; Notice 69-47]

PARACHUTE JUMPING

Proposed Altimeter Settings and Weather Minimums

The Federal Aviation Administration is considering amending Parts 91 and 105 of the Federal Aviation Regulations to

allow altimeters on aircraft carrying parachute jumpers to be set at zero altitude prior to takeoff, when the airport of that takeoff and the jump zone are at the same location. In addition, Part 105 would also be amended to bring the clearance from clouds requirements and flight visibility minimums of Part 105 in line with the basic VFR weather minimums of Part 91.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before January 27, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 91.81 presently requires each person operating an aircraft to maintain the cruising altitude or flight level of that aircraft by reference to an altimeter that is set either to specified altimeter settings or to the elevation of the airport of departure. The only exception from this regulation has been in the case of a parachute club whose members have been granted a waiver from § 91.81. Parachutists claim that setting the altimeter at zero altitude provides for greater safety since they rely on the altimeter reading before making their jump. Clearly it is safer for the parachute jumper if the pilot, jumpmaster, or jumper can look at the altimeter and read the altitude above the jumpsite without having to make a mental calculation to determine the height above the ground.

The proposed amendment would allow an exception to § 91.81 for aircraft carrying parachute jumpers. It would permit the operator of the aircraft to set the altimeter at zero altitude before takeoff if the parachutists are to jump onto the surface of the airport of departure. However, the requirements of § 91.109 would continue to apply, and the pilot would be required to maintain the applicable cruising altitude or flight level above mean sea level that is appropriate to his magnetic course.

Sections 105.29 and 105.31 provide requirements for clearance from clouds and flight visibility minimums for parachute jumping. When these sections were issued they were equivalent to, or more restrictive than, the basic VFR weather minimums. However, Amendment 91-51 to Part 91, effective March 16, 1968, revised weather minimums for visual flight rule (VFR) operations, in particular, the

minimums for aircraft operating at altitudes 1,200 feet or more above the surface and at or above 10,000 feet mean sea level (MSL). In order to keep weather minimums for parachute jumping consistent with VFR weather minimums, it is proposed to revise section 105.29 to reflect these changes in VFR weather minimums and to delete § 105.31.

In consideration of the foregoing, it is proposed to amend Parts 91 and 105 of the Federal Aviation Regulations as follows:

1. By adding a flush paragraph at the end of paragraph (a) of § 91.81 to read as follows:

§ 91.81 Altimeter settings.

(a) * * *

However, in an aircraft being used in operations under Part 105 of this chapter, the altimeter may be set in accordance with § 105.28.

2. By adding a new § 105.28 to read as follows:

§ 105.28 Altimeter setting and altitude reporting.

A pilot in command of an aircraft carrying parachute jumpers may set the aircraft altimeter to zero altitude prior to takeoff, if the parachute jumps are to be made onto the airport of departure. However, the cruising altitude or flight level of the aircraft required by § 91.109 of this chapter shall be maintained, and all altitude reports shall be made, as if the altimeter were set in accordance with § 91.81 of this chapter.

3. By amending § 105.29 to read as follows:

§ 105.29 Flight visibility and clearance from cloud requirements.

No person may make a parachute jump, and no pilot in command of an aircraft may allow a parachute jump to be made from that aircraft—

(a) Into or through a cloud;

(b) At an altitude less than 10,000 feet MSL, but more than 1,200 feet above the surface, if the flight visibility is less than 3 statute miles, and at a distance of less than 500 feet under, 1,000 feet over, or 2,000 feet horizontally from any cloud formation;

(c) At an altitude of 1,200 feet or less above the surface (regardless of the MSL altitude), if the flight visibility is less than 3 statute miles, and at a distance of less than 500 feet under, 1,000 feet over, or 2,000 feet horizontally from any cloud formation; and

(d) At an altitude of 10,000 feet MSL or above, and more than 1,200 feet above the surface, if the flight visibility is less than 5 statute miles, and at a distance of less than 1,000 feet under, 1,000 feet over, and 1 mile horizontally from any cloud formation.

4. By deleting § 105.31.

These amendments are proposed under the authority of sections 307, 313(a) and 601 of the Federal Aviation Act of 1958

(49 U.S.C. 1348, 1354, 1421) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 23, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[P.R. Doc. 69-12863; Filed, Oct. 28, 1969; 8:46 a.m.]

Hazardous Materials Regulations Board

[14 CFR Part 103]

[Docket No. 9938; Notice No. 69-48]

TRANSPORTATION OF HAZARDOUS MATERIALS

Reports of Hazardous Materials Incidents

The Hazardous Materials Regulations Board is considering amending the Department's Hazardous Materials Regulations applicable to transportation by air to include hazardous materials incident reporting requirements.

By separate document published at page 17450 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board announced proposed reporting requirements. While the provisions of Title 49 of the Code of Federal Regulations proposed to be amended in that document relate primarily to incidents involving rail or highway transportation, for the reasons stated therein, the need for the same information exists with respect to transportation by air. Therefore, the Board is considering amending Part 103 of the Federal Aviation Regulations to include therein the proposed reporting requirements. The language of the proposed requirements (but not the specific sections in Part 103) is set forth in the referenced document and therefore, is not repeated herein.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before January 12, 1970, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h)).

Dated: September 17, 1969.

SAM SCHNEIDER,
Acting Administrator,
Federal Aviation Administration.

[P.R. Doc. 69-12875; Filed, Oct. 28, 1969; 8:47 a.m.]

[49 CFR Parts 171, 173, 174, 175, 176, 177, 180]

[Docket No. HM-36; Notice No. 69-29]

TRANSPORTATION OF HAZARDOUS MATERIALS**Reports of Hazardous Materials Incidents**

The Hazardous Materials Regulations Board is considering amending the Department's Hazardous Materials Regulations to include (1) a requirement for the immediate reporting of serious incidents involving hazardous materials and (2) a requirement for the reporting of certain information concerning all hazardous materials incidents whether or not an immediate notification is required.

On April 1, 1969, the National Transportation Safety Board submitted to the Secretary of Transportation a study titled, "Uniform Reporting System for All Modes of Transportation in Reporting Incidents and Accidents Involving the Shipment of Hazardous Materials" (copies may be obtained from the National Transportation Safety Board, 1626 K Street NW., Washington, D.C. 20591). In setting forth the background for its study the NTSB stated:

In the process of reviewing a number of hazardous materials accidents in the past year, the National Transportation Safety Board has become aware of the need for a centralized and coordinated system within the Department of Transportation to collect, process, and disseminate information among the modes pertaining to improving the safety of hazardous materials transport in all its phases in all modes. In its background summary, the Board further stated:

The effective use of data is of prime importance in developing hazardous materials regulations—data from both accidents and incidents (which require definition)—but under existing reporting requirements and procedures it is virtually impossible to consolidate and compare analytically such information on a cross-modal basis. Each mode is essentially concerned only with itself, and hazardous materials accident or incident reports, where submitted, do not contain information appropriate in character, depth, or detail to have much value in preventing hazardous materials accidents in other modes. There is no satisfactory system now for collecting and analyzing such data so that all modes may to a maximum degree benefit from the experience of each.

After reviewing the present reporting requirements (or lack thereof) in each of this Department's operating administrations, the NTSB concluded:

A unified data system, based on uniform definitions of terms, utilizing a common reporting form to be submitted by carriers, with a flow of reports and supplemental information designed to be channeled to a common data center, and with the processed data (and results of special studies) being made available to all Administrations, would be a logical and necessary prerequisite toward solving many of the problems now confronting all Administrations in the transport of hazardous materials. The increase in traffic, the increase in demand for materials classified as hazardous, and the increasing need for intermodal coordination make this essential not only as an economic necessity, but for the safety of all concerned.

The National Transportation Safety Board then made the following recommendations to the Secretary of Transportation:

1. That the term "hazardous materials incident" be defined in regulations governing transport of such materials in all transportation modes, and that the definitions of hazardous materials accidents, now established independently for each mode, be revised for greater standardization across all transportation modes.

2. That a uniform, cross-modal reporting form be developed, appropriate for automatic data processing purposes, for hazardous materials incidents and accidents.

3. That a centralized reporting system be established within the Department of Transportation, coordinating the handling of reports of all hazardous materials incidents and accidents by carriers to the Administrations and the Coast Guard (as applicable), to operate through a central "clearinghouse" where such data would be collected and evaluated to determine whether greater emphasis should be directed to shipper and carrier compliance with existing requirements, or to the need for change in containers, in hazardous classifications, or in handling requirements.

4. That the Department's Hazardous Materials Regulations Board expedite its action to amend or to revise existing Federal Regulations. It should develop uniform regulations for all modes of transport relating to the shipment and carriage of hazardous materials, as may be necessary to assure substantial uniformity among all modes as to reporting requirements, and processing of incident and accident reports involving hazardous materials, so that a centralized and unified hazardous materials reporting system and clearinghouse might function effectively. If this cannot be done within the existing statutory framework, consideration should then be given to seeking legislation which would authorize the issuance of one regulation applicable to all modes by the Secretary, following appropriate consultation with the Administrations and the Coast Guard.

The Hazardous Materials Regulations Board has for sometime been working on a centralized and unified system for collecting information about accidents and incidents involving hazardous materials. The Board agrees with the NTSB's statements as to the importance of accident and incident data in evaluating the effectiveness of existing regulations and in developing new hazardous materials regulations. At present, the little information which is being received is often inaccurate or incomplete; therefore, it is difficult for the Department to properly respond to such occurrences.

This proposal covers two primary areas. The first is a requirement that carriers (including private carriers) make immediate reports to the Department by telephone when incidents of a specified severity occur (the word "incident" is used in the proposed regulations to cover all reportable occurrences that involve hazardous materials). The single telephone number to be provided in the regulations will be for a telephone that is attended by personnel of the Department on a 24-hour basis. While notification by telephone is specified in this notice, comments are requested on the feasibility of using other means of communication to accomplish the required notification with

the immediacy that the Board considers necessary. The immediate report would cover the essential items of information necessary for the operating administrations of the Department and the National Transportation Safety Board to determine what immediate action should be taken by them, if any. The immediate notification requirement proposed would also apply to the transportation of liquids by pipeline now covered by Part 180 of this chapter.

The second part of the proposal is a routine reporting requirement that would require the submission of reports in a prescribed format to the Office of Hazardous Materials in those instances where an immediate report is required and also in any case where there has been an unintentional release of hazardous materials from a package. The proposed report (copies of which may be obtained from the Secretary, Hazardous Materials Regulations Board at the address set forth below), which is to be submitted within 15 days of occurrence of discovery of an incident, would provide information and data such as: Hazardous materials involved, consequences, packaging information, probable cause of packaging failure, shipper and consignee identification, and a narrative account explaining the incident. The information derived from these reports will be used by the Department: (1) As an aid in evaluating the effectiveness of the existing regulations; (2) to assist in determining the need for regulatory changes to cover changing transportation safety problems; and (3) to determine the major problem areas so that the attention of the Department may be more suitably directed to those areas.

This centralized reporting system would amend or replace the existing reporting requirements presently provided for in §§ 173.11, 174.506, 174.508, 174.565, 174.588, 175.660, 176.707, 177.807, 177.814, 177.861, and add an immediate reporting requirement to Part 180.

One effect of this proposal would be to eliminate the requirement that is now contained in several of these sections that the Bureau of Explosives of the Association of American Railroads must be notified in certain circumstances. Elimination of this requirement would not prevent carriers from voluntarily notifying the Bureau of Explosives but this notification would no longer be required by Federal regulation.

Interested persons are invited to give their views on the proposal discussed herein. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before January 12, 1970, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend the Department of Transportation's Hazardous Materials Regulations as set forth below.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on October 23, 1969.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

Issued in Washington, D.C., on October 23, 1969.

E. H. HOLMES,
Acting Federal
Highway Administrator.

I. Part 171 would be amended as follows:

(A) In Part 171, Table of Contents, §§ 171.15, 171.16 would be added to read as follows:

- Sec.
171.15 Immediate notice of certain hazardous materials incidents.
171.16 Detailed hazardous materials incident reports.

(B) § 171.15 would be added to read as follows:

§ 171.15 Immediate notice of certain hazardous materials incidents.

(a) Each carrier who transports hazardous materials shall report to the Department by telephone at the earliest practicable moment after each incident that occurs during the course of transportation (including loading, unloading, or temporary storage) in which as a direct result of the hazardous materials any of the following occurs:

- (1) A person is killed.
- (2) An injured person needs medical attention away from the scene of the incident.
- (3) Estimated carrier or other property damage exceeds \$5,000.
- (4) A continuing danger to life exists following the incident.
- (5) The incident is of such a nature that it is estimated that the resumption of normal operation of the transportation facility involved (e.g., highway, railroad) will be prevented for 2 hours or more.

(b) The following information shall be furnished in each report required by this section:

- (1) Name of reporting person.
- (2) Name and address of carrier represented by reporter.
- (3) Phone number where reporter can be contacted.
- (4) Date, time, and location of incident.
- (5) The extent of injuries, if any.
- (6) Classification, name, and quantity of hazardous materials involved, if such information is available.
- (7) Type of incident and nature of hazardous material involvement and whether a continuing danger to life exists at the scene.

(c) Each person making a report under this section shall also make the report required by § 171.16.

(C) § 171.16 would be added to read as follows:

§ 171.16 Detailed hazardous materials incident reports.

(a) Each carrier who transports hazardous materials shall report in writing in duplicate on DOT Form _____ to the Department within 15 days of the date of discovery each incident that occurs during the course of transportation (including loading, unloading, or temporary storage) in which as a direct result of the hazardous materials any of the circumstances set forth in § 171.15(a) occurs or there has been an unintentional release of hazardous materials from a package (including a tank).

(b) Each person making a report under this section shall make that report to the Director, Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590.

(c) Copies of DOT Form _____ are available without charge upon request to the above address. Additional copies in the prescribed format may be reproduced and used if in the same size and kind of paper.

[Docket No. HM-36; Notice 69-29, CGFR-69-106—Proposed Information Requirements for Hazardous Materials Incident Reports]

DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS INCIDENT REPORT

Submit in duplicate to Director, Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590. If the space provided for any item is not adequate, continue in "Remarks" keying to the item number. Copies of this form will be supplied without charge upon request to the foregoing address. Additional copies in this format may be reproduced using the same size, and kind of paper.

- A. Reporting Carrier or Company:
1. Name of Agency, Company, or Individual submitting the report _____
2. Address _____
3. Date and time of incident: Month _____ Day _____ Year _____ Time _____
4. Location of incident _____
5. Type of vehicle or facility _____
B. Hazardous Material Involved:
6. Shipping name _____
7. Hazard classification _____
8. Trade name as shown on packages _____
C. Probable Cause(s) of Packaging Failure: (Check one or more as applicable and describe in item No. 30 "Remarks.")
9. _____ External punctures.
_____ Crushed by other freight.
_____ Weld failures.
_____ Loose fitting valves or closures.
_____ Defective fitting valves or closures.
_____ Corrosion or rust.
_____ Bottom failures.
_____ Chime failures.
_____ Body or side failures.
_____ Dropped in handling.
_____ Water damage.
_____ Damage from other liquids.
_____ Ruptured due to internal pressure.
_____ External heat.
_____ Freezing.
_____ Failure of inner receptacles.
_____ Other conditions.

D. Consequences Due to Hazardous Materials Involved:

10. Number of persons killed _____
11. Number of persons injured _____
12. Estimated loss and property damage in dollars (including cleanup cost): \$ _____
- E. Packaging Information:
13. Type of packaging (steel drums, wooden box, cylinder, etc.) _____
14. Capacity or weight per package (55 gallons, 56 lbs., etc.) _____
15. Number of packages from which material escaped _____
16. Number of packages damaged from external cause _____
17. Number of packages of same type in vehicle or facility _____
18. DOT Specification number(s) on packages (21P, 17E, 3AA1800, etc., or none) _____
19. Other DOT packaging markings (49 CFR Part 178) Example: (18-55-69) (STC) _____
20. Name or symbol of packaging manufacturer _____
21. If reconditioned drum(s) show name or symbol of reconditioner and date _____
22. Show last test date if cylinder or tank _____
23. Type label(s) on package _____
24. DOT Special permit number (if any) _____

F. Shipping Information:

25. Name of shipper _____
26. Origin address of hazardous materials shipment involved _____
27. Name of consignee _____
28. Destination address of hazardous materials shipment involved _____
29. Shipping paper identification and number _____

G. Remarks:

30. Describe essential facts of incident including but not limited to defects, damage, probable cause, stowage, action taken at the time discovered, and action taken to prevent future incidents. Include any recommendations to improve packaging, handling, or transportation of hazardous materials. Photographs and diagrams should be submitted when necessary for clarification.

(More space will be provided on the final form.)

31. Date report prepared _____
32. Name of person preparing report _____
Telephone No. _____

[F.R. Doc. 69-12876; Filed, Oct. 28, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 95]

[Docket No. 18705; FCC 69-1146]

CITIZENS RADIO FREQUENCY FOR
EMERGENCY COMMUNICATIONS

Notice of Proposed Rule Making

In the matter of amendment of § 95.41 (d) of the Commission's rules to reserve a citizens radio frequency for emergency communications, Docket No. 18705, RM-1095, RM-1131, RM-1323.

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

2. The Commission has under consideration a petition filed in the above-entitled matter by George Nims Raybin for reconsideration of the Commission's action in its Order (FCC 68-1133) adopted on November 26, 1968, denying the petitions RM-1095, RM-1131, and RM-1323 to reserve one of the 23 frequencies available to Class D stations in the Citizens Radio Service for either emergency communications or as an emergency and calling channel. Numerous letters and comments from both individuals and organizations have been received supporting the emergency channel concept. The National REACT organization which comprises approximately 1,300 teams of citizens radio users throughout the United States support Mr. Raybin's petition for reconsideration. Among other things, it is argued that:

(a) A universal emergency frequency would facilitate the effective application of millions of citizens radios to highway safety and service problems, and

(b) It would encourage public safety officials to monitor the emergency channel and cooperate with volunteer citizens radio teams.

3. As we stated in denying the original petition, requests to reserve channels for various special uses have previously been considered and denied because of the multiplicity of requests and the limited number of frequencies available. The Commission has stated that it had no objection to the voluntary reservation of any frequency in an area for a particular use, but that no protection could be afforded such use. On a voluntary basis Channel 9 has been widely accepted throughout the country as a channel to be used during emergencies and by motorists seeking assistance.

4. Upon reconsideration, the Commission is persuaded that the official designation and reservation of a specific channel as an emergency channel and also as a channel on which the motorist may receive assistance would be in the public interest. It would improve the accessibility to an exclusive channel, avoid the necessity of having to clear the channel of routine traffic during emergencies, and would establish a uniform channel for this purpose throughout the country.

5. Mid Columbia Radio Club (RM-1095) urges that Channel 1 be designated for this purpose on the basis of its closer proximity to the frequency 26.62 MHz used by the Civil Air Patrol which often participates in search and rescue missions. Mr. Raybin (RM-1323) requests the allocation of an intrastation channel for such emergency and motorist assistance use because there is a shortage of interstation channels. However, the Commission believes that Channel 9 would be the better selection in view of the already widespread use of the frequency for these purposes. For example, Channel 9 has been designated by REACT National Headquarters, endorsed by major C-B publications and a number of states have approved Channel 9 by the placement of "monitor channel 9" signs on its highways. Also, we are proposing to restore the number of intercommuni-

cation channels to seven by designating an additional channel as a replacement (see par. 8 below).

6. National Capital Regional REACT (RM-1131) urges that this channel also be designated as a general calling channel to establish communications after which the stations would change to another frequency. This would be similar to the calling working frequency concept of the Maritime service. The desirability of using distress frequencies for calling in the Marine service is currently being reviewed. In any event, the Commission does not believe a frequency designated for emergency use in the Citizens Radio Service should be used for general calling purposes. Ships are required to monitor the distress frequency and participate in the distress system since they are frequently the only source of assistance. On the other hand, in the Citizens Radio Service assistance will generally come from an established organization which monitors the emergency channel rather than a nearby mobile unit. Further, we believe that the constant use of this channel for routine calling purposes will detract from its availability for emergency use, particularly under "skip" conditions, and may discourage volunteer organizations and public safety agencies, from monitoring for emergencies.

7. Mr. Raybin also suggests the subject rule making petitions be consolidated with RM-732 and RM-1212 in Docket 17049. Docket No. 17049 is an inquiry into the needs for emergency communications along our highways. RM-732, however, contemplates the creation of a new radio service not involving the Citizens Radio Service nor citizens radio frequencies. Thus, the subject petitions would not necessarily be relevant to the proceeding in Docket No. 17049. RM-1212 has been denied subsequent to the Commission's order denying the petitions in this proceeding although the matter is presently under reconsideration. The matter will be considered separately.

8. Accordingly, the Commission proposes to amend § 95.41(d) of its rules to reserve Channel 9 (27.065 MHz) for use only for emergency communications involving the immediate safety of life or protection of property or for communications necessary to render assistance to the motorist. Since this action would delete one of the seven frequencies available for communications between units of different licensees (interstation), the Commission is also proposing to make either Channel 8 (27.055 MHz) or Channel 15 (27.135 MHz) available for interstation communications. Comments are specifically invited on the question of which of the frequencies would cause the least disruption to existing operations. Channels other than 8 and 15 will not be considered because the Commission desires interstation channels, with the exception of Channel 23, to remain adjacent to one another. As in the case of the other interstation frequencies, the one selected would still be available for intrastation communications.

9. The Commission in taking this action notes that the proposed emergency

channel is not for the exclusive use of any one group or organization, but is to be shared by all emergency users. Emergency communications may, of course, continue to be made on other frequencies, and licensees must continue to give them priority as required by § 95.85(a). While it is expected that interference on the emergency channel from other citizens band stations will be minimized, the emergency channel, as are all Class D frequencies, would be subject to interference from industrial, scientific, and medical devices operating in band under the provisions of Part 18 of the Commission's rules. Also, the success of this proposal will depend, to a very large extent, upon the compliance that licensees are willing to observe. To be effective, the program will call for a high degree of self-policing.

10. This action is taken pursuant to sections 4(i) and 303 of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 10, 1969, and reply comments on or before December 31, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

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

Adopted: October 22, 1969.

Released: October 24, 1969.

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

[F.R. Doc. 69-12899; Filed, Oct. 23, 1969;
8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 542, 543, 545, 556]

[No. 23,455]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Relating to Hearings and Procedure on Certain Applications

OCTOBER 21, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 542, 543, 545, and 556 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 542, 543, 545, 556) for the purpose of making changes in the procedures used to process applications for permission to organize Federal savings and loan associations and for permission to establish

branch office and mobile facilities for such associations, which changes are designed to simplify such procedures and to expedite the decisional process on such applications. Accordingly, the Board hereby proposes to amend Parts 542, 543, 545, and 556 as follows:

1. Amend Part 542 by revising the heading thereof to read "Part 542—Amendment of Rules and Regulations" and by revoking § 542.2 thereof, relating to hearings.

2. Amend Part 543 by revising § 543.2 thereof, to read as follows:

§ 543.2 Application for permission to organize a Federal association.

(a) *General provisions.* All requests by interested persons for advice or instructions with respect to any matter arising under this section shall be addressed to the Board's Supervisory Agent. As used in this section, the term "Supervisory Agent" means the president of the Federal Home Loan Bank of the district in which the proposed association is to be located or any other officer or employee of such bank appointed by the Board as agent as provided by § 501.11 of this chapter. All recommendations by Supervisory Agents and by officers and employees of the Board in connection with any application for permission to organize a Federal association shall be deemed to be privileged and confidential and subject to the provisions of § 505.6 of this chapter.

(b) *Application form; supporting information.* An application for permission to organize a Federal association shall be in form prescribed by the Board and shall be executed by at least seven persons residing in the community to be served by the proposed association (hereinafter referred to as the "applicants"). Such application and prescribed "Outline of Information to be Submitted in Support of an Application for Permission to Organize a Federal Association" may be obtained from the Supervisory Agent. Information shall be furnished in support of the application in accordance with the such Outline designed to show: (1) The applicants are citizens of the United States of good character and responsibility; (2) there is a necessity for the proposed association in the community to be served by it; (3) there is a reasonable probability of usefulness and success of the proposed association; and (4) the proposed association can be established without undue injury to properly conducted existing local thrift and home-financing institutions. The application shall include an estimate of the annual income and expenses of the proposed association and of the annual volume of business to be transacted by it, and a statement of the personnel and office facilities to be provided for the operation of such association. An application shall be deemed to be complete when the foregoing requirements of this paragraph (b) have been met.

(c) *Filing of application.* An application for permission to organize a Federal association shall be filed with the Board by delivering two copies thereof, together

with two copies of all supporting information, to the Supervisory Agent.

(d) *Amendment of application; filing of additional information.* After a complete application for permission to organize a Federal association has been filed with the Board, and prior to the date of advice by the Supervisory Agent to the applicants to publish notice of the filing of the application pursuant to paragraph (e) of this section, the applicants may file additional information in support of the application and may amend the application; after the date of such advice, the applicants may not amend the application or file any additional supporting information unless requested to do so by the Supervisory Agent or otherwise by or on behalf of the Board.

(e) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to organize a Federal association is complete, the Supervisory Agent shall advise the applicants, in writing, to publish within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community to be served by the proposed Federal association, a notice of the filing of the application in the following form:

NOTICE OF FILING OF APPLICATION FOR PERMISSION TO ORGANIZE A FEDERAL SAVINGS AND LOAN ASSOCIATION

Notice is hereby given that, pursuant to the provisions of § 543.2 of the rules and regulations for the Federal Savings and Loan System

(Fill in names of applicants)

_____ have filed an application with the Federal Home Loan Bank Board for permission to organize a Federal savings and loan association to be located at, or in the immediate vicinity of _____

(Street address) (City)

The application has been de-

(State)

livered to the office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of _____

(City)

(Street address) (City)

Any person may file communications, including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. The application and all communications in favor or in protest thereof are available for inspection by interested persons at the aforesaid office of the Supervisory Agent.

(2) Promptly after publication of the notice, the applicants shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any

person may file, at the office of the supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicants may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board.

(4) The application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by interested persons after the issuance to the applicants of advice to publish a notice. Prior thereto, the application and the fact that it has been filed shall be held as confidential.

(f) *Oral argument.*—(1) *General provisions.* Ordinarily, an application for permission to organize a Federal association will be considered without oral argument. However, if the Supervisory Agent, after review of the application and other pertinent information, considers it desirable to have oral argument on the merits of the application, he shall mail a notice, fixing the time and place for such oral argument, to the applicants and to all persons who have filed communications in favor or in protest of the application. Such oral argument shall be scheduled not less than 10 days after the mailing of such notice.

(2) *Procedure.* The oral argument with respect to any such application may be made in person or by authorized representatives, but the oral argument should be based on written information which has been filed in connection with the application and should not include new information. Unless the Supervisory Agent in his discretion considers it desirable to allow a longer time, he shall allow not more than 1 hour for oral argument in favor of an application and not more than 1 hour for all oral argument against an application. The Supervisory Agent shall have a transcript made of any oral argument and shall include such transcript in the application file.

(g) *Approval.* If the Board approves the application, it will establish, as conditions to be met prior to the issuance of a charter, requirements as to (1) minimum number of subscribers to the association's capital; (2) minimum amount of capital to be paid into the association's savings accounts upon issuance of a charter to it; and (3) such other requirements as it deems necessary or desirable. Approval of an application for permission to organize a Federal association will not in any manner obligate the Board to issue a charter.

3. Amend Part 545 by revising § 545.14 thereof, to read as follows:

§ 545.14 Branch office.

(a) *General provisions.* (1) Any business of a Federal association, as authorized by the association's board of directors, may be transacted at a branch office.

(2) A Federal association shall not establish a branch office without prior written approval by the Board. Determination by a Federal association to make an application for permission to establish a branch office shall be evidenced by a resolution duly adopted by the association's board of directors. The making, filing, and processing of, and action on an application for permission to establish a branch office shall be in accordance with this section.

(3) All requests by a Federal association for advice or instructions with respect to any matter arising under this section shall be addressed to the Board's Supervisory Agent. As used in this section, the term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the applicant association is located or any other officer or employee of such bank appointed by the Board as agent as provided by § 501.11 of this chapter. All recommendations by Supervisory Agents and by officers and employees of the Board in connection with branch office applications shall be deemed to be privileged and confidential and subject to the provisions of § 505.6 of this chapter.

(b) *Eligibility.* No application for permission to establish a branch office by a Federal association shall be considered or processed, except to determine the association's eligibility under the provisions of this paragraph (b), if, at the date on which such application is filed with the Board:

(1) The association has not been in operation for a period of at least 3 years;

(2) Less than 12 months have expired from the date of publication of the notice of application for the association's most recently approved branch, if not yet opened;

(3) The association does not submit in support of its application evidence giving reasonable assurance that the proposed branch office, if approved, will be opened within 21 months after the date on which the application is filed, or, if the proposed branch office is to be located in a shopping center having not less than 400,000 square feet of shopping space, within 36 months after such date;

(4) The association has on file any other application for permission to establish a branch office with respect to which action by the Board is pending;

(5) A period of at least 9 months has not elapsed since disapproval by the Board of an application by the association for permission to establish a branch office to serve any substantial part of the same savings service area as determined by the Supervisory Agent; or

(6) The sum of reserves and surplus is less than 4 percent of savings accounts;

Provided, however, That the Board may, with respect to a particular application, determine to consider and process that application without regard to the eligibility requirements contained in

subparagraphs (2) and (4) of this paragraph.

(c) *Application form; supporting information.* An application for permission to establish a branch office shall be in form prescribed by the Board. Such application and prescribed "Outline of Information to be Submitted in Support of an Application for Permission to Establish (Maintain) a Branch Office" may be obtained from the Supervisory Agent. Information shall be furnished in support of the application in accordance with such Outline designed to show: (1) There is or will be at the time the branch is opened a necessity for the proposed branch office in the community to be served by it; (2) there is a reasonable probability of usefulness and success of the proposed branch office; and (3) the proposed branch office can be established without undue injury to properly conducted existing local thrift and home-financing institutions. The application shall include an estimate of the annual income and expenses of the proposed branch office and of the annual volume of business to be transacted by it, and a statement of the functions to be performed at such office and of the personnel and office facilities to be provided for the operation of the office. An application shall be deemed to be complete when the foregoing requirements of this paragraph (c) have been met.

(d) *Filing of application; proposed budget.* An application for permission to establish a branch office shall be filed with the Board by delivering two copies thereof, together with two copies of all supporting information, to the Supervisory Agent. In addition to and concurrently with the filing of such application and supporting information, the applicant shall deliver to the Supervisory Agent, for confidential use by the Board, two copies of a proposed budget of the association.

(e) *Amendment of application; filing of additional information.* After a complete application for permission to establish a branch office has been filed with the Board, and prior to the date of advice by the Supervisory Agent to the applicant to publish notice of the filing of the application pursuant to paragraph (g) of this section, the applicant may file additional information in support of the application and may amend the application; after the date of such advice, the applicant may not amend the application or file any additional supporting information unless requested to do so by the Supervisory Agent or otherwise by or on behalf of the Board.

(f) *Supervisory objection.* No application for permission to establish a branch office shall be approved if, in the opinion of the Board, the policies, condition, or operation of the applicant association afford a basis for supervisory objection to the application.

(g) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to establish a branch office is complete, that the association is

eligible, and if it has been preliminarily determined that there is no basis for supervisory objection to approval of the application, the Supervisory Agent shall advise the applicant, in writing, to publish within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community to be served by the proposed branch office, a notice of the filing of the application in the following form:

NOTICE OF FILING OF BRANCH OFFICE APPLICATION

Notice is hereby given that, pursuant to the provisions of § 545.14 of the rules and regulations for the Federal Savings and Loan System, the

(Federal Savings and Loan Association) _____, has filed an ap-

(City) (State) plication with the Federal Home Loan Bank Board for permission to establish a branch office at, or in the immediate vicinity of

(Street address) _____

(City) (State) The application

has been delivered to the office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of _____

(City) _____

(Street address) _____ Any person may file communi-

(City) cations, including briefs, in favor or in protest of said application at the aforesaid

office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. The application and all communications in favor or in protest thereof are available for inspection by interested persons at the aforesaid office of the Supervisory Agent.

(Federal Savings and Loan Association)

(2) Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board.

(4) The application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular

working hours for inspection by interested persons after the issuance to the applicant of advice to publish a notice. Prior thereto, the application and the fact that it has been filed shall be held as confidential.

(h) *Oral argument*—(1) *General provisions*. Ordinarily, an application for permission to establish a branch office will be considered without oral argument. However, if the Supervisory Agent, after review of the application and other pertinent information, considers it desirable to have oral argument on the merits of the application, he shall mail a notice, fixing the time and place for such oral argument, to the applicant and to all persons who have filed communications in favor or in protest of the application. Such oral argument shall be scheduled not less than 10 days after the mailing of such notice.

(2) *Procedure*. The oral argument with respect to any such application may be made in person or by authorized representatives, but the oral argument should be based on written information which has been filed in connection with the application and should not include new information. Unless the Supervisory Agent in his discretion considers it desirable to allow a longer time, he shall allow not more than 1 hour for oral argument in favor of an application and not more than 1 hour for all oral argument against an application. The Supervisory Agent shall have a transcript made of any oral argument and shall include such transcript in the application file.

(i) *Branch office incidental to conversion or merger*. A Federal association into which an existing institution is converted shall not thereafter maintain any office of the predecessor institution as a branch office of such Federal association, and a Federal association shall not maintain any office of another institution which is absorbed by merger, without prior written approval by the Board of an application by the association for permission to maintain such office. Such application shall be in form prescribed by the Board and shall be filed at the same time as a preliminary application for conversion is submitted to the Board pursuant to § 543.9 of this chapter or at the same time as an application for approval by the Board of a merger is submitted pursuant to § 546.2 of this chapter, and shall be processed in accordance with the provisions of this section with respect to applications for permission to establish a branch office, with the following exceptions:

(1) The provisions of this section with respect to public notice shall be applicable only in cases in which it is so determined by or on behalf of the Board, and the Supervisory Agent shall not advise an applicant association to publish notice pursuant to paragraph (g) of this section unless so instructed by or on behalf of the Board;

(2) The eligibility requirements of paragraph (b) of this section shall not be applicable to such application.

4. Amend Part 545 by revising § 545.14-4 thereof, to read as follows:

§ 545.14-4 *Mobile facility*.

(a) *General provisions*—(1) *Request for advice*. All requests by a Federal association for advice or instructions with respect to any matter arising under this section shall be addressed to the Board's Supervisory Agent.

(2) *Definition of "Supervisory Agent"*. As used in this section, the term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the applicant association is located or any other officer or employee of such bank appointed by the Board as agent as provided by § 501.11 of this chapter. All recommendations by Supervisory Agents and by officers and employees of the Board in connection with applications for permission to establish and operate mobile facilities shall be deemed to be privileged and confidential and subject to the provisions of § 505.6 of this chapter.

(b) *Eligibility*. No application for permission to establish a mobile facility by a Federal association shall be considered or processed, except to determine the association's eligibility under the provisions of this paragraph (b), if, at the date on which such application is filed with the Board:

(1) The association has not been in operation for a period of at least 3 years;

(2) Less than 12 months have expired from the date of publication of the notice of application for the association's most recently approved mobile facility, if not yet opened;

(3) The association does not submit in support of its application evidence giving reasonable assurance that the proposed mobile facility, if approved, will be opened within 15 months after the date on which the application is filed;

(4) The association has on file any other application for permission to establish a mobile facility with respect to which action by the Board is pending;

(5) A period of at least 9 months has not elapsed since disapproval by the Board of an application by the association for permission to establish a mobile facility to serve any substantial part of the same savings service area as determined by the Supervisory Agent; or

(6) The sum of reserves and surplus is less than 4 percent of savings accounts.

(c) *Conditions for establishing and operating a mobile facility*. In order to provide savings and loan services in areas which are not otherwise provided with such services locally, a Federal association may establish and operate a mobile facility, subject to the following requirements and limitations:

(1) Prior to the establishment and operation of any such facility, the association shall obtain written approval by the Board of an application by the association for permission to do so;

(2) Such facility shall be operated only at locations approved by the Board, each of which shall at all times be appropriately identified at the site;

(3) The mobile facility shall be established and operated at two or more loca-

tions, each of which, at the time of filing of the application for permission to establish and operate the mobile facility, shall be more than 10 miles from the locations of any home or branch office or agency of any other institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation;

(4) Any such facility shall be open for business at the same location on the same day or days (not to exceed 2 days) of each week, during such hours, aggregating a total of not less than 4 hours a day, as the association's board of directors may from time to time determine;

(5) Any business of the association, as authorized by its board of directors, may be transacted at such facility, and a detailed record of the transactions of each such facility shall be maintained as provided by § 545.20 of this part;

(6) The mobile equipment used in the establishment and operation of such facility shall not remain at any location while such facility is not open for business, except that such equipment may be at any approved location on the night before and the night following a day on which such facility is open for business; and

(7) Without prior approval by the Board, operation of such facility shall not be continued at any location after the expiration of such period of time as the Board may prescribe with respect to operation of the facility at such location.

(d) *Application form; supporting information*. An application for permission to establish and operate a mobile facility shall be in form prescribed by the Board and shall be supported in accordance with the prescribed "Outline of Information to be Submitted in Support of an Application for Permission to Establish and Operate a Mobile Facility." Such application shall show that there is a need for such facility at each proposed location and that it is not feasible to establish a full-time office at any such location. An application shall be deemed to be complete when the foregoing requirements of this paragraph (d) have been met.

(e) *Filing of application*. An application for permission to establish and operate a mobile facility shall be filed with the Board by delivering two copies thereof, together with two copies of all supporting information, to the Supervisory Agent.

(f) *Amendment of application; filing of additional information*. After an application for permission to establish and operate a mobile facility has been filed with the Board, and prior to the date of advice by the Supervisory Agent to the applicant to publish notice of the filing of the application pursuant to paragraph (h) of this section, the applicant may file additional information in support of the application and may amend the application; after the date of such advice, the applicant may not amend the application or file any additional supporting information unless requested to do so by the Supervisory Agent or otherwise by or on behalf of the Board.

(g) *Supervisory objection.* No application for permission to establish and operate a mobile facility shall be approved if, in the opinion of the Board, the policies, condition, or operation of the applicant association afford a basis for supervisory objection to the application.

(h) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to establish and operate a mobile facility is complete, the Supervisory Agent shall advise the applicant, in writing, to publish within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community to be served by the proposed mobile facility, a notice of the filing of the application in the following form:

NOTICE OF FILING OF APPLICATIONS FOR PERMISSION TO ESTABLISH AND OPERATE A MOBILE FACILITY

Notice is hereby given that, pursuant to the provisions of § 545.14-4 of the rules and regulations for the Federal Savings and Loan System, the _____ Federal Savings and Loan Association _____

_____ has filed
(City) (State)

application with the Federal Home Loan Bank Board for permission to establish and operate a mobile facility at the following locations: _____

(Street address) (City)
(State) The application has been

delivered to the office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of _____

(City) (Street address) Any
(City) (State)

person may file communications, including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. The application and all communications in favor or in protest thereof are available for inspection by interested persons at the aforesaid office of the Supervisory Agent.

(Federal Savings and Loan Association)

(2) Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the

preceding sentence or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board.

(4) The application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by interested persons after the issuance to the applicant of advice to publish a notice. Prior thereto, the application and the fact that it has been filed shall be held as confidential.

(i) *Oral argument*—(1) *General provisions.* Ordinarily, an application for permission to establish and operate a mobile facility will be considered without oral argument. However, if the Supervisory Agent, after review of the application and other pertinent information, considers it desirable to have oral argument on the merits of the application, he shall mail a notice, fixing the time and place for such oral argument, to the applicants and to all persons who have filed communications in favor or in protest of the application. Such oral argument shall be scheduled not less than 10 days after the mailing of such notice.

(2) *Procedure.* The oral argument with respect to any such application may be made in person or by authorized representatives, but the oral argument should be based on written information which has been filed in connection with the application and should not include new information. Unless the Supervisory Agent in his discretion considers it desirable to allow a longer time, he shall allow not more than 1 hour for oral argument in favor of an application and not more than 1 hour for all oral argument against an application. The Supervisory Agent shall have a transcript made of any oral argument and shall include such transcript in the application file.

(j) *Mobile facility incidental to conversion or merger.* A Federal association into which an existing institution is converted shall not thereafter maintain any mobile facility of the predecessor institution as a mobile facility of such Federal association, and a Federal association shall not maintain any mobile facility of another institution which is absorbed by merger, without prior written approval by the Board of an application by the association for permission to maintain such mobile facility. Such application shall be in form prescribed by the Board and shall be filed at the same time as a preliminary application for conversion is submitted to the Board pursuant to § 543.9 of this chapter or at the same time as an application for approval by the Board of a merger is submitted pursuant to § 546.2 of this chapter, and shall be processed in accordance with the provisions of this section with respect to applications for permission to establish and operate a mobile facility except that the provisions of this section with respect to public notice shall be applicable only in cases in which it is so

determined by or on behalf of the Board, and the Supervisory Agent shall not advise an applicant association to publish notice pursuant to paragraph (h) of this section unless so instructed by or on behalf of the Board; and the eligibility requirements of paragraph (b) of this section shall not be applicable to such application.

5. Amend Part 556 by rescinding § 556.4 thereof, a statement of policy relating to attendance at certain hearings.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943-1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by November 28, 1969, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-12867; Filed, Oct. 28, 1969; 8:46 a.m.]

[12 CFR Parts 562, 567, 571]
[No. 23,456]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Proposed Amendments Relating to Hearings and Procedure on Applications for Insurance of Accounts

OCTOBER 21, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 562, 567, and 571 of the rules and regulations for insurance of accounts (12 CFR Parts 562, 567, 571) for the purpose of making changes in the procedure used to process applications for insurance of accounts, which changes are designed to simplify such procedure and to expedite the decisional process on such applications. Accordingly, the Board hereby proposes to amend Parts 562, 567, and 571 as follows:

1. Amend Part 562 by revising §§ 562.3, 562.4, 562.5, and 562.7 thereof, to read as follows:

§ 562.3 Filing and amendment of application.

An application for insurance of accounts shall be filed with the Corporation by delivering two copies thereof, together with two copies of all supporting information, to the Supervisory Agent. After an application for insurance of accounts have been filed with the

Corporation, and prior to the date of advice by the Supervisory Agent to the applicant to publish notice of the filing of the application pursuant to § 562.4, the applicant may file additional information in support of the application and may amend it; after the date of such advice the applicant may not amend the application or file any additional supporting information unless requested to do so by the Supervisory Agent or otherwise by or on behalf of the Corporation.

§ 562.4 Processing of application by supervisory agent; public notice; inspection.

(a) *Public notice.* Upon determination by the Supervisory Agent that an application for insurance of accounts is complete, the Supervisory Agent shall advise the applicant, in writing, to publish, within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community proposed to be served by the applicant as an insured institution, a notice of the filing of the application in the following form:

NOTICE OF FILING OF APPLICATIONS FOR INSURANCE OF ACCOUNTS

Notice is hereby given that, pursuant to the provisions of Part 582 of the rules and regulations for insurance of accounts (fill in the name of applicant institution or names of organizers who are applicants in cases in which no charter has yet been issued) has (have) filed with the Federal Savings and Loan Insurance Corporation (fill in either (1) an application for insurance of accounts or (2) a request for a commitment to insure accounts) of an institution located or to be located at, or in the immediate vicinity of.....

(Street address)

The application

(City) (State)

has been delivered to the office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of.....

(City)

(Street address)

(City)

Any person may file communications, including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. The application and all communications in favor or in protest thereof are available for inspection by interested persons at the aforesaid office of the Supervisory Agent.

(b) *Filing of communications by others.* Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last

date for filing communications pursuant to the preceding sentence or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board.

(c) *Proof of publication.* Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(d) *Inspection.* The application, together with communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by interested persons after the issuance to the applicant of advice to publish a notice. Prior thereto, the application and the fact that it has been filed shall be held as confidential.

§ 562.5 Oral argument.

(a) *General provisions.* Ordinarily, an application for insurance of accounts will be considered without oral argument. However, if the Supervisory Agent, after review of the application and other pertinent information, considers it desirable to have oral argument on the merits of the application, he shall mail a notice, fixing the time and place for such oral argument, to the applicant and to all persons who have filed communications in favor or in protest of the application. Such oral argument shall be scheduled not less than 10 days after the mailing of such notice.

(b) *Procedure.* The oral argument with respect to any such application may be made in person or by authorized representatives, but the oral argument should be based on written information which has been filed in connection with the application and should not include new information. Unless the Supervisory Agent in his discretion considers it desirable to allow a longer time, he shall allow not more than 1 hour for oral argument in favor of an application and not more than 1 hour for all oral argument against an application. The Supervisory Agent shall have a transcript made of any oral argument and shall include such transcript in the application file.

§ 562.7 Action by Corporation.

The Corporation's approval of an application for insurance of accounts or of a request for a commitment to insure accounts may be conditioned by the Corporation upon submission of evidence satisfactory to the Corporation that the applicant has complied in a manner satisfactory to the Corporation with such conditions as are deemed necessary to enable the applicant to qualify for insurance. Failure by an applicant to comply with conditions imposed by the Corporation within the time fixed for such compliance, or within any extended time as the Corporation may fix, will result in the withdrawal of the conditional approval. Any subsequent application from such applicant shall be treated in the same manner as a new application.

Part 56. [Amended]

2. Amend Part 567 by revising the heading thereof to read "Part 567—Amendment of Rules and Regulations" and by revoking § 567.2 thereof, relating to hearings.

Part 57. [Amended]

3. Amend Part 571 by rescinding § 571.6 thereof, a statement of policy relating to attendance at hearings on applications for insurance of accounts.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by November 28, 1969, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-12868; Filed, Oct. 28, 1969; 8:46 a.m.]

[12 CFR Part 582]

[No. 23,457]

DISTRICT OF COLUMBIA SAVINGS AND LOAN OFFICES

Proposed Amendment Relating to Procedure on Applications for Branch Offices

OCTOBER 21, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 582 of the regulations for District of Columbia Savings and Loan Offices (12 CFR Part 582) for the purpose of making changes in the procedure used to process applications for branch offices, which changes are designed to simplify such procedure and to expedite the decisional process on such applications. Accordingly, the Board hereby proposes to amend Part 582 by revising § 582.1 thereof, to read as follows:

§ 582.1 Branch office.

(a) *General provisions.* (1) An association shall not establish a branch office in the District of Columbia without prior written approval by the Board and an association which it incorporated or organized under the laws of the District of Columbia shall not establish a branch office elsewhere without prior written approval by the Board. Determination by an association to make an

application for permission to establish a branch office shall be evidenced by a resolution duly adopted by the association's board of directors. The making, filing, and processing of, and action on, an application for permission to establish a branch office shall be in accordance with this section.

(2) All requests by an association for advice or instruction with respect to any matter arising under this section shall be addressed to the Board's Supervisory Agent. All recommendations by Supervisory Agents and by officers and employees of the Board in connection with branch office applications shall be deemed to be privileged and confidential and subject to the provisions of § 505.6 of this chapter.

(b) *Eligibility.* No application for permission to establish a branch office by an association shall be considered or processed, except to determine the association's eligibility under the provisions of this paragraph (b), if, at the date on which such application is filed with the Board:

(1) The association has not been in operation for a period of at least 3 years;

(2) Less than 12 months have expired from the date of publication of the notice of application for the association's most recently approved branch, if not yet opened;

(3) The association does not submit in support of its application evidence giving reasonable assurance that the proposed branch office, if approved, will be opened within 21 months after the date on which the application is filed, or, if the proposed branch office is to be located in a shopping center having not less than 400,000 square feet of shopping space, within 36 months after such date;

(4) The association has on file any other application for permission to establish a branch office with respect to which action by the Board is pending;

(5) A period of at least 9 months has not elapsed since disapproval by the Board of an application by the association for permission to establish a branch office to serve any substantial part of the same savings service area as determined by the Supervisory Agent; or

(6) The sum of reserves and surplus is less than 4 percent of savings accounts;

Provided, however, That the Board may, with respect to a particular application, determine to consider and process that application without regard to the eligibility requirements contained in subparagraphs (2) and (4) of this paragraph.

(c) *Application form; supporting information.* An application for permission to establish a branch office shall be in form prescribed by the Board. An association may obtain from the Supervisory Agent the prescribed application form and "Outline of Information to be Submitted in Support of an Application for Permission to Establish (Maintain) a Branch Office." Information shall be furnished in support of the application in accordance with such outline designed to show: (1) There is a necessity for the proposed branch office in the community

to be served by it; (2) there is a reasonable probability of usefulness and success of the proposed branch office; and (3) the proposed branch office can be established without undue injury to properly conducted existing local thrift and home-financing institutions. The application shall include an estimate of the annual income and expenses of the proposed branch office and of the annual volume of business to be transacted by it, and a statement of the functions to be performed at such office and of the personnel and office facilities to be provided for the operation of the office. An application shall be deemed to be complete when the foregoing requirements of this paragraph (c) have been met.

(d) *Filing of application; proposed budget.* An application for permission to establish a branch office shall be filed with the Board by delivering two copies thereof, together with two copies of all supporting information, to the Supervisory Agent. In addition to and concurrently with the filing of such application and supporting information, the applicant shall deliver to the Supervisory Agent, for confidential use by the Board, two copies of a proposed budget of the association.

(e) *Amendment of application; filing of additional information.* After a complete application for permission to establish a branch office has been filed with the Board, and prior to the date of advice by the Supervisory Agent to the applicant to publish notice of the filing of the application pursuant to paragraph (g) of this section, the applicant may file additional information in support of the application and may amend the application; after the date of such advice, the applicant may not amend the application or file any additional supporting information unless requested to do so by the Supervisory Agent or otherwise by or on behalf of the Board.

(f) *Supervisory objection.* No application for permission to establish a branch office shall be approved if, in the opinion of the Board, the policies, condition, or operation of the applicant association afford a basis for supervisory objection to the application.

(g) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to establish a branch office is complete, that the association is eligible, and if it has been preliminarily determined that there is no basis for supervisory objection to approval of the application, the Supervisory Agent shall advise the applicant, in writing, to publish, within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community to be served by the proposed branch office, a notice of the filing of the application in the following form:

NOTICE OF FILING OF BRANCH OFFICE APPLICATION

Notice is hereby given that, pursuant to the provisions of § 582.1 of Chapter V (E),

Title 12 (Banks and Banking) of the Code of Federal Regulations, the

Association

has filed an application with the Federal Home Loan Bank Board for permission to establish a branch office at, or in the immediate vicinity of

(Street address) (City)

(State)

The application has been delivered to the office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of

(City) (Street address)

(City)

Any person may file communications, including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. The application, together with all communications in favor or in protest thereof, are available for inspection by interested persons at the aforesaid office of the Supervisory Agent.

(Association)

(2) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board.

(3) Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(4) The application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by interested persons after the issuance to the applicant of advice to publish a notice. Prior thereto, the application and the fact that it has been filed shall be held as confidential.

(h) *Oral argument.*—(1) *General provisions.* Ordinarily, an application for permission to establish a branch office will be considered without oral argument. However, if the Supervisory Agent, after review of the application and other pertinent information, considers it desirable to have oral argument on the merits of the application, he shall mail a notice, fixing the time and place for

such oral argument, to the applicant and to all persons who have filed communications in favor or in protest of the application. Such oral argument shall be scheduled not less than 10 days after the mailing of such notice.

(2) *Procedure.* The oral argument with respect to any such application may be made in person or by authorized representatives, but the oral argument should be based on written information which has been filed in connection with the application and should not include new information. Unless the Supervisory Agent in his discretion considers it desirable to allow a longer time, he shall allow not more than 1 hour for oral argument in favor of an application and not more than 1 hour for all oral argument against an application. The Supervisory Agent shall have a transcript made of any oral argument and shall include such transcript in the application file.

(i) *Branch office incidental to merger.* No association shall maintain in the District of Columbia any office of another institution which is hereafter absorbed by merger, and no association which is incorporated or organized under the laws of the District of Columbia shall maintain any office of another institution which is hereafter absorbed by merger, without prior written approval by the Board of an application by the association for permission to maintain such office. Such application shall be in form prescribed by the Board and shall be processed in accordance with the provisions of this section with respect to applications for permission to establish a branch office, with the following exceptions:

(1) The provisions of this section with respect to public notice shall be applicable only in cases in which it is so determined by or on behalf of the Board, and the Supervisory Agent shall not advise an applicant association to publish notice pursuant to paragraph (g) of this section unless so instructed by or on behalf of the Board; and

(2) The eligibility requirements of paragraph (b) of this section shall not be applicable to such application.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp. p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C., by November 28, 1969, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL]

JACK CARTER,
Secretary.

[F.R. Doc. 69-12869; Filed, Oct. 28, 1969;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[No. MC-C-2]

NEW YORK, N.Y. COMMERCIAL ZONE

Redefinition of Limits

OCTOBER 24, 1969.

Redefinition of the limits of the New York, N.Y., commercial zone heretofore defined in No. MC-C-2 New York, N.Y., commercial zone, embracing Ex Parte No. MC-37, New York, N.Y., commercial zone, 88 M.C.C. 336, Petitioner: Lehigh Valley Railroad Co., Petitioner's representative: Richard D. Lalanne, 140 Cedar Street, New York, N.Y. 10006.

By petition filed July 2, 1969, the above-named petitioner requests the Commission to reopen the above pro-

ceedings for the purpose of redefining the limits of the New York, N.Y., commercial zone which were most recently defined on November 17, 1961, in New York, N.Y., commercial zone, 88 M.C.C. 336 at page 341 (49 CFR 1048.1) so as to include therein two specified areas located in Newark, N.J., at which petitioner operates and maintains rail freight yards.

Specifically, petitioner seeks to include within the zone points in Newark, N.J., within areas: (a) Bounded on the north by South Street and Delancey Street, on the east by Doremus Avenue, on the south by the freight right of way of Penn Central Co. (Waverly Yard, Newark, N.J., to Greenville Piers, Jersey City, N.J., line), and on the west by the Penn Central Co. Hunter Street produce yard; and (b) bounded on the north by Poinier Street, on the east by Broad Street, on the south by the passenger right of way of the Penn Central Co. Main Line, and on the west by Frelinghuysen Avenue.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the New York, N.Y., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before December 1, 1969. Each such statement should include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioners' representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-12884; Filed, Oct. 28, 1969;
8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency
INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 69-12864, Federal Deposit Insurance Corporation, *infra*.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
[Montana 13977]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 20, 1969.

The Department of Transportation, on behalf of the Montana Highway Commission, has filed application, M 13977, for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid claims.

The applicant desires the land for proposed highway construction. It is estimated the period of withdrawal will not exceed 4 years.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

PRINCIPAL MERIDIAN, MONTANA

T. 5 N., R. 5 W.,
Sec. 22, lots 4, 5, 7, 8, 9, and 10, Tract 40,
E½NW¼;
Sec. 23, lots 12, 13, 14, 15, 16, 17, 18, 19, and
20;
Sec. 24, lots 1, 2, and 3;
Sec. 25, lots 2 and 3, SW¼NE¼, N¼SE¼.

The area described aggregates approximately 920 acres in Jefferson County.

KENNETH J. SIRE,
Acting Land Office Manager.

[F.R. Doc. 69-12854; Filed, Oct. 28, 1969;
8:45 a.m.]

NEW MEXICO

Modification of Certain Grazing Districts; Correction

OCTOBER 22, 1969.

In F.R. Doc. No. 69-11009 (34 F.R. 14441-14444), in the issue of September 16, 1969, the following corrections are hereby made:

At page 14443, near the bottom of the middle column, between "secs. 26 to 35, inclusive" and "T. 18 S., R. 2 E.," add the following:

T. 22 S., R. 1 E.,
Sec. 4, lots 4, 5, 6, 7, E½NW¼, SW¼NW¼,
and NW¼SW¼;
Sec. 5;
Sec. 6, lots 1, 2, 6, 7, 8, and S½NE¼;
Sec. 8, lot 1;
Sec. 9, lot 1.

At page 14444, paragraph 2, under "T. 19 S., R. 18 E.," change "secs. 29 to 33, inclusive" to "secs. 29 to 32, inclusive."

JOHN O. CROW,
Associate Director.

[F.R. Doc. 69-12855; Filed, Oct. 28, 1969;
8:45 a.m.]

Office of the Secretary

CAROL M. BENNETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) Purchased: Research Cottrell.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of October 11, 1969.

Dated: October 13, 1969.

CAROL M. BENNETT.

[F.R. Doc. 69-12856; Filed, Oct. 28, 1969;
8:45 a.m.]

LAYTON E. KINCANNON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) Purchases: Datatron Processing, Ralph M. Parsons Co. Sales; Rank Organization, Ltd., Squibb-Beech Nut.
- (3) None.
- (4) None.

This statement is made as of October 8, 1969.

Dated: October 9, 1969.

LAYTON E. KINCANNON.

[F.R. Doc. 69-12857; Filed, Oct. 28, 1969;
8:45 a.m.]

MAXWELL S. McKNIGHT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) Delete Tricontinental Corp.
- (3) None.
- (4) None.

This statement is made as of October 6, 1969.

Dated: October 10, 1969.

MAXWELL S. McKNIGHT.

[F.R. Doc. 69-12858; Filed, Oct. 28, 1969;
8:45 a.m.]

EMMETT A. VAUGHY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) Purchased: Herff & Jones.
- (3) None.
- (4) None.

This statement is made as of September 15, 1969.

Dated: October 8, 1969.

EMMETT A. VAUGHEY.

[P.R. Doc. 69-12859; Filed, Oct. 28, 1969;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Interregional Research Project 4]

DR. C. C. COMPTON

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OH2467) has been filed by Dr. C. C. Compton, Interregional Research Project No. 4, State Agricultural and Experiment Station, Rutgers University, New Brunswick, N.J. 08903, proposing the establishment of a tolerance (21 CFR 121.1172) of 1 part per million for residues of the insecticide malathion in or on dried hops. Such residues would result from application of the insecticide to the growing raw agricultural commodity hops as proposed by the subject petitioner in a pesticide petition submitted under section 408(e) of the act.

Dated: October 22, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[P.R. Doc. 69-12853; Filed, Oct. 28, 1969;
8:45 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OH2468) has been filed by The Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, proposing that § 121.1225 *Adjuvants for pesticide use dilutions* (21 CFR 121.1225) be amended to provide for the safe use of crosslinked acrylamide-acrylic acid resin as an adjuvant for making pesticide use dilutions by a grower or applicator prior to application to the raw agricultural commodity.

Dated: October 22, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[P.R. Doc. 69-12852; Filed, Oct. 28, 1969;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21469; Order 69-10-117]

COMBS AIRWAYS, INC.

Order To Show Cause

Issued under delegated authority
October 24, 1969.

The Postmaster General filed a notice of intent September 29, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 43.46 cents per great circle aircraft mile for the transportation of mail by aircraft between Havre, Great Falls, Helena, and Billings, Mont.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Aero Commander, Model 500-B twin-engine aircraft equipped for all-weather operation and submits cost data in support of the proposed rate.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order¹ to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Combs Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 43.46 cents per great circle aircraft mile between Havre, Great Falls, Helena, and Billings, Mont.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f).

It is ordered, That:

1. Combs Airways, Inc., the Postmaster General, Northwest Airlines, Inc., Western Air Lines, Inc., Air West, Inc., Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt

¹ As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Combs Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Combs Airways, Inc., the Postmaster General, Northwest Airlines, Inc., Western Air Lines, Inc., Air West, Inc., and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[P.R. Doc. 69-12879; Filed, Oct. 28, 1969;
8:47 a.m.]

[Docket No. 20522; Order 69-10-111]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Expanding Issues

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of October, 1969.

Agreements adopted by the International Air Transport Association (IATA) relating to North Atlantic Cargo rates.

By Order 69-3-47, dated March 13, 1969, the Board instituted an investigation as to whether the relationship of North Atlantic air cargo rates or charges of IATA carriers between European points and New York City, compared with such rates or charges between European points and Baltimore, Md., and/or Washington, D.C., causes any undue or unreasonable preference or advantage to any person, port, locality, or description of traffic, or subjects any person, port, locality, or description of traffic to any unjust discrimination or any

undue or unreasonable prejudice or disadvantage, and whether IATA resolutions establishing such rates or charges are adverse to the public interest or in violation of the Federal Aviation Act of 1958.¹ Subsequently, by Order 69-4-139, dated April 30, 1969, the investigation was expanded to include the question of preference or prejudice involved as between New York and the cities of Philadelphia and Boston.

On September 12, 1969, a motion to expand the issues was filed by the Detroit Aviation Commission of the city of Detroit, the Board of County Road Commissioners of the county of Wayne, Mich., and the Greater Detroit Chamber of Commerce (Detroit parties), seeking to have the investigation expanded to include the relationship of rates between European points and Detroit as compared with the New York-European rates. The Detroit parties allege, inter alia, that the Detroit area is subject to a rate differential over New York ranging from 12 to 26 percent with respect to London for traffic moving under both specific and general commodity rates, although the distance from London to Detroit is only 9.1 percent greater than from London to New York. They further allege that the transatlantic cargo rate structure established by IATA agreements discriminates against Detroit and prefers New York/Boston; that the small mileage differentials to Detroit are too insignificant to support the rate differentials between the points involved; and that there is no justification for this discrimination in rates. The Detroit parties contend that future rates should be established based upon a mileage differential over and above the New York, Montreal, or Boston gateways and that Detroit's differential should reflect no more than the actual mileage involved.

On September 22, 1969, a motion to expand the issues was filed by the city of Chicago and the Chicago Association of Commerce and Industry (Chicago parties) and on October 3, a similar motion was filed by the city of Cleveland and the Greater Cleveland Growth Association (Cleveland parties). Both the Chicago parties and the Cleveland parties similarly maintain that the existing rates unfairly prefer New York because the mileage differentials do not justify the increased charges to the interior cities. No answers to the motions have been filed.

The Board, in Order 69-4-139, concluded that the same issues of discrimination were presented for the Northeast gateways of Philadelphia and Boston vis-a-vis New York as were presented with respect to Baltimore/Washington in the originally ordered investigation. Upon further consideration of this issue, and particularly in light of the instant motions to expand, we have concluded that the same basic discrimination issue

is presented with respect to all North Atlantic gateways for cargo traffic, and that the investigation ordered by Order 69-3-47 will not be unduly burdened by expansion thereof to include other North Atlantic gateways. We have therefore determined to grant the motions to expand the issues herein.

We will name as parties to this investigation the additional carriers participating in cargo service on the North Atlantic between European points on the one hand and either Detroit, Chicago, and Cleveland and one of the other gateways, on the other, by participation in through service pursuant to joint rates including United States carriers participating in such through service only on domestic segments.²

Accordingly, pursuant to the provisions of the Federal Aviation Act, and particularly sections 204, 404(b), 412, 414, and 1002(f) thereof,

1. Ordering paragraph 1 of Order 69-3-47, as amended by Order 69-4-139, is further amended by inserting after "Boston, Massachusetts," therein the words "and/or Detroit, Michigan, and/or Chicago, Illinois, and/or Cleveland, Ohio."

2. Copies of this order shall be served upon the Detroit Aviation Commission of the city of Detroit, the Board of County Road Commissioners of the county of Wayne, Mich., the Greater Detroit Chamber of Commerce, the city of Chicago, the Chicago Association of Commerce and Industry, the city of Cleveland, the Greater Cleveland Growth Association, Ozark Air Lines, Inc., and The United Arab Airlines Co., which are hereby made parties to this proceeding, and upon all other parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-12880; Filed, Oct. 28, 1969;
8:47 a.m.]

[Docket Nos. 21527, etc.; Order 69-10-115]

PACIFIC SOUTHWEST AIRLINES, INC., ET AL.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of October 1969.

The establishment of service mail rates for Pacific Southwest Airlines, Inc., Dockets Nos. 21527, 21529; Domestic Service Mail Rate Case, Docket No. 16349; Nonpriority Mail Rates, Docket No. 18381.

By petition filed October 15, 1969, on behalf of Pacific Southwest Airlines, Inc. (PSA), a California corporation engaged

in scheduled intrastate air transportation pursuant to certificates issued by the State of California, the Postmaster General has asked that the Board establish service mail rates for the air transportation of mail between Sacramento, Los Angeles, and San Diego, Calif. For priority mail the Postmaster General has requested the final rates and conditions set forth in Order E-25610, as amended. In the case of nonpriority mail he requests the temporary rates and conditions established in Order E-17255, as amended, subject to the proceedings in Docket 18381.

The rates requested are the same domestic multi-element priority and nonpriority service mail rates which apply to all certificated route carriers including Air West, Inc., for its service between these points which it will terminate on October 25, 1969.

By Order 69-10-114, October 24, 1969, in Docket 21529, the Board granted exemption from the provisions of title IV of the Federal Aviation Act to permit PSA to transport mail between Sacramento, Los Angeles, and San Diego, Calif., during the period 10:30 p.m. to 3:30 a.m., as requested and supported by the Postmaster General.

In accordance with the terms and conditions set forth in that order, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Pacific Southwest Airlines, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between San Diego and Sacramento, Calif., via Los Angeles, Calif. Upon consideration of the request of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid to Pacific Southwest Airlines, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Sacramento, Los Angeles, and San Diego, Calif., shall be the rates established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid Pacific Southwest Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Sacramento, Los Angeles, and San Diego, Calif., shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to any retroactive adjustment made in Docket 18381;

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302.

¹ The Board considers that all revisions to the North Atlantic air cargo rate structure or IATA resolutions pertaining to the relationship to the designated cities are within the scope of the investigation.

² We will also name as a party to this investigation The United Arab Airlines Co., an IATA carrier which has inaugurated service from European points to New York subsequent to Orders 69-3-47 and 69-4-139.

It is ordered, That:

1. All interested persons and particularly Pacific Southwest Airlines, Inc., the Postmaster General, Air West, Inc., American Airlines, Inc., Delta Air Lines, Inc., National Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Pacific Southwest Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302 and notice of any objection to the rates or to the other findings and conclusions proposed herein shall be filed within 3 days and if notice is filed, written answer and supporting documents shall be filed within 10 days after service of this order;

3. If no notice of objection is filed within 3 days after service of this order, or if notice is filed and no answer is filed within 10 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. This order shall be served upon Pacific Southwest Airlines, Inc., the Postmaster General, Air West, Inc., American Airlines, Inc., Delta Air Lines, Inc., National Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-12881; Filed, Oct. 28, 1969;
8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SI-1]

MIDAIR COLLISION PROBLEM

Order of Hearing

A public hearing is hereby ordered by the National Transportation Safety Board in connection with the above matter commencing at 9:30 a.m. (local time) on November 4, 1969, in the De-

partment of Commerce Auditorium, on 14th Street NW., between E Street and Constitution Avenue, Washington, D.C.

Dated this 22d day of October 1969.

For the Board.

[SEAL] JOHN H. REED,
Chairman.

[F.R. Doc. 69-12896; Filed, Oct. 28, 1969;
8:48 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business October 21, 1969, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 471,¹ and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 193,¹ and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State Bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 89,¹ and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and a copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated June 1969.¹ The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by

¹ Filed as part of original document.

the State Member Banks of the Federal Reserve System," dated June 1969.¹ The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated June 1969.¹

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),¹ prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962, and any amendments thereto,¹ and shall send the same to the Federal Deposit Insurance Corporation.

[SEAL] K. A. RANDALL,
*Chairman, Federal Deposit
Insurance Corporation.*

WILLIAM B. CAMP,
Comptroller of the Currency.

J. L. ROBERTSON,
*Vice Chairman, Board of Govern-
ors of the Federal Reserve
System.*

[F.R. Doc. 69-12864; Filed, Oct. 28, 1969;
8:46 a.m.]

FEDERAL MARITIME COMMISSION

JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreement Filed

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

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

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 3103-39 between the member lines of the Japan-Atlantic and Gulf Freight Conference, would give the Neutral Body authorized by Article 25

of the basic agreement unlimited powers to investigate suspected or actual malpractices upon its own initiative. As presently approved, the Neutral Body's authority to act upon its own initiative is limited.

Dated: October 24, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-12902; Filed, Oct. 28, 1969;
8:49 a.m.]

PARR-RICHMOND TERMINAL CO. AND PETROMARK, INC.

Notice of Agreements Filed for Approval

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

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

Notice of agreements filed for approval by:

Mr. Merritt L. Hewitt, Manager, Commercial Division, Parr-Richmond Terminal Co., 402 Wright Avenue, Richmond, Calif. 94804.

Agreements Nos. T-670-1, T-1900-1 and T-1987-1, between Parr-Richmond Co. and Petromark, Inc., modify the basic agreements which provide for the lease of certain premises in Richmond, Calif. The purpose of the modifications is to extend the terms of the agreements from a date in 1973 to October 17, 1976.

Dated: October 24, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-12903; Filed, Oct. 28, 1969;
8:49 a.m.]

FEDERAL RESERVE SYSTEM

FIRST CONNECTICUT BANCORP., INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors

of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)(1)) by First Connecticut Bancorp., Inc., Hartford, Conn., for prior approval of the Board of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the voting shares of United Bank & Trust Co., Hartford; 80 percent or more of the voting shares of the New Britain National Bank, New Britain; and 100 percent of the voting shares of the Simsbury Bank & Trust Co., Simsbury, all in Connecticut.

Section 3(c) of the act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

Dated at Washington, D.C., this 22d day of October 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-12871; Filed, Oct. 28, 1969;
8:46 a.m.]

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 69-12864, Federal Deposit Insurance Corporation, *supra*.

SECURITIES AND EXCHANGE COMMISSION

RAJAC INDUSTRIES, INC.

Order Suspending Trading

OCTOBER 23, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rajac Industries, Inc. (a New York corporation), and all other securities of Rajac Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 24, 1969, through November 2, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-12873; Filed, Oct. 28, 1969;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-6 (Southwestern Area), Disaster No. 734]

MANAGER, DISASTER BRANCH OFFICE, SLIDELL, LA.

Rescission of Delegation of Authority

Notice is hereby given that Delegation of Authority No. 30-6, Disaster No. 734, 34 F.R. 13957, is hereby rescinded in its entirety.

Effective date: October 10, 1969.

ROBERT E. WEST,
Area Administrator, Dallas, Tex.

[F.R. Doc. 69-12874; Filed, Oct. 28, 1969;
8:47 a.m.]

[Delegation of Authority No. 30 (Rev. 12)
Amdt. 9]

AREA ADMINISTRATORS

Delegation of Authority to Conduct Program Activities in Field Offices

Delegation of Authority No. 30 (Revision 12) (32 F.R. 179), as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, 34 F.R. 5134, 34 F.R. 11165, 34 F.R. 12651, and 34 F.R. 14712), is hereby further amended by revising Item I.A.2, to read as follows:

I. Area Administrators—A. Financial Assistance Program

2. To approve or decline disaster direct and immediate participation loans up to

the total SBA share of (a) \$50,000 per household for repairs or replacement of the home and/or not to exceed an additional \$10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed \$55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to \$50,000; and (b) \$500,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to \$1 million, and to decline them in any amount.

Effective date: October 24, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-12975; Filed, Oct. 28, 1969;
8:49 a.m.]

TARIFF COMMISSION

[332-62]

NONRUBBER FOOTWEAR

Notice of Investigation

On October 22, 1969, the Commission on its own motion instituted an investigation under section 332 of the Tariff Act of 1930 on nonrubber footwear, the subject of the Tariff Commission's earlier Report No. 332-56 of January 1969. The purpose of this investigation is to obtain, and to make available to interested persons both inside and outside of Government at the earliest practicable date, additional data—particularly that pertaining to the period January 1968 through June 1969 and supplementing that contained in the aforementioned report—required for an understanding of the competitive relationships between imported nonrubber footwear and domestically produced footwear and the effect of these imports upon U.S. producers.

No hearing will be held. Interested parties desiring to furnish relevant data are urged to do so. To be assured of consideration by the Commission, written statements should be submitted at the earliest possible date, but not later than November 12, 1969. A signed original and 19 true copies of such statements shall be submitted.

Business data which are deemed confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential". All written statements, except for confidential business data, will be made available for inspection by interested persons.

All communications regarding the Commission's investigation should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: October 24, 1969.

By order of the Commission.

[SEAL] WILLARD W. KANE,
Acting Secretary.

[F.R. Doc. 69-12894; Filed, Oct. 28, 1969;
8:48 a.m.]

[332-63]

STAINLESS-STEEL TABLE FLATWARE

Notice of Investigation

On October 22, 1969, the Commission on its own motion instituted an investigation under section 332 of the Tariff Act of 1930 on stainless-steel table flatware, the subject of the Tariff Commission's earlier report No. TEA-I-EX-3 of September 1967. The purpose of this investigation is to obtain, and to make available to interested persons both inside and outside of Government at the earliest practicable date, additional data—particularly that pertaining to the period January 1967 through September 1969 and supplementing that contained in the aforementioned report—required for an understanding of the competitive relationships between imported stainless-steel table flatware and domestically produced flatware and the effect of these imports upon U.S. producers.

No hearing will be held. Interested parties desiring to furnish relevant data are urged to do so. To be assured of consideration by the Commission, written statements should be submitted at the earliest possible date, but not later than November 12, 1969. A signed original and 19 true copies of such statements shall be submitted.

Business data which are deemed confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential". All written statements, except for confidential business data, will be made available for inspection by interested persons.

All communications regarding the Commission's investigation should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: October 24, 1969.

By order of the Commission.

[SEAL] WILLARD W. KANE,
Acting Secretary.

[F.R. Doc. 69-12895; Filed, Oct. 28, 1969;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 573]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 24, 1969.

The following letter-notices of proposals to operate over deviation routes for

operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 69275 (Deviation No. 12) (Correction), M & M TRANSPORTATION COMPANY, 186 Alewife Brook Parkway, Cambridge, Mass. 02138, filed September 29, 1969. Carrier's representative: Francis P. Barrett, Post Office Box 238, 60 Adams Street, Milton (Boston), Mass. 02187. The summary of this deviation route published in the FEDERAL REGISTER, October 16, 1969, should be corrected to show the deviation route as follows: Between junction Interstate Highway 90 and Interstate Highway 84, near Sturbridge, Mass., and Scranton, Pa., over Interstate Highway 84, for operating convenience only.

No. MC 69833 (Deviation No. 19), ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502, filed October 14, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities with certain exceptions, over a deviation route as follows: From Lima, Ohio, over Ohio Highway 117 to junction Ohio Highway 67, thence over Ohio Highway 67 to Kenton, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Columbus, Ohio, over Ohio Highway 31 to Kenton, Ohio, thence over U.S. Highway 30S to Delphos, Ohio, and return over the same route.

No. MC 99208 (Sub-No. 3) (Deviation No. 1), SKYLINE TRANSPORTATION, INC., 131 Quincy Avenue, Post Office Box 3569, Knoxville, Tenn. 37917, filed October 13, 1969. Carrier's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Knoxville, Tenn., and Greenville,

Tenn., over U.S. Highway 11E, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Knoxville, Tenn., over U.S. Highway 70 to junction Tennessee Highway 32 at Newport, Tenn., thence over Tennessee Highway 32 to junction Tennessee Highway 73; and (2) from Newport, Tenn., over U.S. Highway 411 to Greenville, Tenn., and return over the same routes.

No. MC 99208 (Sub-No. 3) (Deviation No. 2), SKYLINE TRANSPORTATION, INC., 131 Quincy Avenue, Post Office Box 3569, Knoxville, Tenn. 37917, filed October 14, 1969. Carrier's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Newport, Tenn., over U.S. Highway 25E to Morristown, Tenn., thence over U.S. Highway 11E to Greenville, Tenn., and return over the same route, for operation convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service route as follows: Between Newport, Tenn., and Greenville, Tenn., over U.S. Highway 411.

No. MC 99208 (Sub-No. 3) (Deviation No. 3), SKYLINE TRANSPORTATION, INC., 131 Quincy Avenue, Post Office Box 3569, Knoxville, Tenn. 37917, filed October 14, 1969. Carrier's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Piement, Tenn., and Newport, Tenn., over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Knoxville, Tenn., over U.S. Highway 70 to junction Tennessee Highway 32 at Newport, Tenn., thence over Tennessee Highway 32 to junction Tennessee Highway 73, and return over the same route.

No. MC 99208 (Sub-No. 3) (Deviation No. 4), SKYLINE TRANSPORTATION, INC., 131 Quincy Avenue, Post Office Box 3569, Knoxville, Tenn. 37917, filed October 14, 1969. Carrier's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Lake City, Tenn., over Interstate Highway 75 to Jellico, Tenn.; and (2) from Jellico, Tenn., over Interstate Highway 75 to Williamsburg, Ky., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Knoxville, Tenn., over U.S. Highway 25W to Jellico, Tenn.; and (2) from Jel-

lico, Tenn., over U.S. Highway 25W to Williamsburg, Ky., and return over the same routes.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 532) (Cancels Deviation No. 204), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed October 15, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Boston, Mass., over Interstate Highway 90 (Massachusetts Turnpike) to the western terminus of the Massachusetts Turnpike (Interstate Highway 90) at its junction with the eastern terminus of the Berkshire Section of the New York Thruway (Interstate Highway 90) at the Massachusetts New York State line, thence over the Berkshire Section of the New York Thruway to its junction with the New York Thruway Main Line (Interstate Highway 87) at Interchange No. 21A (The Berkshire Connection Interchange, near Selkirk, N.Y.); (2) from junction Massachusetts Highway 9 and Massachusetts Highway 128 over Massachusetts Highway 128 to junction Interstate Highway 90 (Massachusetts Turnpike) at Interchange No. 14; (3) from junction U.S. Highway 20 and Massachusetts Highway 128 over Massachusetts Highway 128 to junction Interstate Highway 90 (Massachusetts Turnpike) at Interchange No. 14; (4) from Framingham Center, Mass., over Massachusetts Highway 30 to junction access road, thence over access road to Interchange No. 13 of Interstate Highway 90 (Massachusetts Turnpike); (5) from Framingham Center, Mass., over Massachusetts Highway 9 to Interchange No. 12 of Interstate Highway 90 (Massachusetts Turnpike);

(6) From Worcester, Mass., over Massachusetts Highway 122 to junction access road, thence over access road to Interchange No. 11 of Interstate Highway 90 (Massachusetts Turnpike); (7) from Worcester, Mass., over Interstate Highway 290 to Interchange No. 10 of Interstate Highway 90 (Massachusetts Turnpike); (8) from junction U.S. Highway 20 and Massachusetts Highway 15 (near Sturbridge, Mass.) over Massachusetts Highway 15 to Interchange No. 9 of Interstate Highway 90 (Massachusetts Turnpike); (9) from Springfield, Mass., over Massachusetts Highway 291 to Interchange No. 6 of Interstate Highway 90 (Massachusetts Turnpike); (10) from Springfield, Mass., over U.S. Highway 5 to Interchange No. 4 of Interstate Highway 90 (Massachusetts Turnpike); (11) from Holyoke, Mass., over Interstate Highway 91 to junction Interstate Highway 90 (Massachusetts Turnpike) at Interchange No. 4; (12) from Lee, Mass., over U.S. Highway 20 to Interchange No. 2 of Interstate Highway 90 (Massachusetts Turnpike); and (13) from Albany, N.Y., over U.S. Highway 20 to junction U.S. Highway 9, thence over U.S. Highway 9 to junction with Interstate High-

way 90 (Berkshire Section-New York Thruway) at Interchange No. B-1, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Boston, Mass., over U.S. Highway 20 via Worcester, Mass., to Springfield, Mass. (also from Boston over Massachusetts Highway 9 to Worcester), and

(2) From Boston, Mass., over Massachusetts Highway 9 to Worcester, Mass. (also from Boston over U.S. Highway 20 via Northboro, Mass., to junction unnumbered highway at a point approximately 1 mile southwest of Northboro, Mass., thence over unnumbered highway via Shrewsbury, Mass., to junction Massachusetts Highway 9 at a point approximately 3 miles east of Worcester, Mass., thence as specified above to Worcester), thence over Massachusetts Highway 12 to junction U.S. Highway 20, thence over U.S. Highway 20 via Fiskdale to Springfield, Mass., thence over Massachusetts Highway 116 to Holyoke, Mass., thence over U.S. Highway 202 to junction U.S. Highway 5, thence over U.S. Highway 5 to Northampton, Mass., thence over Massachusetts Highway 9 to Pittsfield, Mass. (also from Springfield over U.S. Highway 20 via West Springfield to Pittsfield, Mass.; also from West Springfield, Mass., over U.S. Highway 5 to junction U.S. Highway 202 west of Holyoke, Mass.), thence over U.S. Highway 20 to Albany, N.Y., and return over the same routes.

No. MC 114271 (Deviation No. 7), CONTINENTAL CRESCENT LINES, INC., Post Office Box 8435, Jackson, Miss. 39204, filed October 13, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation route as follows: From Atlanta, Ga., over Interstate Highway 85 to junction U.S. Highway 29 (near Palmetta, Ga.), thence over U.S. Highway 29 to La Grange, Ga., thence over U.S. Highway 27 to junction Interstate Highway 85, thence over Interstate Highway 85 to junction U.S. Highway 80A (near Montgomery, Ala.), thence over U.S. Highway 80A to junction U.S. Highway 80, thence over U.S. Highway 80 to Montgomery, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Atlanta, Ga., over Georgia Highway 14 to Sylvan Road, thence over Sylvan Road to junction North Central Avenue, thence over North Central Avenue to junction Georgia Highway 85, thence over Georgia Highway 85 to Riverdale, Ga.; (2) from Riverdale, Ga., over Georgia Highway 85 to Fayetteville, Ga.; (3) from Fayetteville, Ga., over Georgia Highway 54 to junction Georgia Highway 34, thence over Georgia Highway 34 to Newnan, Ga.; (4) from Alexander City, Ala., over Alabama Highway 22 (formerly Alabama Highway

63) to the Alabama-Georgia State line, thence over Georgia Highway 34 to Newnan, Ga.; (5) from Alexander City, Ala., over Alabama Highway 22 to junction Alabama Highways 9 and 22; and (6) from Kellyton, Ala., over Alabama Highway 9 to Montgomery, Ala., and return over the same routes, for operating convenience only.

No. MC 114271 (Deviation No. 8), CONTINENTAL CRESCENT LINES, INC., Post Office Box 8435, Jackson, Miss. 39204, filed October 13, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and express and newspapers in the same vehicle with passengers, over deviation routes, as follows: (1) From Birmingham, Ala., over U.S. Highway 31 to junction Interstate Highway 65 (near Kimberly, Ala.), thence over Interstate Highway 65 to junction U.S. Highway 31 (near Lacon, Ala.), thence over U.S. Highway 31 to Athens, Ala., thence over Interstate Highway 65 to Nashville, Tenn.; (2) from Birmingham, Ala., over U.S. Highway 31 to junction Interstate Highway 65 (near Kimberly, Ala.), thence over Interstate Highway 65 to junction U.S. Highway 31 (near Lacon, Ala.), thence over U.S. Highway 31 to Decatur, Ala., thence over Alternate U.S. Highway 72 to Huntsville, Ala.; (3) from Birmingham, Ala., over U.S. Highway 31 to junction Interstate Highway 65 (near Kimberly, Ala.), thence over Interstate Highway 65 to junction Alabama Highway 69 (at Cullman, Ala.), thence over Alabama Highway 69 to Arab, Ala.; (4) from Birmingham, Ala., over U.S. Highway 11 to junction Interstate Highway 59 (near Argo, Ala.), thence over Interstate Highway 59 to junction U.S. Highway 431; and (5) from Chattanooga, Tenn., over U.S. Highway 11 to junction Georgia Highway 301, thence over Georgia Highway 301 to Trenton, Ga., thence over U.S. Highway 11 to junction Interstate Highway 59 (near the Alabama-Georgia State line), thence over Interstate Highway 59 to junction U.S. Highway 431, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Nashville, Tenn., over Alternate U.S. Highway 31 to Lewisburg, Tenn., thence over Tennessee Highway 50 to Fayetteville, Tenn., thence over U.S. Highway 231 to Huntsville, Ala., thence over U.S. Highway 431 (formerly U.S. Highway 241) via Gadsden, Ala., to Anniston, Ala.; (2) from Huntsville, Ala., over U.S. Highway 231 (portions formerly Alabama Highways 38 and 25) to Oneonta, Ala., thence over Alabama Highway 75 (formerly Alabama Highway 32) to Birmingham, Ala.; (3) from Oneonta, Ala., over Alabama Highway 75 (portions formerly Alabama Highways 32 and 110) via Horton, Albertville, Rainsville, and Henagar, Ala., to the Alabama-Georgia State line (approximately 8 miles north of Ider, Ala.), thence over Georgia Highway 143 (formerly unnumbered Dade County highway) to Trenton, Ga., thence over U.S.

Highway 11 to Chattanooga, Tenn.; and (4) from Oneonta, Ala., over unnumbered Blount County Road to Altoona, Ala., thence over Alabama Highway 18 to junction U.S. Highway 278, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-12886; Filed, Oct. 28, 1969;
8:47 a.m.]

[Notice 930]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 24, 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 25869 (Sub-No. 95 TA), filed October 20, 1969. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 7184, Omaha, Nebr. 68107. 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: *Mattresses, box springs, uncrated new furniture, furniture parts, and materials, equipment and supplies* used in the manufacture of furniture and furniture parts, between Omaha, Nebr., on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa (except those points on and north of U.S. Highway 20 and on and west of U.S. Highway 169), Kansas, the Lower Peninsula of Michigan, Minnesota, Missouri, Nebraska, Ohio, North Carolina, South Carolina, Virginia, West Virginia, and those points in Wisconsin south of U.S. Highway 10, for 150 days. Supporting shippers: There are approximately eight 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: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 49304 (Sub-No. 26 TA), filed October 21, 1969. Applicant: BOWMAN TRUCKING COMPANY, INC., Stephens City, Va. 22655. Applicant's representative: James L. Bowman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aplite rock*, in bulk, from Piney River, Va., to points in Delaware, Maryland, New Jersey, Ohio, Pennsylvania, and West Virginia, for 150 days. Supporting shipper: International Minerals & Chemical Corp., Skokie, Ill. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Room 2210, Washington, D.C. 20423.

No. MC 94350 (Sub-No. 244 TA), filed October 21, 1969. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: G. P. Apperson, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, or in sections, from Space Homes, Asheville, N.C., to points east of the Mississippi River, including Louisiana and Minnesota, for 180 days. Supporting shipper: Space Homes, Division of Investment Properties of Asheville, Asheville, N.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 114533 (Sub-No. 202 TA), filed October 21, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Kosmosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Kansas City, Mo., on the one hand, and, on the other, O'Neill, Neligh, Plainview, Albion, Columbus, West Point, Tekamah, Wahoo, Seward, York, Grand Island, Kearney, Broken Bow, Holdrege, Hastings, Red Cloud, Geneva, Fairbury, Beatrice, Falls City, and Nebraska City, Nebr., and Council Bluffs, Iowa, for 180 days. Supporting shipper: J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 114734 (Sub-No. 19 TA), filed October 20, 1969. Applicant: D AND J TRANSFER CO., Sherburn, Minn. 56171. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract 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 1 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 warehouse and storage facilities utilized by Spencer Packing Co. and/or its wholly owned subsidiaries at Cherokee, Iowa, to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming. Restriction: Under continuing contract with Spencer Packing Co., Spencer, Iowa, for 180 days. Supporting shipper: Spencer Packing Co., Spencer, Iowa. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 125321 (Sub-No. 2 TA), filed October 20, 1969. Applicant: GRADY THOMPSON, Post Office Box 26, Blanding, Utah 84511. Applicant's representative: J. Albert Sebald, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, under contracts with the San Juan Lumber Co., Inc., from the mills of the San Juan Lumber Co., Inc., at Pagosa Springs, Bayfield, and Durango, Colo., and Blanding, LaSal, and 7 Mile, Utah, to points in Colorado, Utah, New Mexico, Arizona, Texas, and California; from the mills of the San Juan Lumber Co., Inc., at Blanding, LaSal and 7 Mile, Utah, to the railhead at Thompson, Utah; and from the mills of the San Juan Lumber Co., Inc., at Pagosa Springs, Bayfield, and Durango, Colo., to the railheads at Durango and Southfork, Colo., for 150 days. Supporting shipper: San Juan Lumber Co., Inc., Post Office Box 3313, Durango, Colo. 81301. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 127699 (Sub-No. 4 TA), filed October 21, 1969. Applicant: LEE CARTAGE COMPANY, 2026 Cleveland Avenue SW., Canton, Ohio 44707. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Component parts for steel buildings*, from Canton, Ohio, to points in Indiana, and points in that part of Michigan on and south of Michigan Highway 46, under contract with Macomber, Inc., Canton, Ohio, for 180 days. Supporting shipper: Macomber, Inc., 1925 10th Street, Canton, Ohio. Send protests to: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 133313 (Sub-No. 2 TA), filed October 21, 1969. Applicant: McMAHON TRANSPORT LTEE, Post Office Box 11, St. Celestin, Province of Quebec, Canada. Applicant's representative: Adrien Paquette, 200, rue St. Jacques, Suite 1010, Montreal, Province of Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from ports of entry on the international boundary line between the United States and Canada, at Champlain, N.Y., Highgate Springs, Vt., and North Mills, Vt., to points in Massachusetts, Pennsylvania, New York, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Maryland, and Michigan, for 180 days. Supporting shippers: Service Forestier, Seminaire de Quebec, Quebec City, Province of Quebec, Canada; Ubald Forest & Fils Ltee, La Visitation, Cte Yamaska, Province of Quebec, Canada; St. Leonard Veneer Co., St. Leonard D'Aston, Cte Nicolet, Province of Quebec, Canada; J. A. Raymond & Fils, Inc., 1911 St. Ulric, Giffard, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 134075 (Sub-No. 1 TA), filed October 21, 1969. Applicant: LYLE H. DAVIS, Route 3, Box 235-D, Enumclaw, Wash. 98022. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk food (yogurt)*, from Auburn, Wash., to Eugene and Portland, Oreg., for 150 days. Supporting shipper: Auburn Dairy Products, Inc., 702 West Main, Auburn, Wash. 98002. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134104 (Sub-No. 1 TA), filed October 17, 1969. Applicant: GILBERT FONT AND PETER J. BETZ, doing business as B&F TRANSPORT COMPANY, 110 Moriches Bypass, Center Moriches, N.Y. 11934. Applicant's representative: William J. Augello, Jr., 103 Fort Salonga Road, Northport, N.Y. 11768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Industrial refuse containers* and (2) *lamp shades*; (1) from Lindenhurst and Farmingdale, N.Y., to points in Delaware, Iowa, Illinois, Indiana, Louisiana, Maryland, Michigan, Minnesota, New Jersey, Nebraska, Ohio, Oklahoma, Pennsylvania, Virginia, Wisconsin, Washington, D.C.; (2) from East Patchogue, N.Y., to points in Delaware, Maryland, Pennsylvania, and Washington, D.C., and on return, *materials and supplies* used in the manufacture of industrial refuse containers, from points in Ohio, Pennsylvania, and West Virginia to Lindenhurst and Farmingdale, N.Y., for 180 days. Supporting shippers: Gen Sani-Can Corp., 21 Gear Avenue,

Lindenhurst, N.Y., 11757; DeBono Inc., 1165 Montauk Highway, East Patchogue, N.Y., 11772. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, N.Y. 10007.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-12888, Filed, Oct. 28, 1969;
8:48 a.m.]

[Notice 433]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 23, 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-71468. By order of October 20, 1969, the Motor Carrier Board approved the transfer to Schulz, Inc., 310 Bluff Street, Red Wing, Minn. 55068, of the certificates in Nos. MC-125847 (Sub-No. 2), MC-125847 (Sub-No. 4), MC-125847 (Sub-No. 7), MC-125847 (Sub-No. 8), and MC-125847 (Sub-No. 9), issued September 7, 1965, December 9, 1966, August 6, 1968, March 19, 1968, and March 19, 1968 respectively, to Floyd A. Dezotell, doing business as Floyd A. Dezotell Trucking Co., Mankato, Minn., authorizing the transportation of various commodities from specified points in Minnesota to points in Iowa, Montana, North Dakota, South Dakota, Wisconsin, Nebraska, Wyoming, Minnesota, and the Upper Peninsula of Michigan. James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101, attorney for transferor.

No. MC-FC-71651. By order of October 20, 1969, the Motor Carrier Board approved the transfer to Jack B. Kelley, Inc., 3801 Virginia Street, Amarillo, Tex. 79109, of certificates Nos. MC-123392 and MC-123392 (Sub-No. 2), MC-123392 (Sub-No. 4), MC-123392 (Sub-No. 7), MC-123392 (Sub-No. 10), and MC-123392 (Sub-No. 11), issued to Jack B. Kelley, doing business as Jack B. Kelley Co., 3801 Virginia Street, Amarillo, Tex. 79101, authorizing the transportation of helium gas and helium, in bulk, between points in the United States.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-12889, Filed, Oct. 28, 1969;
8:48 a.m.]

[Notice 433A]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 23, 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-71720. By application filed October 22, 1969, CALDWELL TRUCK RENTALS, INC., 625 South Boulevard, Lenoir, N.C. 28645, seeks temporary authority to lease the operating rights of GAINES MOTOR LINES, INC., 1816 Ninth Avenue Drive NE., Post Office Box 1549, Hickory, N.C. 28601, under section 210a(b). The transfer to CALDWELL TRUCK RENTALS, INC., of the operating rights of GAINES MOTOR LINES, INC., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 69-12890; Filed, Oct. 28, 1969;
8:48 a.m.]

[Notice 434]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 24, 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-71621. By order of October 23, 1969, the Motor Carrier Board approved the transfer to Louis T. Benton III, doing business as L. T. Benton Transport, Orange, Conn., of certificate No. MC-55830 issued June 21, 1965, to Thruway Transfer, Inc., West Haven, Conn., authorizing the transportation of: Junk and nonferrous materials, between points in Connecticut, New York, New Jersey, and Pennsylvania. William J. Meuser, 101 River Street, Milford, Conn. 06460, attorney for applicants.

No. MC-FC-71664. By order of October 20, 1969, the Motor Carrier Board approved the transfer to Piedmont Petroleum Products, Inc., Chesapeake, Va., of the operating rights in certificate No. MC-55852 issued August 3, 1955, to Sewell's Motor Express, Inc., Norfolk, Va., authorizing the transportation, over irregular routes, of lumber, petroleum products, oysters, fish and scallops, sea food, agricultural commodities, chemicals, oils, greases, empty oil containers,

electric storage batteries, and malt beverages and containers from and to various points including Norfolk and other points in Virginia and points in New York, Maryland, Delaware, Pennsylvania, Massachusetts, Maine, New Jersey, North Carolina, West Virginia, and the District of Columbia. John C. Goddin, 200 West Grace Street, Richmond, Va. 23220, attorney for applicants.

No. MC-FC-71677. By order of October 20, 1969, the Motor Carrier Board approved the transfer to Iowa Steel Express, Inc., Cedar Rapids, Iowa, of the certificate in No. MC-65342, issued April 5, 1961, to Roy Francis Messinger, doing business as Messinger's, Cedar Rapids, Iowa, authorizing the transportation of heavy machinery and wrecked automobiles and trucks between Cedar Rapids, Iowa, on the one hand, and, on the other, points in Illinois. William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 69-12891; Filed, Oct. 28, 1969;
8:48 a.m.]

[Ex Parte No. MC-76]

DEVIATION RULES AND REGULATIONS APPLICABLE TO IRREGULAR ROUTE MOTOR CARRIERS OF PROPERTY IN CONNECTION WITH TRANSPORTATION OF OVERSIZED SHIPMENTS**Notice of Filing of Petition for Institution of Rule Making Proceedings**

OCTOBER 24, 1969.

Petitioner: HEAVY-SPECIALIZED CARRIERS CONFERENCE, Washington, D.C. Petitioner's representatives: Allan M. Shirley, 1616 P Street NW., Washington, D.C., and Paul F. Sullivan, Suite 701, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005.

By petition filed September 26, 1969, petitioner, for and on behalf of its member motor common carriers, seeks institution of a rulemaking proceeding for the purpose of establishing rules and regulations which would permit motor common carriers of property, operating over irregular routes, to deviate from or avoid their gateways in connection with the transportation of oversized and overweight shipments requiring special highway permits from State or other authorities. Petitioner's basic position is that adoption of such rules or regulations would be in the interests of safe, economical, expeditious, and efficient transportation service. Petitioner, in this connection, proposes that the following rule be adopted:

Motor common carriers of property operating over irregular routes shall be permitted to use alternate gateways in combining or joining separate grants of operating authorities or alternate interchange points in the case of joint-line

movements (a) *Provided*, That the distance from origin to destination via the alternate gateway or alternate interchange point is not less than 85 percent of the total mileage from origin to destination via the authorized gateway or interchange point; and (b) restricted to the transportation of overdimensional or overweight shipments. This rule shall only be applied to the transportation of shipments where the bill of lading or freight bill certifies that a special highway permit(s) was required in connection with the movement.

Any interested person desiring to participate, shall file an original and six copies of his written representations, views, and arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER. In addition, any person submitting matter in support of the petition, should include therein a draft of the rule he believes should be adopted.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 69-12885; Filed, Oct. 28, 1969;
8:47 a.m.]

[Notice 1342]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 24, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications 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 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.

**APPLICATIONS ASSIGNED FOR ORAL HEARING
MOTOR CARRIERS OF PROPERTY**

Nos. MC 339 (Sub-No. 11) and MC 129916 (Sub-No. 1) (Republications), filed May 16, 1968, and May 20, 1968 respectively, published in the FEDERAL REGISTER issue of June 5, 1968 and republished this issue. (1) No. MC 339 (Sub-No. 11). Applicant: LINCOLN MOVING & STORAGE CO., INC., 1924 Fourth Avenue South, Seattle, Wash. 98134. Applicant's representative: George Kargianis, 609 Norton Building, Seattle, Wash. 98104. (2) No. MC 129916 (Sub-No. 1). Applicant: LEWIS A. HINSON, doing business as BOWENS MOVING AND STORAGE, 15 West Empire Street, Goldsboro, N.C. Applicant's representative: J. Ruffin Baily, Post Office Box 2246, Raleigh, N.C. 27602. By a prior report in the above-entitled proceedings,

decided December 3, 1968, the Commission Review Board No. 2, denied the application filed May 16, 1968, and May 20, 1968 respectively by applicants seeking certificates of public convenience and necessity authorizing operation, in interstate or foreign commerce, as common carriers by motor vehicle, over irregular routes, of household goods between specified points in Washington in No. MC 339 Sub 11, and used household goods and personal effects between points in North Carolina in No. MC 129916 Sub 1. Upon consideration of petitions filed by applicants, the above-entitled proceedings were reopened for further processing under the modified procedure on July 11, 1969, by the Commission, Division 1, acting as an Appellate Division. A report of the Commission on further consideration by Review Board No. 2, has determined that the present and future public convenience and necessity require operation by each applicant in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of the commodities, to and from points substantially as indicated below.

An order of the Commission, Review Board No. 2, decided October 9, 1969, and served October 14, 1969, finds that the present and future public convenience and necessity require operation by each applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic: In No. MC-339 (Sub-No. 11), between points in King, Pierce, Snohomish, Kitsap, and Thurston Counties, Wash.; in No. MC-129916 (Sub-No. 1), between points in Alamance, Orange, Durham, Granville, Vance, Warren, Franklin, Wake, Johnston, Nash, Halifax, Edgecombe, Wilson, Wayne, Sampson, Cumberland, Duplin, Lenoir, Greene, Pitt, Martin, Bertie, Chowan, Beaufort, Craven, Jones, Onslow, Carteret, and Pamlico Counties, N.C.; that each applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of certificates in these proceedings will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 106401 (Sub-No. 26) (Republication), filed March 22, 1967, published FEDERAL REGISTER issue of April 6, 1967, and republished this issue. Applicant: JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte, N.C. 28201. Applicant's representative: Donald E. Cross, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. By application filed March 22, 1967, as amended, applicant seeks a certificate of public convenience and necessity, authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes of general commodities (except those of unusual value, classes A and B explosives and household goods as defined by the Commission), serving Pace, Fla., as an off-route point in connection with applicant's regular route operations between Pensacola, Fla., and Flomaton, Ala. A decision and order of the Commission, Review Board No. 2, dated October 10, 1969, and served October 16, 1969, finds that the public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle of general commodities (except those of unusual value, classes A and B explosives, household goods as described by the Commission, commodities in bulk, and those requiring special equipment) serving the plantsite of American Cyanamid Co., located near Pace, in Santa Rosa County, Fla., as an off-route point in connection with its regular route operation between Pensacola, Fla., and Flomaton, Ala. Because it is possible that other persons who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128981 (Sub-No. 3) (Republication), filed April 11, 1968, published in the FEDERAL REGISTER issue of April 24, 1968, and republished this issue. Applicant: LAND-AIR DELIVERY, INC., 413 Lou Holland Drive, Kansas City, Mo. 64114. Applicant's representative: Warren H. Sapp, 450 Professional Building, Kansas City, Mo. 64106. By application filed April 11, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle of general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment): (1) between the Kansas City Municipal Airport, Kansas City International Airport, and Fairfax Airport, located within the Kansas City, Mo.-Kans., commercial

zone, on the one hand, and, on the other, airport cities in the States of Kansas, Missouri, and Nebraska, served by certificated direct air carriers pursuant to the Civil Aeronautics Board; and (2) between Municipal Airport, Wichita, Kans., on the one hand, and, on the other, airport cities in the States of Kansas, Missouri, and Nebraska, served by certificated direct air carriers pursuant to the Civil Aeronautics Board, restricted to the transportation of shipments having an immediately prior or subsequent movement by air. The application was referred to Joint Board No. 140 for hearing and the recommendation of an appropriate order thereon. Hearings were held on May 8, 9, 10, and September 9, 10, and 11, 1968, at Kansas City, Mo.

By report and order served July 1, 1969, as modified, the Joint Board recommended the granting to applicant of a certificate of public convenience and necessity authorizing the operation as described below. A decision and order of the Commission, Review Board No. 2, dated October 10, 1969, and served October 16, 1969, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) between Kansas City Municipal Airport, Kansas City International Airport, and Fairfax Airport, located within the Kansas City, Mo.-Kans., commercial zone, on the one hand, and, on the other, points in Kansas, Missouri, and Nebraska; and (2) between Municipal Airport at Wichita, Kans., on the one hand, and, on the other, points in Kansas, Missouri, and Nebraska; restricted to the transportation of shipments having an immediately prior or subsequent movement by air; that applicant is fit, willing, and able properly to perform such services and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published indicating service to and from "airport cities," may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 42537 (Sub-Nos. 5 and 19) (Notice of Filing of Petition To Modify Certificate Substituting Warren and Center Line, Mich., in Lieu of Warren Township, Macomb County, Mich.), filed October 6, 1969. Petitioner: CASSENS

TRANSPORT COMPANY, 1 West State Street, Hamel, Ill. 46204. Petitioner's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Petitioner holds Certificate in MC 42537 Subs 5 and 19, authorizing the transportation of motor vehicles via both truckaway and driveway methods, from certain origins, including, among others, places of manufacture and assembly in Warren Township, Mich., to numerous destination points. By decisions of June 19, 1957, and October 19, 1966, the authority to perform a service from Warren Township, Macomb County, Mich., was granted it in said certificates. The petition states that the unincorporated area previously designated as Warren Township is no longer unincorporated, and the major portion of this area was incorporated on January 1, 1957, into the city of Warren, Mich., while the city of Center Line lies approximately in the middle of such area and wholly surrounded by Warren. By the instant petition, petitioner seeks to have its existing authority redescribed so as to substitute both Warren and Center Line, Mich., wherever its present certificates authorize service from Warren Township, Macomb County, Mich. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the said petition, within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 87720 (Sub-No. 68) (Notice of Filing of Petition Requesting Amendment of Permit to Reflect Change in Location of Warehouse of AMERICAN BILTRITE RUBBER CO., INC.), filed September 26, 1969. Petitioner: BASS TRANSPORTATION CO., INC., Flemington, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Petitioner is authorized in No. MC 87720 (Sub-No. 68), the part here pertinent, to transport rubber heels, taps and soling, from Ripley, Miss., to Harrisburg, Pa., under contract with American Biltrite Rubber Co., Inc. On or about November 1, 1969, Biltrite will close its Harrisburg warehouse and move to Middletown, Pa., where a comparable warehouse facility will be located. The purpose of this petition is to remove Harrisburg, Pa., as a destination point, from Ripley, Miss., as an origin point, and to substitute Middletown, Pa., as a destination point. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 116085 (Sub-No. 1), filed October 8, 1969 (Notice of Filing of Petition for Modification of Permit To Add Contracting Shipper). Petitioner: FRISKNEY AND HARDING TRUCKING, INC., Kendallville, Ind. Petitioner's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Petitioner holds authority in Permit No. MC 116085 (Sub-No. 1), the part here pertinent, to transport printing paper, in rolls, from the plantsite of the Mead Paper

Co., at Chillicothe, Ohio, to the plantsites of Sturgis Business Forms, Inc., at Sturgis, Mich., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Sturgis Newport Business Forms, Inc., Division of Litton Industries. By the instant petition, petitioner seeks to add Mead Paper Co. as a contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the addition of said shipper, within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 48474 (Sub-No. 5), filed September 30, 1969. Applicant: A & B TRANSFER, INC., 2120 Marshall Avenue, Mattoon, Ill. 61938. 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 regular routes, transporting: *General commodities*, without exceptions, over regular routes, as follows: (1) Between Lawrenceville and Danville, Ill., over Illinois Highway 1, and return over the same route, serving all intermediate points and all off-route points within 1 mile of said highway; (2) Between Chicago, and Fairfield, Ill., over U.S. Highway 54 and U.S. Highway 45, and return over the same route, serving all intermediate points and all off-route points within 1 mile of said highways; (3) Between Danville and Lincoln, Ill.; over Illinois Highway 10, and return over the same route, serving all intermediate points and all off-route points within 1 mile of said highway; (4) Between Marshall and East St. Louis, Ill., over U.S. Highway 40 and return over the same route, serving all intermediate points and all off-route points within 1 mile of said highway; (5) Between Chrisman and Springfield, Ill., over U.S. Highway 150 and U.S. Highway 36, and return over the same route, serving all intermediate points and all off-route points within 1 mile of said highways and including Villa Grove, Metcalf, Longview, and Broadlands; (6) Between Lawrenceville and Sandoval, Ill., over U.S. Highway 50 and return over the same route, serving all intermediate points and all off-route points within 1 mile of said highway;

(7) From intersection of Illinois Highways 33 and 49 to Kankakee and return over Illinois Highway 49, serving all intermediate points and all off-route points within 1 mile of said Highway; (8) Between Bloomington and Ashley, Ill.; over U.S. Highway 51 and return over the same route, serving all intermediate points and all off-route points within 1 mile of said Highway; (9) Between Paris and Gillespie, Ill., over Illinois Highway 16, and return over the same route, serving all intermediate points

and all off-route points within 1 mile of said Highway; (10) Between Bloomington, and East St. Louis, Ill.; over U.S. Highway 66, and return over the same route serving all intermediate points and all off-route points within 1 mile of said highway; (11) Between Olney and Charleston, Ill.; over Illinois Highway 130, and return over the same route, serving all intermediate points and all off-route points within 1 mile of said Highway; (12) From Palestine to Junction Illinois Highways 33 and 128 and return over Illinois Highway 33, serving all intermediate points and all off-route points within 1 mile of said Highway; (13) From Mount Vernon to Junction Illinois Highway 37 and U.S. Highway 45, via Illinois Highway 37, serving all intermediate points and all off-route points within 1 mile of said Highway; (14) From Junction Illinois Highways 10 and 47 to East St. Louis and return, serving all intermediate points and all off-route points within 1 mile of said Highways, such Highways being Illinois Highway 47, Illinois Highway 48 and U.S. Highway 66;

(15) Between Greenup and Lincoln, Ill.; over Illinois Highway 121, and return over the same route, serving all intermediate points and all off-route points within 1 mile of said highways. (16) Between Clinton and Springfield, Ill.; over U.S. Highway 54, and return over the same route, serving all intermediate points and all off-route points within 1 mile of said highway; (17) From Junction U.S. Highway 40 and Illinois Highway 128 to Junction Illinois Highways 128 and 121 and return over Illinois Highway 128, serving all intermediate points and all off-route points within 1 mile of said highways; (18) Between Ashley and Fairfield, Ill.; over Illinois Highway 15, and return over the same route, serving all intermediate points and all off-route points within 1 mile of said highways; (19) From Paris to Junction Illinois Highway 133 and U.S. Highway 36 and return over Illinois Highway 133 serving all intermediate points and all off-route points within 1 mile of said Highways; (20) From Effingham to Junction Illinois Highway 105 and 47 and return over Illinois Highway 32 and Illinois Highway 105, serving all intermediate points and all off-route points within 1 mile of said highway; (21) Between Greenville and Raymond, Ill.; over Illinois Highway 127, and return over the same route, serving all intermediate points and all off-route points within 1 mile of said Highway; (22) From Taylorville to Junction Illinois Highway 104 and U.S. Highway 66 and return over Illinois Highway 104, serving all intermediate points and all off-route points within 1 mile of said highway;

(23) Between Pana and Springfield, Ill., over Illinois Highway 29, and return over the same route, serving all intermediate points and all off-route points within 1 mile of said Highway; (24) Between Paris and Bloomington, Ill.; over U.S. Highway 150, and return over the same route, serving all intermediate points and all off-route points within 1

mile of said Highway; (25) From Springfield to Intersection of Illinois Highway 4, and U.S. Highway 66 and return over Illinois Highway 4 serving all intermediate points and all off-route points within 1 mile of said Highway; (26) From Dalton City to junction Illinois Highway 128 and U.S. Highway 40 and return over Illinois Highway 128, serving all intermediate points and all off-route points within 1 mile of said Highway; Between Bloomington and Chicago, Ill.; over U.S. Highway 66, and return over the same route, serving all intermediate points and all off-route points within 1 mile of said Highway; (28) Between Chicago and Danville, Ill.; over Illinois Highway 1, and return over the same route, serving all intermediate points and all off-route points within 1 mile of said Highway; (29) Between Lawrenceville and Norris City, Ill.; over Illinois Highway 1, and return over the same route serving all intermediate points and all off-route points within 1 mile of said Highway; (30) Between Norris City and Vienna, Ill.; over U.S. Highway 45, and return over the same route, serving all intermediate points and all off-route points within 1 mile of said Highway;

(31) From Vienna to Boles at the intersection of Illinois Highway 146 and Illinois Highway 37 and return over Illinois Highway 146, serving all intermediate points and all off-route points within 1 mile of said highway; (32) From Boles at the intersection of Illinois Highways 146 and 37 to Cairo and return over Illinois Highway 37, serving all intermediate points and all off-route points within 1 mile of said highway; (33) From Mount Vernon to Boles at the intersection of Illinois Highways 37 and 146 and return over Illinois Highway 37, serving all intermediate and all off-route points within 1 mile of said highway; (34) Between Bloomington and Peoria, Ill., over U.S. Highway 150, and return over the same route, serving no intermediate or off-route points, including Morton, as an alternate route only. NOTE: Applicant states no duplicate authority is sought. This is a matter directly related to MC-F-10597 published FEDERAL REGISTER issue of September 10, 1969. Applicant states the purpose of this application is to seek conversion of its certificate of registration to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR Part 240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-10639. Authority sought for control and merger by H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. 16901, of the operating rights and property of THOMPSON'S MOTOR EXPRESS, INCORPORATED, 53-55 Sheridan Avenue, Elmira, N.Y. 14902, and for acquisition by ROBERT E. TAYNTON, SR., ELIZABETH MARBLE, PAUL TAYNTON, FLORENCE TAYNTON, and THE COMMONWEALTH BANK & TRUST CO., TRUSTEES under Voting Trust, of control of such rights and property through the transaction. Applicants' attorneys and representative: Robert DeKroyft, 24 Branford Place, Newark, N.J. 07102, A. David Millner, 744 Broad Street, Newark, N.J. 07102, and Charles B. Swartwood, 521 Robinson Building, Elmira, N.Y. 14902. Operating rights sought to be controlled and merged: Under a certificate of registration, in Docket No. MC-99862 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. H. W. TAYNTON COMPANY, INC., is authorized to operate as a common carrier in New York, Pennsylvania, New Jersey, Delaware, Ohio, Maryland, Rhode Island, Massachusetts, West Virginia, Connecticut, Indiana, and Kentucky. Application has been filed for temporary authority under section 210a(b). NOTE: MC-109821 Sub-28 is a matter directly related.

No. MC-F-10640. Authority sought for purchase by McLEAN TRUCKING COMPANY, 617 Waughtown Street, Winston-Salem, N.C. 27102, of the operating rights of MURRAY'S FAST EXPRESS, INC., Lawrence Street, Spring Valley, N.Y. 10977, and for acquisition by PAUL P. DAVIS AND M. C. BENTON, JR., both also of Winston-Salem, N.C., of control of such rights through the purchase. Applicants' attorney: Francis W. McInerney, 1000 16th Street NW., Washington, D.C. 20036. Operating rights sought to be transferred: General commodities, except those of unusual value, classes A and B explosives, liquors, tobacco, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a common carrier over regular routes, between New York, N.Y., and New Paltz, N.Y., serving all intermediate points, and the off-route points of Highland Mills, Woodbury Falls, Salisbury Mills, Washingtonville, Maybrook, and Orange Lake, N.Y. Vendee is authorized to operate as a common carrier in Virginia, Massachusetts, Delaware, Maryland, Georgia, Missouri, North Carolina, South Carolina, New York, Illinois, Tennessee, Iowa, Indiana, Ohio, Texas, Maine, Michigan, Mississippi, New Jersey, New Hampshire, Rhode Island, Vermont, Wisconsin, Kentucky, West Virginia, Pennsylvania, Minnesota, Kansas, Connecticut, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10641. Authority sought for purchase by R. C. MOTOR LINES, INC., 2500 Laura Street, Jacksonville, Fla. 32203, of the operating rights of GOLDMAN TRUCKING CO., INC., 189 Charles Street, Providence, R.I. 02904, and for acquisition by B. S. REID, and G. D. JOYNER, both also of Jacksonville, Fla., of control of such rights through the purchase. Applicants' attorney: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120155 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Rhode Island. Vendee is authorized to operate as a common carrier in Georgia, South Carolina, North Carolina, Virginia, Maryland, New Jersey, New York, Massachusetts, Connecticut, Alabama, Tennessee, Florida, Pennsylvania, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-75651 Sub-68 is a matter directly related.

No. MC-F-10642. Authority sought for purchase by MUKLUK FREIGHT LINES, INC., Post Office Box 3-4127, Anchorage, Alaska 99501, of the operating rights and property of V. D. BARBER AND CARROLL G. BARBER, doing business as V. D. BARBER & SON, 1/4 Mile Peger Road, Post Office Box 1835, Fairbanks, Alaska 99701, and for acquisition by JAMES G. DYE, 2301 Loussae, Anchorage, Alaska, of control of such rights and property through the purchase. Applicants' attorney: Julian C. Rice, Post Office Box 516, Fairbanks, Alaska 99701. Operating rights sought to be transferred: General commodities, except those of unusual value, classes A and B explosives, and household goods as defined by the Commission, as a common carrier, over irregular routes, between points in Alaska (except those on the Kenai Peninsula south of an imaginary line running eastwest through Girdwood, Alaska, and those in the Alaska Panhandle south of Haines, Alaska). MUKLUK FREIGHT LINES, INC., hold no authority from this Commission. However, its controlling stockholder, JAMES G. DYE, doing business as MUKLUK FREIGHT LINES, Post Office 600, Kenai, Alaska, is authorized to operate as a common carrier in Alaska. Application has been filed for temporary authority under section 210a(b). NOTE: In MC-FC-71719, simultaneously filed, JAMES G. DYE, doing business as MUKLUK FREIGHT LINES, proposes to transfer to MUKLUK FREIGHT LINES, INC., its operating authority.

No. MC-F-10643. Authority sought for control by CHEMICAL EXPRESS COMPANY, 1200 Simons Building, Dallas, Tex. 75201, of ELLSWORTH BROS. TRUCK LINE, INC., Drawer J, 116 North Allied Road, Stroud, Okla. 74079, and for acquisition by A. POLLARD SIMONS, CURTIS W. MEWBOURNE, and HERMAN RUPPEL, all also of Dallas, Tex., of control of ELLSWORTH BROS. TRUCK

LINE, INC., through the acquisition by CHEMICAL EXPRESS COMPANY. Applicants' representative: Wm. E. Livingstone III, 4555 First National Bank Building, Dallas, Tex. 75202. Operating rights sought to be controlled: *Asphaltic roofing materials*, as a common carrier, over irregular routes, from Stroud, Okla., and points within 1 mile thereof, to Wichita, Kans., and points in Kansas within 200 miles of Wichita; *asphaltic roofing materials*, in rolls, containers, and bundles, and *liquid asphalt and asphalt products*, in containers, from Stroud, Okla., and points within 1 mile thereof, to certain specified points in Arkansas; *liquid asphalt*, from Stroud, Okla., and points within 1 mile thereof, to points in Kansas within 200 miles of Stroud, Okla.; *liquid asphalt and asphaltic products*, in bulk, in tank vehicles, from Stroud, Okla., and points within 1 mile thereof, and Cushing, Okla., to points within 150 miles of Fort Smith, Ark., including Fort Smith (except points located in Missouri), with restriction; *liquid asphalt*, in bulk, in tank vehicles, from Stroud and Cushing, Okla., to certain specified points in Missouri, from Tulsa, Okla., to certain specified points in Missouri; *liquid asphalt*, in bulk, from Okmulgee, Okla., to points in Missouri; *cement*, in bulk, from Ada, Okla., to points within 200 miles thereof in Arkansas, Kansas, Missouri, and Texas, from Dewey, Okla., to points within 200 miles thereof in Arkansas, Kansas, and Missouri, with restriction; from Woodward, Okla., to certain specified points in Kansas, and points in Texas;

Cement, in bags or packages, from Dewey, Okla., to points in Kansas, Missouri, and Arkansas, within 200 miles of Dewey, from Ada, Okla., to points in Kansas, Missouri, and Arkansas within 200 miles of Ada, with restriction; *cement*, from Ada, Okla., to points in Arkansas and Texas; between points in Arkansas and Oklahoma, with restriction; *cement*, in bulk and packages, from

Ada, Okla., to points in Arkansas; *dry cement*, from the plantsite of the Oklahoma Cement Co. at or near Pryor, Okla., to points in Kansas (with exception), certain specified points in Arkansas and Missouri, from Dewey, Okla., to points in Kansas, Missouri, and Arkansas, from the plantsite of the Oklahoma Cement Co. at or near Pryor, Okla., to points in Shannon and Oregon Counties, Mo., from Tulsa, Okla., to points in Kansas, Missouri, and Arkansas, and certain specified points in Texas, between certain specified points in Texas, with restriction; from the plantsite of Oklahoma Cement Co., near Pryor, Okla., to points in Texas, from Muskogee, Okla., to points in Arkansas, Kansas, and Missouri; *dry cement*, in bulk, in tank vehicles, from Ada and Dewey, Okla., to points in Kansas and Texas, from Fredonia, Kans., to points in Texas, between points in Oklahoma, Kansas, and Texas, with restriction; *dry cement*, in containers, from Ada, Okla., to points in Kansas and Texas; *lime*, either packaged or in bulk, from the plantsite of the St. Clair Lime Co. in or near Sallisaw, Okla., to points in Kansas, certain specified points in Missouri, Arkansas, Texas, and also including service at the Pine Bluff, Ark., Arsenal, points in the Dallas and Fort Worth, Tex., commercial zones, and points in the Little Rock-North Little Rock, Ark., commercial zone, from the site of the St. Clair Lime Co. plant, about 3 miles north of Marble City, Okla., to points in Kansas, certain specified points in Missouri, Arkansas, Texas, and also including service at the Pine Bluff, Ark., Arsenal, points in the Dallas and Fort Worth, Tex., commercial zones, as defined by the Commission, and points in the Little Rock-North Little Rock, Ark., commercial zone, as defined by the Commission;

Dry fertilizer, in bulk, from Bartlesville, Okla., to points in Arkansas, Kansas, and Missouri; *dry fertilizer*, in bags, from Bartlesville, Okla., to points in Arkansas, points in Kansas (with

exception) and points in Missouri (with exception); *fly ash*, from the site of the Montrose Power Plant of the Kansas City Power and Light Co., located at or near La Due (Henry County), Mo., to points in Arkansas and Oklahoma; *alumina*, calcined and hydrated, in bulk, from Bauxite, Ark., to points in Oklahoma and Texas (except Houston, Tex., and points within 50 miles thereof); and *sand*, from points in Arkansas, to points in Kansas, Missouri, and Oklahoma, from Mill Creek, Okla., to Fort Smith and El Dorado, Ark., and certain specified points in Kansas, Louisiana, and Texas. CHEMICAL EXPRESS COMPANY holds no authority from this Commission. However, it is affiliated with CEMENT TRANSPORTS, INC., 1200 Simons Building, Dallas, Tex. 75201, which is authorized to operate as a common carrier in Texas, New Mexico, Oklahoma, Louisiana, Oklahoma, Colorado, Kansas, Missouri, Mississippi, and Tennessee; CEMENT EXPRESS, INC., 1200 Simons Building, Dallas, Tex. 75201, which is authorized to operate as a common carrier in Texas, New Mexico, Oklahoma, Arkansas, Louisiana, Colorado, Kansas, and Alabama; SMITH TRANSIT, INC., 1200 Simons Building, Dallas, Tex. 75201, which is authorized to operate as a common carrier in Texas, Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Arizona, Utah, Georgia, Illinois, Indiana, Ohio, North Carolina, South Carolina, Wisconsin, Iowa, Nebraska, Oregon, Tennessee, California, Florida, Michigan, Washington, Nevada, North Dakota, Idaho, South Dakota, Minnesota, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-12887; Filed, Oct. 28, 1969;
8:48 a.m.]

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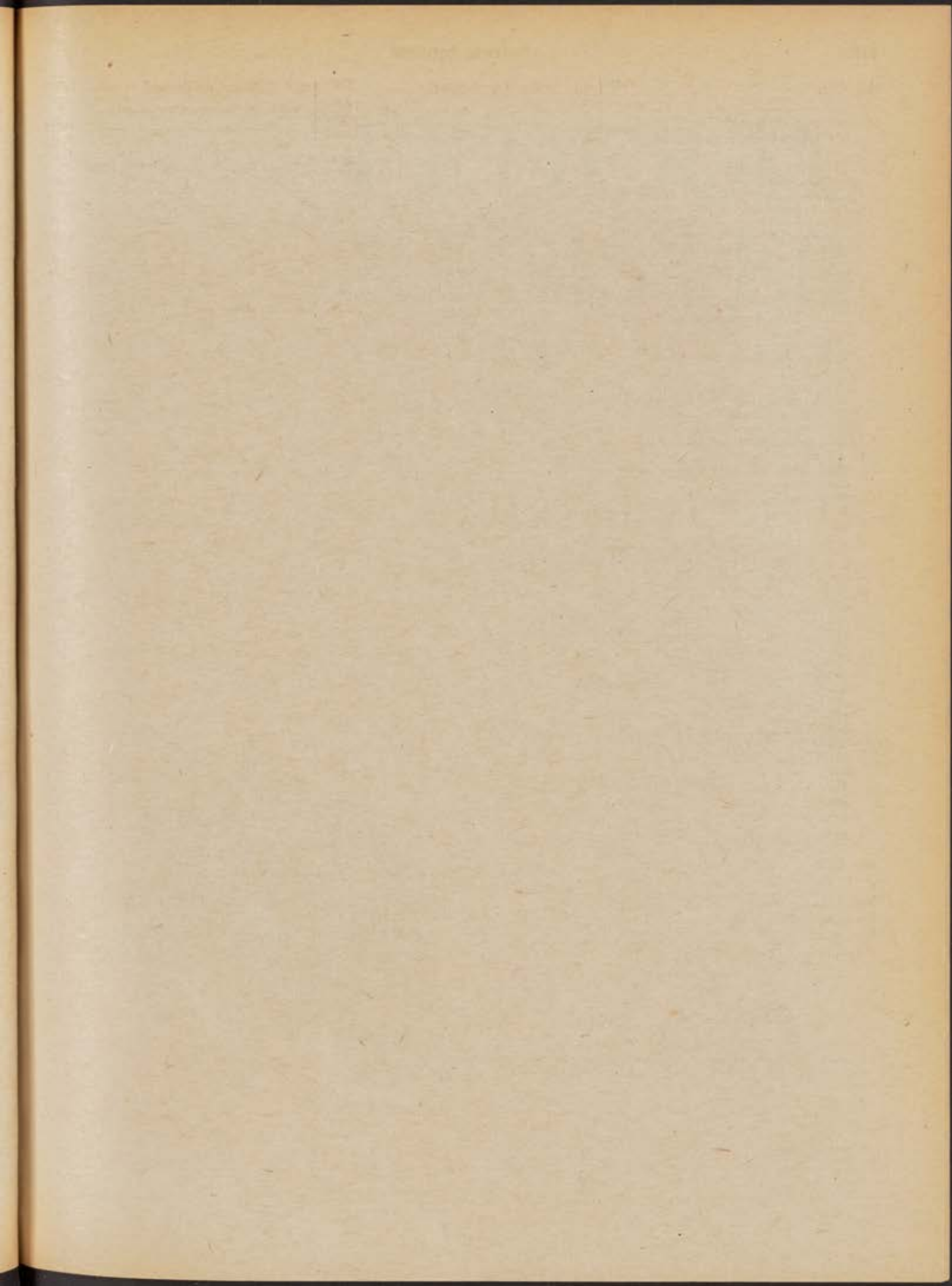
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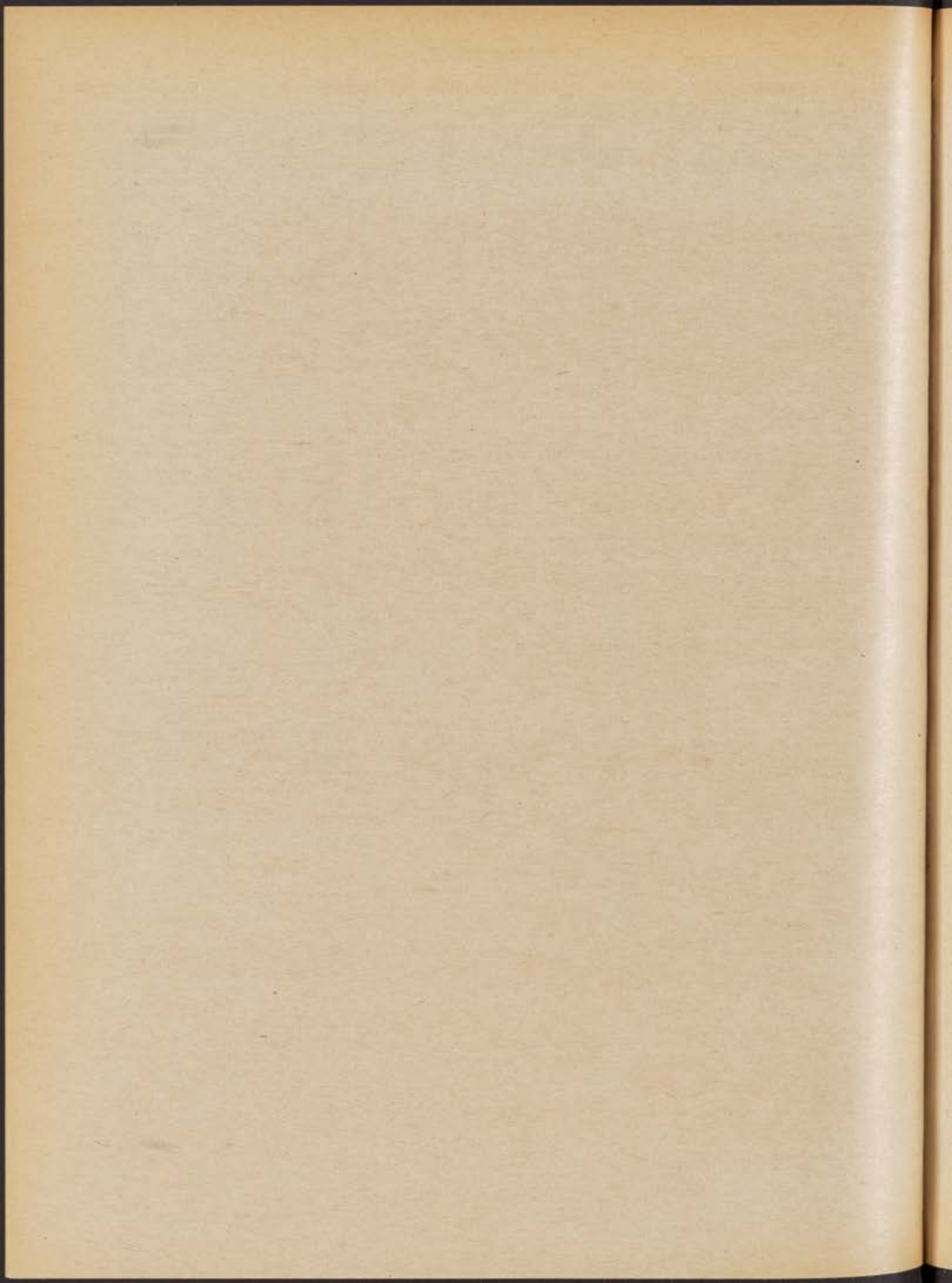
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FEDERAL REGISTER

VOLUME 34 • NUMBER 208

Wednesday, October 29, 1969 • Washington, D.C.

PART II

DEPARTMENT OF TRANSPORTATION

COAST GUARD

Miscellaneous Amendments
to Chapter



Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 69-89]

MISCELLANEOUS AMENDMENTS TO CHAPTER

1. A notice of proposed rule making was published in the FEDERAL REGISTER of February 7, 1969 (34 F.R. 1831), and in the Merchant Marine Council Public Hearing Agenda dated March 20, 1969 (CG-249). The proposed amendments were identified as Items PH 1-69 to PH 9-69, inclusive. Item PH 10-69 was published in the FEDERAL REGISTER of February 15, 1969 (34 F.R. 2254). The Merchant Marine Council held a public hearing on March 24, 1969, in Washington, D.C., on these 10 items in accordance with the terms of the notices. Interested persons were given the opportunity to submit written comments and to make oral comments regarding all the proposed amendments at the public hearing. At the conclusion of the public hearing the Council at an executive session held on March 24 and 25, 1969, duly considered all the proposed amendments and the comments submitted.

2. This is the first of a series of documents which concern the proposals considered by the Merchant Marine Council at the public hearing held on March 24, 1969. Specifically, this document concerns the proposals designated as Items PH 5-69, PH 9a-69 and that part of Item PH 4a-69 which concerns Title 33, Code of Federal Regulations. The second document concerns the proposals designated at Items PH 2-69, PH 3-69, PH 4b- and 4c-69, PH 6a-69, PH 8-69, PH 9b-69, PH 10-69 and that part of PH 4a-69 which involve amendments to Title 46, Code of Federal Regulations. These two documents are being published in the FEDERAL REGISTER at about the same time. As explained in the second document, Item 6b-69 is being withdrawn. The only items not appearing in either of these two documents, Items PH 1-69 and PH 7-69, will appear in subsequent documents.

3. Item PH 4a-69, in general, proposed changes in the requirements for waterlights in various subchapters in titles 33 and 46. This document is concerned with the proposed amendments to Subchapter N (Artificial Islands and Fixed Structures on the Outer Continental Shelf) of Chapter I, Title 33. No comments were received on this aspect of the proposal and the Council recommended the adoption without change.

4. Item PH 5-69 proposed changes to Subchapter L (Security of Vessels and Waterfront Facilities) of title 33, concerning handling of explosives or other dangerous cargoes within or contiguous to waterfront facilities. No comments were received but minor editorial changes were made to the text, and the Council recommended that the proposal be adopted.

5. Item PH 9a-69 proposed changes to Subchapter D (Navigation Requirements for Certain Inland Waters) of title 33, to permit barges operating upon international and inland waters to display lights and shapes required by International Rule 5 (33 U.S.C. 1065). One comment, which supported the proposal, was received. Minor editorial changes were made to the text, and the Council recommended that the proposal be adopted.

6. Accordingly, after due consideration of all the relevant matter including the comments of the interested persons and the recommendations of the Merchant Marine Council, the Commandant U.S. Coast Guard has approved the amendments set forth below.

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

PART 86—INTERPRETATIVE RULINGS—INLAND RULES

Subpart 86.05—Navigation Lights

1. Subpart 86.05 is amended by adding a new section, § 86.05-10, reading as follows:

§ 86.05-10 Navigational lights for barges traversing both international and inland waters.

Notwithstanding the provisions of § 80.16b of this chapter, every barge which shall have occasion during its voyage to operate upon waters to which the International Regulations for Prevention of Collisions at Sea pertain, may, for the duration of said voyage, display the navigational lights and shapes required by International Rule 5 (33 U.S.C. 1065).

(Sec. 2, 30 Stat. 102, as amended, sec. 633, 63 Stat. 545, sec. 6(b)(1), 80 Stat. 937; 33 U.S.C. 157, 14 U.S.C. 633, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2))

SUBCHAPTER L—SECURITY OF WATERFRONT FACILITIES

PART 126—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

§ 126.11 [Amended]

2. Section 126.11 is amended by changing the words "this part" in the fourth line to "§§ 126.15 and 126.16".

3. Section 126.15 is amended by revising paragraphs (c), (f), and (i) to read as follows:

§ 126.15 Conditions for designation as designated waterfront facility.

(c) *Welding or hot work.* Oxyacetylene or similar welding or burning or other hot work including electric welding or the operation of equipment is prohibited on waterfront facilities or on vessels moored thereto, during the handling, storing, stowing, loading, discharging, or transporting of explosives. Such work may not be conducted on waterfront facilities or vessels moored thereto while either the facility or vessel is handling, storing, stowing, loading, discharg-

ing, or transporting dangerous cargo without the specific approval of the Captain of the Port.

(f) *Rubbish and waste materials.* That the waterfront facility is free from rubbish, debris, and waste materials. Burning rubbish in an open fire on a waterfront facility is prohibited.

(i) *Heating equipment and open fires.* That heating equipment is safely installed and maintained in good operating condition; that adequate clearances to prevent undue heating of nearby combustible materials are maintained between heating appliances, chimneys, stove pipes, gas vents, or other heat producing elements, and any combustible materials of the floor, walls, partitions or roofs; that in general, clearances are such that continuous operation of the heat producing device at full capacity will not increase the temperature of nearby woodwork more than 90° above the ambient temperature; that, where necessary to prevent contact with movable combustible materials, heating appliances are enclosed or screened; that spark arresters are provided on chimneys or appliances burning solid fuel used in locations where sparks constitute a hazard to nearby combustible materials. Open fires or fires in barrels, drums, or similar apparatus are prohibited. (As a guide to safe installation of heating equipment, the appropriate chapters of the National Board of Fire Underwriters Building Code (current edition) are recommended.)

§ 126.27 [Amended]

4. Section 126.27 is amended by changing the heading to read "General permit for handling dangerous articles or substances in bulk or portable tanks", adding the words "in bulk or portable tanks" to follow the words "(other than designated dangerous cargo)" in the fifth line, and by amending paragraph (b) by changing the word "written" in the fourteenth line to "prior", by deleting the words "in containers" in paragraph (b)(3), and by adding a new paragraph (b)(7) to read as follows:

(7) *Bulk shipments of dangerous cargo considered to involve a particular hazard.* A specific list of such commodities which by virtue of their properties would create unusual hazard if released, is found in § 124.14(b)(1) of this chapter.

5. Section 126.29 is revised to read as follows:

§ 126.29 Supervision and control of dangerous cargo.

(a) *Authority.* The Captain of the Port is authorized to require that any transaction of handling, storing, stowing, loading, discharging, or transporting the dangerous cargo covered by this subchapter shall be undertaken and continued only under the immediate supervision and control of the Captain of the

Port or his duly authorized representative. In case the Captain of the Port exercises such authority, all directions, instructions, and orders of the Captain of the Port or his representative, not inconsistent with this part, with respect to such handling, storing, stowing, loading, discharging, and transporting; with respect to the operation of the waterfront facility; with respect to vessels handling, stowing, loading, or discharging of dangerous cargo at anchorages when the operations are under the immediate control and supervision of the Captain of the Port or his duly authorized representative; with respect to the ingress and egress of persons, articles, and things and to their presence on the waterfront facility or vessel; and with respect to vessels approaching, moored at, and departing from the waterfront facility, shall be promptly obeyed.

(b) *Reporting discharge of dangerous liquid commodities into the waters of the United States.* To enhance the safety of the port and to protect vessels, their cargo, and waterfront facilities therein, the discharge into the navigable waters of the United States of petroleum products, petroleum byproducts or other dangerous liquid commodities which may create a hazard or toxic condition in the port area will be immediately reported to the Captain of the Port or District Commander by the owner or master of the vessel from which the discharge occurred, or the owner or operator of a waterfront facility from which the discharge occurred.

§ 126.31 [Amended]

6. Section 126.31 is amended by changing the word "Commandant" in the 12th line to "District Commander".

(R.S. 4472, as amended, sec. 1, 40 Stat. 220, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 170, 50 U.S.C. 191, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

SUBCHAPTER N—ARTIFICIAL ISLANDS AND FIXED STRUCTURES ON THE OUTER CONTINENTAL SHELF

PART 144—LIFESAVING APPLIANCES

Subpart 144.01—Manned Platforms

7. Section 144.01-10(b) is revised to read as follows:

§ 144.01-10 Equipment for life floats.

(b) An approved electric waterlight, constructed in accordance with 46 CFR Subpart 161.001 or 161.010 of Subchapter Q (Specifications), shall be provided for each life float. Waterlights constructed in accordance with 46 CFR Subpart 161.001 of Subchapter Q shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition. The waterlight shall be attached to the life float by a lanyard not less than 1 fathom nor more than 2 fathoms in length. The waterlight shall be mounted in a bracket so that when the life float is launched the water light will pull free of the bracket.

8. Section 144.01-25(b) is revised to read as follows:

§ 144.01-25 Ring life buoys.

(b) An approved electric waterlight, constructed in accordance with 46 CFR Subpart 161.001 or 161.010 of Subchapter Q (Specifications), shall be provided for each ring life buoy. Waterlights constructed in accordance with 46 CFR Subpart 161.001 of Subchapter Q shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition. The waterlight shall be attached to the ring life buoy by a lanyard not less than 3 feet or more than 6 feet in length. The waterlight shall be mounted in a bracket near the ring life buoy so that when the ring life buoy is cast loose the waterlight will pull free of the bracket.

(Sec. 4, 67 Stat. 462, sec. 633, 63 Stat. 545, sec. 6(b) (1), 80 Stat. 937; 43 U.S.C. 1333, 14 U.S.C. 633, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

Effective date. These amendments shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: October 23, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-12836; Filed, Oct. 28, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGFR 69-72]

MISCELLANEOUS AMENDMENTS TO CHAPTER

1. A notice of proposed rule making was published in the FEDERAL REGISTER of February 7, 1969 (34 F.R. 1831) and in the Merchant Marine Council Public Hearing Agenda dated March 20, 1969 (CG-249). The proposed amendments were identified as Items PH 1-69 to PH 9-69, inclusive. Item PH 10-69 was published in the FEDERAL REGISTER of February 15, 1969 (34 F.R. 2254). The Merchant Marine Council held a public hearing on March 24, 1969, in Washington, D.C., on these 10 items in accordance with the terms of the notices. Interested persons were given the opportunity to submit written comments and to make oral comments regarding all the proposed amendments at the public hearing. At the conclusion of the public hearing the Council at an executive session held on March 24 and 25, 1969, duly considered all the proposed amendments and the comments submitted.

2. This is the second of a series of documents which concern the amendments considered by the Merchant Marine Council at the public hearing held on March 24, 1969. The first document

concerns the proposals designated as Items PH 5-69, PH 9a-69, and that part of Item 4a-69 which involve amendments to Title 33, Code of Federal Regulations. These two documents are being published in the FEDERAL REGISTER at about the same time. Item 6b-69 is withdrawn. This item proposed to amend Table 45.15-97a of 46 CFR 45.15-97 to include vessels 750 to 1,000 feet in length engaged on Great Lakes voyages. It was proposed to apply to these vessels basic minimum summer freeboard requirements determined on the basis of Type B Table of the 1966 International Load Line Convention provided they satisfy four construction requirements listed in the proposed § 45.10-105. Subsequent to the instant public hearing a superseding notice of rule making was published in the FEDERAL REGISTER of June 24, 1969 (34 F.R. 9754). This second notice proposed to add to Part 45 of Subchapter E a new § 45.15-100 which specified the basic minimum summer freeboards for vessels from 440 to 1,000 feet in length engaged in Great Lakes voyages provided they satisfy five construction requirements listed in the proposed section. The minimum summer freeboards were also determined on the basis of the Type B Table of the 1966 International Load Line Convention. Since no adverse comments were received, the new § 45.15-100 was promulgated in the FEDERAL REGISTER of July 26, 1969 (34 F.R. 12342). This amendment renders the changes originally proposed in Item PH 6b-69 unnecessary. The present document concerns the proposals designated as Items PH 2-69, PH 3-69, PH 4b- and 4c-69, PH 6a-69, PH 8-69, PH 9b-69, PH 10-69, and that part of Item PH 4a-69 which concerns Title 46, Code of Federal Regulations. The only remaining items, Items PH 1-69 and PH 7-69, will appear in subsequent documents. The Merchant Marine Council has recommended changes in a number of the proposals as a result of its study of the proposals and the comments received from interested persons. The most significant changes recommended by the Council will be indicated in connection with each item.

3. Item PH 2-69 proposed miscellaneous amendments to Part 146 of Subchapter N (Dangerous Cargoes) to clarify the application of certain regulations and to reflect current terminology. The significant changes in the proposed amendments recommended by the Merchant Marine Council are as follows: (a) Withholding of the proposed change to § 146.23-100 which would have prohibited the use of glass carboys for corrosive liquids, (b) the insertion in § 146.27-32(a) of a reference to §§ 70.10-44 and 90.10-38 for the definition of a space, "specially suitable for vehicles", (c) changing the word "containers" to "tanks" in §§ 30.01-20, 70.05-25, 90.05-30, 146.02-30, and 188.05-30, (d) the insertion in § 146.06-14(a) of a requirement that the person preparing or supervising the preparation of the dangerous cargo manifest, rather than the master, shall certify to its truth and accuracy to the best of his knowledge and belief, (e)

the insertion in § 146.29-27(a) of a limitation that a stream of water from at least one hose should reach all areas of the weather deck.

4. (a) Items PH 3a-69 to 3d-69 proposed various amendments to Subchapter D (Tank Vessels). Item 3a related to deck foam systems; Item 3b to segregation of cargo; Item 3c to fire and lifeboat drills, and Item 3d to the installation of sacrificial anodes. The Merchant Marine Council recommended no changes in Items 3a, 3b, and 3c. As to Item 3d, the Council recommended a change in the wording of § 35.01-25(b) (4) relating to composition of aluminum alloy anodes. Item PH 3e-69 proposed an amendment to § 111.70-10(c) (2) (ii) relating to the installation of explosion-proof lights in tank vessels. The Council recommended approval of this proposal subject to the deletion of the provision that specific approval by the Commandant is required for the installation of approved explosion-proof lights.

(b) Item PH 4a-69 proposed changes in the requirements for floating electric waterlights. The Council recommended that the drop test required by § 161.010-5(b) (2) be changed from a height of 180 feet to 90 feet to make it consistent with the test required for the floating orange smoke signal by § 160.057-4(b) (1) (i). The Council also recommended that in §§ 33.15-20(j), 75.20-25(o), 94.20-25(o), 94.20-35(e), 192.20-25(o), and 192.20-35(e) the requirement that the water light be attached to the lifeboat or buoyant apparatus by a 12-thread manila lanyard be amended to permit an equivalent synthetic lanyard. Item PH 4b-69 proposed a revision in the specifications for structural insulation and bulkhead panels. The Merchant Marine Council recommended that § 164.007-7(a) (2), requiring a retest schedule for domestic products every year be changed to 5 years and 2 years, respectively. Item PH 4c-69 proposed amendments to the specifications for orange smoke distress signals. The Council recommended that these proposals be adopted without any change.

5. Item PH 6a-69 contained proposals to apply the 1966 International Load Line Convention rail and bulwark height of one meter (39½ inches) to tank, passenger, cargo, small passenger, and oceanographic vessels. The Merchant Marine Council recommended a change in the proposal with respect to small passenger vessels (Subchapter T). The effect of this recommendation is to apply the 1966 International Load Line Convention rail and bulwark height of one meter (39½ inches) only to those small passenger vessels which are subject to the 1966 International Load Line Convention. However, the cognizant Officer in Charge, Marine Inspection is authorized to approve a lesser height where the height of 39½ inches will interfere with the normal operation of the ship and he is satisfied that the lesser height will provide adequate protection. All other small passenger vessels covered by Subchapter T will continue to be covered by the existing requirements. See 46 CFR 177.35-1.

6. (a) Item PH 8a-69 proposed to amend Subchapters D, I, and U to require the applicable vessels to carry at least two emergency fireman's outfits instead of the one now required. The item also revised the components included within the fireman's emergency outfit. As a result of a comment received, the Merchant Marine Council recommended a change to 46 CFR 35.30-20 which has the effect of permitting manned tank barges to continue to carry only one outfit. (b) Item PH 8b-69 proposed amendments to §§ 35.70-20(d), 78.80-15(c), 97.70-15(c), and 146.09-15(e) which would require that the carbon monoxide concentration in the holds and intermediate decks where persons are working be maintained at not more than 50 parts per million as a time-weighted average and that persons be removed from these spaces if the concentration exceeds 75 parts per million. Item PH 2-69 proposed the same change to §§ 146.27-30(c) (1), 146.27-31(c) (1), and 146.27-32(c) (1). These proposals were predicated on the recommendations of the American Conference of Governmental Industrial Hygienists (ACGIH). A number of written and oral comments were received on this proposal. Some comments were to the effect that the present standard be left unchanged. Other comments urged that the proposed amendments should be consistent with an anticipated amendment to 29 CFR Part 1504, Safety and Health Regulations for Longshoring, by the Department of Labor. This amendment by the Department of Labor was represented as being similar to the Coast Guard proposal except that it would require the removal of persons from an affected space whenever the carbon monoxide concentration exceeds 100 parts per million. Still another comment strongly urged the Coast Guard to adopt the requirement for the removal of all persons from spaces whenever the carbon monoxide concentration exceeds 50 parts per million. The proposals and all the comments were duly considered by the Merchant Marine Council and consultations were held with representatives of the Bureau of Labor Standards of the Department of Labor. These consultations indicated no opposition to the Coast Guard proposals. Accordingly, the Merchant Marine Council recommended that the proposals in Item PH 8b-69 and the related proposals in Item PH 2-69 be adopted without change. Also, the Council recommended a comparable change be made to §§ 78.83-1(b), 97.80-1(b), (c), and 146.07-5(d). In addition, the Council considered the advisability of developing procedures for sampling the atmosphere for carbon monoxide in the affected spaces. However, it soon became apparent that the development of monitoring procedures would require extensive consultations with industrial hygienists and other experts. In view of the delay involved in this undertaking, the Council recommended that the amendments as proposed, without the monitoring procedures, be promulgated without further delay. However, the Coast Guard intends to develop and promulgate rea-

sonable monitoring procedures sometime in the future.

7. (a) Item PH 9b-69 proposed to amend §§ 25.05-15 and 184.15-5 to make it clear that the definition of light intensity in terms of candlepower, as published in the FEDERAL REGISTER of December 27, 1967 (32 F.R. 20812), will apply only to new navigation lights installed on or after January 1, 1971. In response to comments received the Council recommended a minor change to the proposed amendments to ensure that the existing navigation lights on uninspected vessels and small passenger vessels under 100 gross tons will continue to be evaluated on the same basis as they were prior to the adoption of the intensity definition. (b) Item PH 10-69 proposed to amend Parts 42 and 45 to revise, in the light of current conditions, certain prescribed fees for the assignment of vessel load lines. No comments were received on this item and the Council recommended that the proposed amendments be adopted without change.

8. Accordingly, after due consideration of all the relevant matter including the comments of the interested persons and the recommendations of the Merchant Marine Council, the Commandant U.S. Coast Guard has approved the amendments set forth below.

SUBCHAPTER C—UNINSPECTED VESSELS

PART 25—REQUIREMENTS

Subpart 25.05—Navigation Lights and Shapes, Whistles, Foghorns, Fog Bells, and Gongs

9. Section 25.05-15 is amended by adding a new paragraph (d) to read as follows:

§ 25.05-15 Light intensity standards.

(d) The light intensity standards of this section shall apply to new navigation lights installed and replacements of existing lights made on or after January 1, 1971. Such lights shall be of an approved type.

(R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 526p, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

Subpart 30.01—Administration

10. Section 30.01-20 is amended by revising the heading and paragraphs (a) and (b) to read as follows:

§ 30.01-20 Portable tanks—interpretive rulings—TB/ALL.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to mean portable tanks having a maximum capacity of 110 U.S. gallons and Department of Transportation specification cylinders having a water capacity of not more than 1,000 pounds.

which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase "inflammable or combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include such cargo in portable tanks of a capacity of more than 110 U.S. gallons.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended, 4472, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 31—INSPECTION AND CERTIFICATION

Subpart 31.25—Load Lines

11. Section 31.25-1 is revised to read as follows:

§ 31.25-1 Load lines required—TB/OCL.

All tank vessels of 150 gross tons or over, or 79 feet in length or greater, navigating the oceans, coastwise waters, and Great Lakes are subject to the regulations in Parts 42 to 45, inclusive, Subchapter E (Load Lines), of this chapter, as applicable.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended, sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 49 U.S.C. 85a, 88a, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

Subpart 32.01—Safety Requirements

12. Section 32.01-10 is revised to read as follows:

§ 32.01-10 Rails—TB/ALL.

(a) All tank vessels, except unmanned tank barges, contracted for on or after July 1, 1969, shall have efficient guard rails or bulwarks on decks and bridges. The height of rails or bulwarks shall be at least 39½ inches from the deck except that where this height would interfere with the normal operation of the vessel, a lesser height may be approved by the Commandant. At exposed peripheries of the freeboard and superstructure decks the rails shall be in at least three courses including the top. The opening below the lowest course shall not be more than 9 inches. The courses shall not be more than 15 inches apart. In the case of ships with rounded gunwales, the guard rail supports shall be placed on the flat of the deck. On other decks and bridges the rails shall be in at least two courses, including the top, approximately evenly spaced. All rails shall consist of solid or tubular sections or chains or wire rope or a combination thereof.

(b) Where it can be shown to the satisfaction of the Commandant that a vessel is engaged exclusively on voyages of a sheltered nature, the provisions of paragraph (a) of this section may be relaxed.

(c) Tank vessels contracted for prior to July 1, 1969, except unmanned tank barges, assigned a deeper load line under Part 42 of Subchapter E (Load Lines) of this chapter shall have efficient guard rails or bulwarks as required by paragraph (a) of this section. Otherwise, existing rails and bulwarks previously approved will be considered satisfactory so long as they are maintained in good condition. Minor repairs and alterations may be made to the same standard as the original construction.

Subpart 32.60—Hull Requirements for Tank Vessels Construction on or After July 1, 1951

13. Section 32.60-10(e) is revised to read as follows:

§ 32.60-10 Segregation of cargo; Grade A, B, C, or D—TB/ALL.

(e) *Openings.* (1) Except as provided in paragraph (c) of this section, there shall be no manholes or other openings from cargo tanks to any other enclosed spaces. An exception may be made to allow direct access from cargo tanks to innerbottoms through gas tight bolted manholes, provided:

(i) The innerbottom tanks are voids or ballast tanks only, and

(ii) The innerbottom tanks are protected from sources of ignition similar to the cargo tanks, and any bilge or ballast pumping system serving the innerbottom tanks are treated like cargo pumping systems.

(2) Any vents, sounding tubes, and similar piping passing through such tanks shall be run in a suitable trunk; or such piping shall have a wall thickness equal to or greater than the innerbottom plating, but not less than schedule 80, and shall be welded continuously on both sides of the innerbottom plating.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 33—LIFESAVING APPLIANCES

Subpart 33.15—Equipment for Lifeboats, Liferrafts, or Buoyant Apparatus

14. Section 33.15-20(j) is revised to read as follows:

§ 33.15-20 Description of equipment for liferafts and buoyant apparatus—TB/LBR.

(j) *Water light.* The water light shall be of an approved automatic electric type, constructed in accordance with Subpart 161.001 or Subpart 161.010 of Subchapter Q (Specifications) of this chapter. Water lights constructed in accordance with Subpart 161.001 shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition. The water light shall be attached to the liferaft or buoyant apparatus by a 12-thread manila or equiv-

alent synthetic lanyard 3 fathoms in length.

Subpart 33.40—Ring Life Buoys and Water Lights

15. Section 33.40-1(b) is revised to read as follows:

§ 33.40-1 Ring life buoys and water lights, general requirements—TB/ALL.

(b) All water lights shall be of an approved automatic electric type, constructed in accordance with Subpart 161.001 or Subpart 161.010 of Subchapter Q (Specifications) of this chapter. Water lights constructed in accordance with Subpart 161.001 shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 34—FIREFIGHTING EQUIPMENT

Subpart 34.20—Deck Foam System, Details

§ 34.20-1 [Amended]

16. Paragraphs (a) and (b) of § 34.20-1 are amended by changing the date from "January 1, 1962" to "January 1, 1970".

17. Section 34.20-5(b) is revised to read as follows:

§ 34.20-5 Quantity of foam required—T/ALL.

(b) *Rate of application.* The water rate of the foam production equipment shall be determined as follows:

(1) For usual petroleum products the water rate shall be at least 0.016 gallons per minute for each square foot of the cargo area or 0.24 gallons per minute for each square foot of the horizontal sectional area of the single tank having the largest such area, whichever is greater.

(2) For polar solvent products (e.g. alcohols, ketones, etc.) the water rate shall be determined for each vessel. The rate will depend upon the vessel design, products to be carried and foam system to be used.

§ 34.20-15 [Amended]

18. Section 34.20-15(c) is amended by adding between the first and second sentences the sentence reading as follows: "At least 50 percent of the required rate of application shall be from mounted appliances."

§ 34.20-90 [Amended]

19. The heading of § 34.20-90 and paragraphs (a) and (a) (3) thereof are amended to change the date, "January 1, 1962" to "January 1, 1970".

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 35—OPERATIONS

Subpart 35.01—Special Operating Requirements

20. Section 35.01-25 is revised to read as follows:

§ 35.01-25 Sacrificial anode installations—TB/ALL.

(a) The installation of magnesium sacrificial anodes in cargo tanks utilized for the carriage of flammable or combustible liquids in bulk is prohibited.

(b) A sacrificial anode using an aluminum alloy will be permitted in cargo tanks under the following criteria:

(1) The maximum allowable energy that can be developed by a falling anode shall be 200 foot-pounds.

(2) No anode shall be installed more than 6 feet above the bottom of the tank. Special consideration will be given when structural design prevents the anodes from falling in event of failure of the attachments.

(3) Each anode shall have at least two welded or bolted connections to the supporting structure. Special consideration will be given to proprietary attachments which provide equally safe installations.

(4) The plans of the anode installation and a chemical analysis of the alloy composition shall be submitted for approval. The anode should be magnesium free and the silicon content limited to trace amounts.

(5) The recommended construction of the anode should utilize a mild steel core with necessary attachments. Other types may be used but will require special consideration.

(c) Sacrificial anodes using materials other than those having aluminum and/or magnesium in whole or in part are permitted.

Subpart 35.10—Fire and Emergency Requirements

21. Section 35.10-5(e) is revised to read as follows:

§ 35.10-5 Emergency signals; fire and lifeboat drills—T/ALL.

(e) The fire and boat drill shall be conducted as if an actual emergency existed. All hands should report to their respective stations and be prepared to perform the duties specified in the station bill.

(1) Fire pumps shall be started and a sufficient number of outlets used to ascertain that the system is in proper working order.

(2) All rescue and safety equipment shall be brought from the emergency equipment lockers and the persons designated shall demonstrate their ability to use the equipment.

(3) Weather permitting, lifeboat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position, painters led forward and tended, and other lifesaving equipment prepared for use. The motor and hand-propelling gear of each lifeboat,

where fitted, shall be operated for at least 5 minutes.

(4) The passengers, if carried, shall be encouraged to fully participate in these drills and shall be instructed in the use of the life preservers.

(5) In port, every lifeboat shall be swung out, if practicable and the unobstructed lifeboats shall be lowered to the water and the crew exercised in the use of the oars and other means of propulsion if provided for the lifeboat. Although all lifeboats may not be used in a particular drill, care shall be taken that all lifeboats are given occasional use to ascertain that all lowering equipment is in proper order and the crew properly trained. The Master shall be responsible that each lifeboat is lowered to the water at least once in each 3 months.

(6) When the vessel is underway, and weather permitting, all lifeboats shall be swung out to ascertain that the gear is in proper order.

(7) The person in charge of each lifeboat and liferaft shall have a list of its crew and shall see that the men under his command are acquainted with their duties.

Subpart 35.30—General Safety Rules

22. Section 35.30-20 is amended by revising paragraph (a) and adding to it new subparagraphs (5), (6), and (7) reading as follows:

§ 35.30-20 Emergency equipment—TB/ALL.

(a) All tankships having tanks which exceed 15 feet in depth, measured from the deck to the lowest point at which cargo is carried, all tankships on an international voyage, and all tankships of 1,000 gross tons and over shall be provided with at least two emergency outfits. All other manned tank vessels shall be provided with at least one emergency outfit. Each outfit shall be equipped as follows:

(5) Boots and gloves of rubber or other electrically nonconducting material.

(6) A rigid helmet which provides effective protection against impact.

(7) Protective clothing of material that will protect the skin from the heat of fire and burns from scalding steam. The outer surface shall be water resistant.

Subpart 35.70—Power-Operated Industrial Trucks

23. Section 35.70-20(d) is revised to read as follows:

§ 35.70-20 Special operating conditions—TB/ALL.

(d) Spaces exposed to carbon monoxide or other hazardous vapors from exhausts of power-operated industrial trucks shall have adequate ventilation. The senior deck officer shall see that tests of the carbon monoxide content of the atmosphere are made as frequently

as conditions require to insure that dangerous concentrations do not develop. Such tests shall be made in the area in which persons are working, by persons acquainted with the test equipment and procedure. The carbon monoxide concentration in the holds and intermediate decks where persons are working shall be maintained at not more than 50 parts per million (0.005%) as a time-weighted average, and persons shall be removed from the area if the concentration exceeds 75 parts per million (0.0075%). When necessary, portable blowers of adequate size and location shall be utilized.

(R.S. 4405, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

SUBCHAPTER E—LOAD LINES

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

Subpart 42.35—Load Line Assignment, Surveys, and Inspections; Fees and Other Expenses

24. Section 42.35-1 is amended by revising Table 42.35-1 and adding a new paragraph (d) to read as follows:

§ 42.35-1 Scale of fees.

(a) * * *

TABLE 42.35-1—FEES FOR ASSIGNMENT OF LOAD LINE

Fee numeral or gross tonnage ¹	Classed vessels	Un-classed vessels
Under 200 gross tons	\$30	\$150
200 and under 400 gross tons	30	150
400 and under 700 gross tons	35	250
700 and under 1,000 gross tons	40	325
1,000 and under 1,500 gross tons	40	345
1,500 and under 2,500 gross tons	50	465
2,500 and under 3,500 gross tons	60	465
3,500 and under 5,000 gross tons	70	515
5,000 and under 6,500 gross tons	85	585
6,500 and under 8,000 gross tons	100	645
8,000 and under 10,000 gross tons	110	705
10,000 and under 12,000 gross tons	120	765
12,000 and under 15,000 gross tons	130	825
15,000 gross tons and above	140	885

¹ Fee numeral shall be calculated equal to $\frac{L \times B \times D}{140}$ in which L, B, and D are the molded dimensions. The fee numeral is to be used where it is greater than the gross tonnage.

(d) For full strength or subdivision load line calculations, a fee commensurate with the amount of work involved will be charged with \$100 as a minimum fee.

§ 42.35-5 [Amended]

25. Section 42.35-5(a) is amended by changing "50 percent" in the third line to "75 percent".

§ 42.35-10 [Amended]

26. Section 42.35-10(a) is amended by changing "\$25" in the second line to "\$45" and by changing "\$35" in the third line to "\$55".

(R.S. 4405, as amended, 4462, as amended, sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 828, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 85a, 88a, 49 U.S.C. 1655 (b) (1); 49 CFR 1.4(a) (2))

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

Subpart 45.25—Fees and Form of Certificate

§ 45.25-1 [Amended]

27. Section 45.25-1 is amended by changing "§ 43.40-5" in the fifth line to "Subpart 42.35".

(R.S. 4405, as amended, 4462, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 88a, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

SUBCHAPTER H—PASSENGER VESSELS

PART 70—GENERAL PROVISIONS

Subpart 70.05—Application

28. Section 70.05-25 is amended by revising the heading and paragraphs (a) and (b) to read as follows:

§ 70.05-25 Portable tanks—interpretive rulings.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to mean portable tanks having a maximum capacity of 110 U.S. gallons and Department of Transportation specification cylinders having a water capacity of not more than 1,000 pounds, which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase "inflammable or combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include such cargo in portable tanks of a capacity of more than 110 U.S. gallons.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended, 4472, as amended, sec. 6(b) (1), 80 Stat. 938; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b) (1); 49 CFR 1.4 (a) (2))

PART 72—CONSTRUCTION AND ARRANGEMENT

Subpart 72.20—Accommodations for Officers and Crew

§ 72.20-10 [Amended]

29. Section 72.20-10(b) is amended by changing "§ 43.15-1" in the 10th line to "§ 42.13-15".

Subpart 72.40—Rails and Guards

§ 72.40-1 [Amended]

30. Section 72.40-1(a) is amended by changing the date "November 19, 1952" which appears in both the fourth and fifth lines to "July 1, 1969".

31. Section 72.40-5 is revised to read as follows:

§ 72.40-5 Where rails required.

(a) All passenger vessels shall have efficient guard rails or bulwarks on decks and bridges as follows: The height of

rails or bulwarks shall be at least 39½ inches from the deck. At the peripheries of the freeboard and superstructure decks and at the peripheries of all decks accessible to passengers, rails shall be in at least three courses including the top. The opening below the lowest course shall not be more than 9 inches. The courses shall not be more than 15 inches apart. In the case of ships with rounded gunwales the guard rail supports shall be placed on the flat of the deck. On other decks and bridges the rails shall be in at least two courses, including the top, approximately evenly spaced.

(b) Where the height of the rails interferes with the business of the vessel, as in the case of a sport fishing vessel, other arrangements may be specifically approved by the Commandant. However, in general, the effective rail or bulwark height above the deck on which the passengers stand shall be at least 30 inches.

(c) On the passenger decks of ferryboats, excursion vessels, and vessels of a similar type, the space below the top of the rail shall be fitted with suitable wire mesh or the equivalent. Depending upon the type of construction, the lower rail courses may not be required.

(d) Where it can be shown to the satisfaction of the Commandant that a vessel is engaged exclusively in voyages of a sheltered nature, the provisions of paragraph (a) of this section may be relaxed.

32. Section 72.40-90 is revised to read as follows:

§ 72.40-90 Vessels contracted for prior to July 1, 1969.

(a) Passenger vessels contracted for prior to July 1, 1969, assigned a deeper load line under Part 42 of Subchapter E (Load Lines) of this chapter shall have efficient guard rails or bulwarks as required by § 72.40-5. Otherwise, existing structure, arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction provided that in no case will greater departure from the standards of §§ 72.40-5 through 72.40-20 be permitted than presently exists.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, R.S. 4405, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 85a, 88a, 375, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 75—LIFESAVING EQUIPMENT

Subpart 75.20—Equipment for Lifeboats, Liferrafts, Lifefloats, and Buoyant Apparatus

33. Section 75.20-25(o) is revised to read as follows:

§ 75.20-25 Description of equipment for liferafts.

(o) *Water light.* The water light shall be of an approved type, constructed in

accordance with Subparts 160.012, 161.001, or 161.010 of Subchapter Q (Specifications) of this chapter. Water lights constructed in accordance with Subpart 160.012 or 161.001 shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition. The water light shall be attached to the liferaft by a 12-thread manila or equivalent synthetic lanyard 3 fathoms in length.

Subpart 75.43—Ring Life Buoys and Water Lights

34. Section 75.43-5(b) is revised to read as follows:

§ 75.43-5 General.

(b) All water lights shall be of an approved type, constructed in accordance with Subparts 160.012, 161.001 or 161.010 of Subchapter Q (Specifications) of this chapter. Water lights constructed in accordance with Subpart 160.012 or 161.001 of this chapter shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition.

(R.S. 4405, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 78—OPERATIONS

Subpart 78.80—Power-Operated Industrial Trucks

35. Section 78.80-15(c) is revised to read as follows:

§ 78.80-15 Special operating conditions.

(c) Spaces exposed to carbon monoxide or other hazardous vapors from exhausts of power-operated industrial trucks shall have adequate ventilation. The senior deck officer shall see that tests of the carbon monoxide content of the atmosphere are made as frequently as conditions require to insure that dangerous concentrations do not develop. Such tests shall be made in the area in which persons are working, by persons acquainted with the test equipment and procedure. The carbon monoxide concentration in the holds and intermediate decks where persons are working shall be maintained at not more than 50 parts per million (0.005 %) as a timeweighted average, and persons shall be removed from the area if the concentration exceeds 75 parts per million (0.0075 %). When necessary, portable blowers of adequate size and location shall be utilized.

(R.S. 4405, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

Subpart 78.83—Operation of Vehicles in Enclosed Locations

36. Section 78.83-1 is amended by deleting paragraph (c) and by revising paragraph (b) to read as follows:

§ 78.83-1 Special operating conditions.

(b) Spaces exposed to carbon monoxide or other hazardous vapors from exhausts of power-operated industrial trucks shall have adequate ventilation. The senior deck officer shall see that tests of the carbon monoxide content of the atmosphere are made as frequently as conditions require to insure that dangerous concentrations do not develop. Such tests shall be made in the area in which persons are working, by persons acquainted with the test equipment and procedure. The carbon monoxide concentration in the holds and intermediate decks where persons are working shall be maintained at not more than 50 parts per million (0.005%) as a time-weighted average, and persons shall be removed from the area if the concentration exceeds 75 parts per million (0.0075%). When necessary, portable blowers of adequate size and location shall be utilized.

(R.S. 4405, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 90—GENERAL PROVISIONS

Subpart 90.05—Application

37. Section 90.05-30 is amended by revising the heading and paragraphs (a) and (b) to read as follows:

§ 90.05-30 Portable tanks—interpretive rulings.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to mean portable tanks having a maximum capacity of 110 U.S. gallons and Department of Transportation specification cylinders having a water capacity of not more than 1,000 pounds, which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase "inflammable or combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include such cargo in portable tanks of a capacity of more than 110 U.S. gallons.

(R.S. 4405, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 92—CONSTRUCTION AND ARRANGEMENT

Subpart 92.20—Accommodations for Officers and Crew

§ 92.20-10 [Amended]

38. Section 92.20-10(b) is amended by changing "§ 43.15-1" in the 10th line to "§ 42.13-15".

Subpart 92.25—Rails and Guards

§ 92.25-1 [Amended]

39. Section 92.25-1(a) is amended by changing the date "July 1, 1960" which appears in the fourth and fifth lines to "July 1, 1969".

40. Section 92.25-5 is revised to read as follows:

§ 92.25-5 Where rails required.

(a) All vessels shall have efficient guard rails or bulwarks on decks and bridges. The height of rails or bulwarks shall be at least 39½ inches from the deck except that where this height would interfere with the normal operation of the vessel, a lesser height may be approved by the Commandant. At exposed peripheries of the freeboard and superstructure decks, the rails shall be in at least three courses, including the top. The opening below the lowest course shall not be more than 9 inches. The courses shall not be more than 15 inches apart. In the case of ships with rounded gunwales the guard rail supports shall be placed on the flat of the deck. On other decks and bridges the rails shall be in at least two courses, including the top, approximately evenly spaced. If it can be shown to the satisfaction of the Officer in Charge, Marine Inspection, that the installation of rails of such height will be unreasonable and impracticable, having regard to the business of the vessel, rails of a lesser height or in some cases grab rails may be accepted and inboard rails may be eliminated if the deck is not generally accessible.

(b) Where it can be shown to the satisfaction of the Commandant that a vessel is engaged exclusively in voyages of a sheltered nature, the provisions of paragraph (a) of this section may be relaxed.

41. Section 92.25-90 is revised to read as follows:

§ 92.25-90 Vessels contracted for prior to July 1, 1969.

(a) Vessels contracted for prior to July 1, 1969, assigned a deeper load line under Part 42 of Subchapter E (Load Lines) of this chapter shall have efficient guard rails or bulwarks as required by § 92.25-5. Otherwise, existing structure, arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction. However, in no case will greater departure from the standards of §§ 92.25-5 through 92.25-15 be permitted than presently exists.

(R.S. 4405, as amended, 4462, as amended, sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 85a, 88a, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 94—LIFESAVING EQUIPMENT

Subpart 94.20—Equipment for Lifeboats, Liferrafts, Lifeboats, and Buoyant Apparatus

42. Section 94.20-25(o) is revised to read as follows:

§ 94.20-25 Description of equipment for liferafts.

(o) *Water light.* The water light shall be of an approved type, constructed in accordance with Subparts 160.012, 161.001 or 161.010 of Subchapter Q (Specifications) of this chapter. Water lights constructed in accordance with Subpart 160.012 or 161.001 of this chapter shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition. The water light shall be attached to the liferaft by a 12-thread manila or equivalent synthetic lanyard 3 fathoms in length.

43. Section 94.20-35(e) is revised to read as follows:

§ 94.20-35 Description of equipment for lifeboats and buoyant apparatus.

(e) *Water light.* The water light shall be of an approved type, constructed in accordance with Subpart 160.012, 161.001 or 161.010 of Subchapter Q (Specifications) of this chapter. Water lights constructed in accordance with Subpart 160.012 or 161.001 of this chapter shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition. The water light shall be attached to the lifeboat or buoyant apparatus by a 12-thread manila or equivalent synthetic lanyard 3 fathoms in length.

Subpart 94.43—Ring Life Buoys and Water Lights

44. Section 94.43-5(b) is revised to read as follows:

§ 94.43-5 General.

(b) All water lights shall be of an approved type, constructed in accordance with Subparts 160.012, 161.001 or 161.010 of Subchapter Q (Specifications) of this chapter. Water lights constructed in accordance with Subpart 160.012 or 161.001 of this chapter shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition.

(R.S. 4405, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 96.35—Fireman's Outfit

45. Section 96.35-5 is amended by adding new paragraphs (f), (g), and (h), reading as follows:

§ 96.35-5 General.

(f) Boots and gloves shall be of rubber or other electrically nonconducting material.

(g) The helmet shall provide effective protection against impact.

(h) Protective clothing shall be of material that will protect the skin from the heat of fire and burns from scalding steam. The outer surface shall be water resistant.

46. Section 96.35-10 is revised to read as follows:

§ 96.35-10 Fireman's outfit.

(a) A fireman's outfit shall consist of one self-contained breathing apparatus with lifeline attached, one flashlight, one flame safety lamp, a rigid helmet, boots, and gloves, protective clothing, and one fire ax.

(b) Every vessel shall carry at least two firemen's outfits.

(R.S. 4405, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 97—OPERATIONS

Subpart 97.70—Power-Operated Industrial Trucks

47. Section 97.70-15(c) is revised to read as follows:

§ 97.70-15 Special Operating Conditions.

(c) Spaces exposed to carbon monoxide or other hazardous vapors from exhausts of power-operated industrial trucks shall have adequate ventilation. The senior deck officer shall see that tests of the carbon monoxide content of the atmosphere are made as frequently as conditions require to insure that dangerous concentrations do not develop. Such tests shall be made in the area in which persons are working, by persons acquainted with the test equipment and procedure. The carbon monoxide concentration in the holds and intermediate decks where persons are working shall be maintained at not more than 50 parts per million (0.005%) as a time-weighted average, and persons shall be removed from the area if the concentration exceeds 75 parts per million (0.0075%). When necessary, portable blowers of adequate size and location shall be utilized.

Subpart 97.80—Operation of Vehicles in Enclosed Locations

48. Section 97.80-1 is amended by deleting paragraph (c) and by revising paragraph (b) to read as follows:

§ 97.80-1 Special operating conditions.

(b) Spaces exposed to carbon monoxide or other hazardous vapors from exhausts of power-operated industrial trucks shall have adequate ventilation.

The senior deck officer shall see that tests of the carbon monoxide content of the atmosphere are made as frequently as conditions require to insure that dangerous concentrations do not develop. Such tests shall be made in the area in which persons are working, by persons acquainted with the test equipment and procedure. The carbon monoxide concentration in the holds and intermediate decks where persons are working shall be maintained at not more than 50 parts per million (0.005%) as a time-weighted average, and persons shall be removed from the area if the concentration exceeds 75 parts per million (0.0075%). When necessary, portable blowers of adequate size and location shall be utilized.

(R.S. 4405, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

SUBCHAPTER J—ELECTRICAL ENGINEERING

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

Subpart 111.70—Special Requirements for Tank Vessels

49. Section 111.70-10(c) (2) (ii) is revised to read as follows:

§ 111.70-10 Special requirements for tank vessels contracted for on or after November 19, 1955—TB/ALL.

(c) * * *

(ii) Where the location of a cargo handling room does not permit the lighting arrangement of subdivision (i) of this subparagraph, or where the lighting arrangement of subdivision (i) of this subparagraph, if used, would not provide the required illumination, approved explosion-proof lighting fixtures may be installed. Explosion-proof lighting fixtures in any one space shall be divided between at least two circuits and so arranged that adequate illumination exists for relamping any one deenergized lighting circuit.

(R.S. 4405, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 938; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

SUBCHAPTER N—DANGEROUS CARGOES

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Subpart 146.02—General Regulations

§ 146.02-12 [Amended]

50. Section 146.02-12(a) is amended by changing the word "divulged" on the 24th line to "observed".

51. Section 146.02-20(a) (2) is revised to read as follows:

§ 146.02-20 Repairs or work involving welding or burning or other hazards.

(a) * * *

(2) No such repairs or work shall be undertaken in holds containing any other dangerous articles as cargo, nor in compartments adjoining holds in which other dangerous articles as cargo are stowed, nor upon the boundaries of holds in which other dangerous articles as cargo are stowed, except necessary repairs to the vessel's main propelling or boiler plant or auxiliaries thereto, including main propulsion shafting and propeller.

52. Section 146.02-25 is amended by revising the heading, by revising paragraphs (a) and (b) and by adding paragraphs (d) and (e) reading as follows:

§ 146.02-25 Conditions under which equivalent or alternative procedures may be used.

(a) When in this subchapter it is provided that a particular fitting, appliance, apparatus, equipment, or packaging or type thereof, shall be fitted or carried in a vessel, or that any particular arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, appliance, apparatus, equipment, or packaging or type thereof, or any other arrangement: *Provided*, That he shall have been satisfied by suitable trials or tests that the fitting, appliance, apparatus, equipment, or packaging or type thereof, or the arrangement is at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, packaging, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, packaging, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

(d) Petitions for the use of alternate, equivalent, or new procedures, fitting, appliances, apparatus, equipment, packaging, or arrangements as provided in this section shall be submitted to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591, and shall contain the following information:

(1) The regulatory provision involved.
 (2) The justification for the proposal, including any reasons why the regulations are not appropriate, why the public interest would be served by the proposal, and the basis upon which the proposal would provide an adequate and reasonable degree of safety.

(3) A detailed description of the proposal, including when appropriate drawings, plans, calculations, procedures, test results, and previous authorizations or permits, and any other supporting information.

(4) The chemical name, common name, hazard classification, form, quantity, properties, and characteristics of the material covered by the proposal, including composition and percentage (specified by volume or weight) of each constituent, if a solution or mixture.

(5) Any relevant shipping or accident experience.

(6) Types of vessels on which transport is proposed and any special transportation controls needed.

(7) The name, address, and telephone number of the petitioner.

(8) A statement or recommendation regarding any changes to the regulations which would be desirable to obviate the need for similar authorizations or special permits.

(e) If the shipment also involves modes of transport other than water, the shipper must comply with 49 CFR Part 170 in lieu of paragraph (d) of this section.

53. Section 146.02-30 is amended by revising the heading and paragraphs (a) and (b) to read as follows:

§ 146.02-30 Portable tanks—interpretive rulings.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as

amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to mean portable tanks having a maximum capacity of 110 U.S. gallons and Department of Transportation specification cylinders having a water capacity of not more than 1,000 pounds, which are actually loaded and discharged from vessels with their content intact.

(b) The phrase "inflammable or combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include such cargo in portable tanks of a capacity of more than 110 U.S. gallons.

Subpart 146.04—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description of Articles Subject to the Regulations in This Subchapter

§ 146.04-5 [Amended].

54. Section 146.04-5 *List of explosives and other dangerous articles and combustible liquids* is amended by adding in the proper alphabetical sequence and canceling certain items as follows:

Article	Classed as—	Label required
<i>Items added</i>		
<i>Automobiles, motorcycles, tractors, other self-propelled vehicles or mechanized equipment (see: "Motor Vehicles, etc.")</i>	Haz.....	
<i>Clothing, used (see: "Rags, scrap")</i>	Haz.....	
<i>*Coconut meal pellets containing at least 6 percent and not more than 13 percent moisture and not more than 10 percent residual fat content.</i>	Haz.....	
<i>*Coconut meal pellets containing more than 13 percent moisture or 10 percent residual fat content.</i>	Fl. S.....	Yellow.
<i>*Copra pellets (see: "Coconut meal pellets")</i>	Haz.....	
<i>Manganese ethylenebis(dithiocarbamate (see: "Pesticides, water reactive")</i>	Haz.....	
<i>Motor Vehicles, etc., including automobiles, motorcycles, trucks, tractors, and other self-propelled vehicles or equipment powered by internal combustion engines, when offered new or used for transportation and which contain fuel in the engine or fuel tank or the electric storage battery is connected to either terminal of the electrical system of the vehicle.</i>	Haz.....	
<i>Pesticides, water reactive, including but not limited to fungicides, and herbicides etc., which contain manganese ethylene-bis(dithiocarbamate).</i>	Haz.....	
<i>Items canceled</i>		
<i>Automobiles, motorcycles, tractors, other self-propelled vehicles, or mechanized equipment, new or used when offered for transportation without boxing or crating and containing gasoline, or other motor fuel within the fuel tank.</i>	Haz.....	
<i>Automobiles, motorcycles, tractors, other self-propelled vehicles or mechanized equipment, new or used with or without boxing or crating and containing no gasoline or other motor fuel within the motor or fuel tank. (See: "Automobiles, motorcycles, tractors, other self-propelled vehicles, or mechanized equipment, etc.")</i>	Haz.....	

Subpart 146.05—Shipper's Requirements Regarding: Packing, Marking, Labeling, and Shipping Papers

55. Section 146.05-5 is amended by deleting paragraph (g) and by revising paragraphs (b), (c), (d), (e), (f), (h), (i), (j), (k), and (l) to read as follows:

§ 146.05-5 DOT and ICC specification packaging.

(b) Packagings not specified herein made previous to effective date of the regulations in this part and authorized for use under the regulations of the Department of Transportation, which may be continued in use, are as follows:

When the regulations in this part call for specification Nos.	These specification packagings may also be used
1A..... 1.....	Boxed carboy, glass, or earthenware.
1B..... 1.....	Boxed carboy, lead.
1C..... 1.....	Carboy in keg, glass or earthenware.
3A..... 3, 25, 26.....	Cylinder.
3AA..... 3, 25, 26.....	Cylinder.
3B..... 26.....	Cylinder.
3C..... 7.....	Cylinder.
3D..... 33.....	Cylinder.
3E..... 3.....	Cylinder.
4A..... 26, 38.....	Cylinder.
4B..... 26, 38.....	Cylinder.
4BA..... 26, 38.....	Cylinder.
4C..... 7.....	Cylinder.
6B..... 20A.....	Metal drum.

(c) For compressed gases when tank cars marked DOT-105A300 are authorized, tank cars marked DOT-105A400, 105A500, and 105A600 may also be accepted; when DOT-104A tank cars are authorized, tank cars marked DOT-105A300, 105A400, 105A500, and 105A600 may also be accepted; and when DOT-106A500 tank cars are authorized, tank cars marked DOT-106A800 may also be accepted.

(d) Tank cars: The regulations of the Department of Transportation, governing the transportation of explosives and other dangerous articles authorize the use of fusion welded tanks on tank cars. The fusion welded tank cars corresponding to the specification shown in the tables herein as an acceptable container are also authorized for acceptance on board vessels. These cars will be marked by a "W" added to the specification marking; for example, "DOT-103A" will carry the marking "DOT-103A-W", etc.

(e) Cylinders of foreign manufacture received from foreign countries for charging with compressed gas may be charged and shipped for export when in compliance with regulations governing such charging and shipping as promulgated by the Department of Transportation. Bill of lading or other shipping paper shall, when possible, identify the cylinder and shall carry the following certification:

These cylinders have been retested and re-filled in accordance with the Department of Transportation requirements for export.

(f) Where the regulations require DOT-37A and 37B single trip metal drums, DOT-37D, 37E, 37F, 37G, and 37H single trip metal drums may be continued in use for commodities and gross weights for which they were previously authorized until further order of the Department of Transportation.

(h) Where the regulations limit the gross weight of DOT specification portable tanks to 8,000 pounds, these portable tanks of gross weight not over 20,000 pounds may be used provided the lifting gear used to load and discharge the tank is of sufficient capacity to safely handle the weight.

(i) Where the regulations require specification DOT-22C or DOT-15P wooden or plywood boxes or drums, specifications DOT-1F or 1G polyethylene carboys in wooden or plywood boxes or drums respectively, may be continued in use for the commodities and capacities for which they were previously authorized until further order of the Department of Transportation.

(j) Where the regulations require specification DOT-21C fiber drums, specifications 21A or 21B fiber drums manufactured prior to June 27, 1962 may be used for commodities and weights for which they were previously authorized until further order of the Department of Transportation.

(k) Where the regulations require DOT-6D or 37M cylindrical steel over-

packs, DOT-6J or 37A (single trip container) metal drums manufactured prior to March 18, 1964, having an inside DOT-2S, 2SL, 2T, or 2TL polyethylene container, may be continued in use for the commodities and gross weights for which they were previously authorized until further order of the Department of Transportation.

(1) Where the regulations specify use of metal drums that may be constructed with full removable head, the opening size into the drum shall be restricted to the diameter size specified by the DOT regulations for the dangerous article concerned.

56. Section 146.05-9 is revised to read as follows:

§ 146.05-9 Specification packaging for outside packages.

Outside specification packaging may be shipped tightly overpacked in strong outside fiberboard boxes or drums; wooden boxes, barrels, or crates; metal barrels or drums; or other enclosures, under the following conditions.

(a) The package must contain no explosives or corrosive liquids other than

(1) Electrolyte, as listed in § 146.23-100;

(2) Electric storage batteries containing electrolyte; or

(3) Fire extinguisher charges.

(b) The outermost packaging must be marked with the prescribed name of contents and labeled as required by the regulations in this part.

(c) Packaging which is required by the regulations in this part to be marked "This Side Up" or "This End Up" must be placed in the overpack with filling holes up and the overpack must be properly marked "This Side Up" or "This End Up."

(d) The outside of the overpack must also be marked "Inside Packages Comply with Prescribed Specifications" unless the specification markings on the inside packaging are entirely visible through openings in the overpack.

57. Section 146.05-12(f) (5) is revised to read as follows:

§ 146.05-12 Originating shipping order, transfer shipping paper.

(f)

(5) Shipping name of each article, as shown in roman type in § 146.04-5, and the proper classification prescribed in § 146.01-4. Further description not inconsistent with the shipping name may be shown. Unauthorized abbreviations shall not be used. For other than domestic shipments, when the proper shipping name of a commodity is an "N.O.S." entry in the particular table, this term shall be qualified by the chemical name of the commodity in parentheses, e.g., "Corrosive liquid, N.O.S. (caprylyl chloride)."

Subpart 146.06—Vessel's Requirements, Regarding: Acceptance, Handling, Stowage, Etc.

58. Section 146.06-14 is revised to read as follows:

§ 146.06-14 Source of information shown on manifest, list, or stowage plan.

(a) The information required to appear on a dangerous cargo manifest, list, or stowage plan by the provisions of § 146.06-15(b) shall be the information actually furnished to the vessel by the shipper of the dangerous substances upon his bill of lading or other shipping paper; and the owner, charterer, agent, master, or person under whose supervision the actual preparation of the manifest, list, or stowage plan is made, shall cause the information required to be correctly transcribed. The person preparing or supervising the preparing of the dangerous cargo manifest shall certify to the truth and accuracy of the information on it to the best of his knowledge and belief by his signature and a notation of the date prepared.

(b) The master, or a licensed deck officer designated by the master and attached to the vessel, or the person in charge of a barge, shall, by his signature, acknowledge the correctness of the dangerous cargo manifest, list, or stowage plan. The provisions of this paragraph shall not apply to unmanned barges.

59. Section 146.06-15 is amended by revising subparagraphs (1) and (3) of paragraph (b) to read as follows:

§ 146.06-15 Information required on manifests, lists, or stowage plans.

(b)

(1) Name of vessel and official number. (If the vessel has no official number, the international radio call sign shall be substituted.)

(3) True shipping name of all explosives and other dangerous articles as given in the commodity list of the regulations in this part. For other than domestic shipments, when the shipping name of a commodity is an "N.O.S." entry in the particular table, this entry shall be qualified by the chemical name of the commodity in parentheses, e.g., "Corrosive Liquid, N.O.S. (caprylyl chloride)."

Subpart 146.07—Railroad Vehicles, Highway Vehicles, Containers or Portable Tanks Loaded With Explosives or Other Dangerous Articles and Transported on Board Ocean Vessels

60. The heading of Subpart 146.07 is revised to read as set forth above.

61. Section 146.07-1 is amended by revising paragraph (a) and subparagraphs (3), (4), and (7) of paragraph (b) to read as follows:

§ 146.07-1 Applicability and definitions.

(a) The regulations in this subpart apply to railroad vehicles, highway vehicles, containers and portable tanks in which are loaded any permitted explosives or other dangerous articles or substances, as defined in this part, when transported, carried or conveyed on

board any ocean-going vessel subject to the regulations in this part.

(3) A container is defined as a cargo-carrying unit which is designed and constructed to transport packaged or dry bulk cargoes. The container is designed to be placed on board a vessel intact, with or without cargo. When used as a land transportation unit it may be integrated with a chassis to form a highway vehicle.

(4) A portable tank is defined as a tank with a capacity in excess of 110 U.S. gallons which is designed and constructed for transporting liquids or compressed gases, equipped with skids, mountings, or other accessories to facilitate handling and securing by mechanical means, and to be lifted on and lifted off the vessel with its contents. The maximum acceptable gross weight for portable tanks is 20,000 pounds. Portable tanks in excess of 20,000 pounds gross weight and other portable tanks not specifically authorized by the regulations of this part may be authorized by the Commandant of the Coast Guard (see § 146.02-25) provided an equivalent degree of safety can be provided, e.g., by a controlled container-handling system.

(7) A containership is a vessel designed and constructed to transport portable tanks and containers which are lifted on and lifted off with their contents intact.

62. Section 146.07-5 is revised to read as follows:

§ 146.07-5 Permitted shipments.

(a) Railroad vehicles, highway vehicles, containers or portable tanks in which are loaded any permitted explosives or other dangerous articles or substances may be transported, carried or conveyed on board any vessel subject to the regulations in this part, provided there is compliance with the regulations in this subpart.

(b) Railroad vehicles, highway vehicles, containers or portable tanks in which are loaded explosives or other dangerous articles or substances or combustible liquids shall not be transported, carried or conveyed on board passenger vessels unless such items are specifically permitted by the regulations in this part to be transported, carried or conveyed on board passenger vessels, and provided there is compliance with the regulations in this subpart.

(c) Containers and packages of explosives, inflammable (flammable) liquids, inflammable (flammable) solids, oxidizing materials, corrosive liquids, compressed gases, poisons, and hazardous articles shall be so braced and secured in accordance with Department of Transportation Regulations (49 CFR Parts 170-190) for the vehicle concerned as to prevent movement within the railroad vehicle, highway vehicle, container or portable tank in which they are being transported. Portable tanks having valves or other fittings must have the valves or fittings protected and be so loaded that there will be a minimum likelihood of damage thereto during

transportation. Packages marked with stowage instructions such as "This side up" or "This end up" shall be so stowed.

(d) Railroad vehicles, highway vehicles, containers and portable tanks equipped with refrigerating or heating equipment using a flammable liquid or gas as fuel, and having such fuel in the fuel tank shall be transported only "On deck". Such equipment may be operated on board the vessel when the "On deck" stowage is provided. Equipment stowed on deck may be refueled under supervision of a qualified officer of the vessel assigned for such duty who shall insure that adequate safety precautions are observed. Railroad vehicles, highway vehicles, containers and portable tanks having refrigerating or heating equipment operated by internal combustion engines using fuel other than a flammable liquid or gas may be stowed and operated below deck provided that dangerous concentrations of carbon monoxide do not develop. The senior deck officer shall see that tests of the carbon monoxide content of the atmosphere are made as frequently as conditions require. Such tests shall be made in the area in which persons are working, by persons acquainted with the test equipment and procedure. The concentration of carbon monoxide in the holds and intermediate decks where persons are working shall be maintained at not more than 50 parts per million (0.005 %) as a time weighted average, and persons shall be removed from the area if the concentration exceeds 75 parts per million (0.0075 %). When necessary, a mechanical ventilation system of adequate capacity shall be utilized. The stowage shall be in accordance with the requirements of this part for the particular commodity. If the equipment is secured, and the fuel tank completely drained, the railroad vehicle, container, or portable tank may be stowed in accordance with the requirements of this part and subpart without any further restrictions.

(e) All of that portion of the lading of any railroad vehicle, highway vehicle, container, or portable tank which consists of explosives or other dangerous articles shall be contained entirely within its body or within the horizontal outline thereof, without overhang or projection of any part of the load, and if such railroad vehicles, highway vehicle, container, or portable tank has a tailboard or tallgate, it shall be closed and secured in place during such transportation.

63. Section 146.07-10 is amended by revising paragraphs (b) and (c) to read as follows:

§ 146.07-10 Tank containers.

(b) This section does not apply to tank containers removed from the vehicle chassis or underframe. Such containers shall be considered portable tanks and the materials, design, construction and method of handling shall be as specified in this part (i.e., certain DOT specification tanks) or as specifically ap-

proved by the Commandant of the U.S. Coast Guard.

(c) Railroad or highway vehicles, to which is attached a tank, or portable tanks which previously contained a substance defined as dangerous by the regulations in this part, shall be transported in accordance with § 146.27-100.

64. Section 146.07-15 is revised to read as follows:

§ 146.07-15 Acceptance on board vessels.

(a) The master, owner, charterer, agent or other person in charge of the vessel shall require the shipper or his agent, or the delivering carrier, or the driver of the vehicle to furnish a copy of the shipper's shipping order, shipping paper, bill of lading, manifest or other memorandum, or a waybill prepared from information furnished in the shipper's shipping order bearing the certification required by § 146.07-20 before accepting any railroad or highway vehicles, containers or portable tanks, in which are loaded explosives or other dangerous articles or substances. This shipping paper shall have entered upon it the proper and definite name of the commodity or commodities contained therein according to § 146.04-5, the total quantity by weight or volume, the prescribed label when required for the outside container of such article, the name and addresses of the consignor and consignee, and the identification number of the vehicle, container or portable tank. In lieu of the consignee's name shipping marks may be used. The Dangerous Cargo Manifest or List (§ 146.06-12) shall be compiled from this information of this part.

(b) The master or other person in charge of the vessel shall assign an officer of the vessel to supervise the acceptance and stowage of railroad or highway vehicles, containers, or portable tanks containing permitted explosives or other dangerous articles or substances. This officer shall examine the vehicles, containers, or portable tanks for signs of leaking, damage to the container, or sifting of contents. For tanks he shall examine dome covers to ascertain if they are fitted securely; check valves, piping, and the tanks for leakage or excess residue of lading. Any vehicle, container, or portable tank found to be damaged, leaking, or sifting, or having excess residue of lading adhering thereto shall not be accepted for transportation.

65. Section 146.07-25 is revised to read as follows:

§ 146.07-25 Marking and placarding.

(a) Railroad vehicles, highway vehicles, containers, or portable tanks in which are loaded explosives or other dangerous articles in any amount shall be marked with the placards as described in the Department of Transportation regulations pertaining to each means of transportation, and shall carry an identification number.

(b) The label required for the dangerous cargo within the vehicle, container, or portable tank shall be dis-

played in a conspicuous place in addition to the required placard. Individual packages are exempt from the labeling requirements provided they are not removed from the vehicle, container, or portable tank while aboard the vessel.

§ 146.07-30 [Amended]

66. Section 146.07-30 is amended by changing the words "vans or portable containers" in the second line to "containers or portable tanks".

67. Section 146.07-35 is revised to read as follows:

§ 146.07-35 Exemption of railroad and highway vehicles, container or portable tank from detailed handling or stowage requirements.

(a) Detailed regulations governing handling and stowage of permitted explosives, inflammable (flammable) liquids, inflammable (flammable) solids, oxidizing materials, corrosive liquids, compressed gases, or poisons on board vessels do not apply to such substances loaded in railroad or highway vehicles, containers, or portable tanks, provided such substances remain within the vehicles, containers, or portable tanks and are certified in accordance with § 146.07-20. Permit requirements for explosives (§§ 146.20-85, 146.20-87), ammonium nitrate (§ 146.22-30) and nitro carbon nitrate (§ 146.22-40) are applicable.

(b) Detailed regulations governing handling and stowage of hazardous articles or combustible liquids on board vessels do not apply to such articles or substances loaded in railroad or highway vehicles, containers, or portable tank, provided such articles or substances are certified on the shipping paper as being properly described by name, and as being packed, marked, and in proper condition for transportation according to the regulations in this part.

68. Section 146.07-40 is amended by revising the introductory paragraph and paragraphs (a), (b), and (d) to read as follows:

§ 146.07-40 Stowage on board vessels.

Railroad or highway vehicles, containers, or portable tanks in which are loaded any permitted explosives or other dangerous articles or substances which are certified on the shipping papers as being described, packed, marked, and labeled in accordance with Department of Transportation regulations, or hazardous articles which are described, packed, and marked in accordance with the regulations in this part, shall when taken on board the vessel be stowed in accordance with the following provisions:

(a) *Explosives.* Plans and specifications for highway vehicles, and containers proposed to be used for transportation of explosives, for which a permit is required by §§ 146.20-85 and 146.20-87, shall be specifically approved by the Commandant of the Coast Guard. Vehicles or other containers loaded with permitted explosives are not required to be given magazine stowage provided the vehicles or containers form a complete magazine. Such vehicles or containers may be stowed "Under deck" and away

from all sources of heat, and not overstowed. No vehicle or container containing any other dangerous articles that require a placard by this subpart shall be stowed within a distance of 100 feet or unless separated by two continuous permanent deck or bulkheads from vehicles or containers loaded with Class A or Class B explosives. Blasting caps or other detonators in any quantity shall not be transported in the same vehicle or contained with any other explosives. In addition to the usual securing means provided, vehicles or containers loaded with explosives shall be anchored by an additional securing means satisfactory to the U.S. Coast Guard and the master of the vessel so as to completely secure the entire unit to prevent any movement of the body thereof.

(b) *Other dangerous articles.* No dangerous articles or substances may be stowed in the same vehicle or container with any other article or substance with which it is incompatible according to the regulations in this part. Vehicles or containers loaded with any other permitted dangerous article shall be stowed on board the vessel in accordance with the stowages required in the tables for the substances within the vehicles. Such stowages are not feasible in each instance for railroad or highway vehicles or containers stowed below deck on vessels; and, for the purpose of adopting these stowages to the conditions incident to transportation of railroad and highway vehicles, and containers in this method of transportation, a conversion table is shown in paragraph (c) of this section. Permitted stowages as shown in Tables A through K for the substances loaded within the vehicles may be converted in accordance with this conversion table. When so converted the stowage in columns 2 and 3 may be utilized in lieu of the stowage indicated under column 1.

(d) *Compatibility of other dangerous articles.* No vehicle, container or portable tank loaded with dangerous articles requiring a placard or label under this subpart shall be stowed adjacent to a placarded or labeled vehicle, container or portable tank loaded with other dangerous articles which would not be permitted stowage in the same hold or compartment under the detailed stowage regulations, Subparts 146.19 to 146.26, unless the vehicles, containers or portable tanks are separated by an intervening watertight steel deck or bulkhead. The term "adjacent" as used in this paragraph means that a side, end, top, or bottom surface directly faces another side, end, top, or bottom surface of another container or portable tank.

Subpart 146.08—Railroad or Highway Vehicles Loaded With Dangerous Substances and Transported on Board Ferry Vessels

69. The heading to Subpart 146.08 is amended by inserting the word "Ferry" before the word "Vessels" to read as set forth above.

§ 146.08-3 [Redesignated]

70. Subpart 146.08 is amended by redesignating § 146.08-1 as § 146.08-3.

71. Subpart 146.08 is amended by adding a new § 146.08-1 to read as follows:

§ 146.08-1 Applicability and definitions.

(a) The regulations in this subpart apply to railroad vehicles and highway vehicles in which are loaded any permitted explosives or other dangerous articles or substances, as defined in this part, when transported, carried, or conveyed on board any railroad car ferry or ferry vessel subject to the regulations in this part.

(b) For purposes of the regulations in this subpart the following definitions apply:

(1) A railroad vehicle is a cargo-carrying body or tank attached to an underframe and wheels (e.g., box car, tank car, etc.) intended for use over the railroad system.

(2) A highway vehicle is a cargo-carrying body or tank attached to the chassis and wheels intended for use over the highway.

Subpart 146.09—Cargo Handling and Storage Devices, U.S. Coast Guard Container Specifications

72. Section 146.09-15(e) (3) is revised to read as follows:

§ 146.09-15 Power-operated industrial trucks.

(e) * * *

(3) Spaces exposed to carbon monoxide or other hazardous vapors from exhausts of power-operated industrial trucks shall have adequate ventilation. The senior deck officer shall see that tests of the carbon monoxide content of the atmosphere are made as frequently as conditions require to insure that dangerous concentrations do not develop. Such tests shall be made in the area in which persons are working, by persons acquainted with the test equipment and procedure. The carbon monoxide concentration in the holds and intermediate decks where persons are working shall be maintained at not more than 50 parts per million (0.005 %) as a time-weighted average, and persons shall be removed from the area if the concentration exceeds 75 parts per million (0.0075 %). When necessary, portable blowers of adequate size and location shall be utilized.

Subpart 146.19—Detailed Regulations Governing Radioactive Materials

§ 146.19-35 [Amended]

73. Section 146.19-35 is amended by revising the figures in Table 146.19-35 only in the columns, "A," "B," "C," and "D" under the heading "Minimum distance in feet from living accommodation or regularly occupied working space" reading as follows:

TABLE 146.19-35—SAFE DISTANCE FOR PERSONS AND UNDEVELOPED FILMS

MINIMUM DISTANCE IN FEET FROM LIVING ACCOMMODATION OR REGULARLY OCCUPIED WORKING SPACE

***	A	B	C	D	***
	10	10	10	10	
	10	10	10	10	
	10	10	10	10	
	10	10	10	10	
	15	10	10	10	
	25	10	10	10	
	40	15	10	10	
	60	20	10	10	
	80	25	10	10	
	110	30	10	10	
	130	35	10	10	

Subpart 146.20—Detailed Regulations Governing Explosives

74. Section 146.20-23(p) is revised to read as follows:

§ 146.20-23 Stowage of explosives with other dangerous articles.

(p) Explosives shall not be stowed in the same hold or compartment with hazardous articles, except that empty compressed gas cylinders which previously contained nonflammable compressed gas may be stowed with Class C Explosives.

Subpart 146.21—Detailed Regulations Governing Inflammable Liquids

§ 146.21-100 [Amended]

75. Section 146.21-100 Table D—Classification; inflammable liquid is amended by deleting from the entries for the article "Cement, leather, etc." the words "Authorized only for viscous liquids; Portable tank (ICC-52 aluminum), not over 500 gal. cap." in the fourth column which is headed "Required condition for transportation—Cargo vessel"; by deleting from the entries for the article "Methylhydrazine" the words "Carboys, boxed, glass (ICC-ID) not over 6½ gal. cap." which is located under the fourth column which is headed "Required conditions for transportation—Cargo vessel"; and by deleting from the entries for the article "Paint, enamel, lacquer, etc." the words "Portable tanks (ICC-52 aluminum or magnesium) not over 500 gal. cap." which is located under the fourth column which is headed "Required conditions for transportation—Cargo vessel".

Subpart 146.22—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials

§ 146.22-100 [Amended]

76. Section 146.22-100 Table E—Classification; Inflammable Solids is amended by adding a new article, "Coconut meal pellets" to read as follows:

(1) In column 1 (in proper alphabetical sequence):

Coconut meal pellets containing more than 13 percent moisture or 10 percent residual fat content.

(2) In column 2:

Coconut meal pellets are made from copra from which most of the oil has been extracted and which has been compressed into pellet form. Liable to spontaneous heating from oxidation or bacteriological decay processes.

Wet coconut meal pellets shall not be accepted for water transport.

(3) In column 3:

Yellow;

(4) In column 4:

Stowage:

"On deck protected."

"On deck under cover."

Outside containers:

Airtight metal containers.

(5) In column 5:

Not permitted;

(6) In column 6:

Not permitted;

(7) In column 7:

Ferry stowage (BB).

Outside containers:

Airtight metal containers.

Bulk in railroad freight cars.

§ 146.22-100 [Amended]

77. Section 146.22-100 Table E—Classification; Inflammable Solids is further amended by adding a new article, "Copra pellets" to read as follows:

(1) In column 1 (in proper alphabetical sequence):

Copra pellets containing more than 13 percent moisture or more than 10 percent residual fat content.

(2) In column 4:

See "Coconut meal pellets containing more than 13 percent moisture or more than 10 percent residual fat content."

Subpart 146.27—Detailed Regulations Governing Hazardous Articles

78. Subpart 146.27 is amended by adding a new section § 146.27-27, to read as follows:

§ 146.27-27 Fishmeal Pellets in bulk.

(a) Fishmeal pellets may be carried in bulk in cargo vessels and barges subject to the regulations in this part provided the pellets have the following characteristics:

(1) The pellets must contain at least 6 percent but not more than 12 percent moisture by weight.

(2) The pellets must contain no more than 15 percent fat or oil by weight.

(3) The pellets must be treated with an antioxidant acceptable to the Commandant.

(4) The pellets must be stored for a period of at least 21 days prior to loading.

(b) Each cargo vessel hold containing fishmeal pellets in bulk must be adequately ventilated and provided with the following additional equipment:

(1) A sufficient number of thermocouples inserted in the fishmeal to detect a change in the temperature of the cargo. The thermocouples must be connected to a monitoring device located in the wheelhouse or in sheltered locations convenient to but outside of the cargo spaces.

Temperatures shall be read and recorded periodically.

(2) An approved carbon dioxide fire extinguishing system.

(c) The temperature of the interior of each hold must not exceed 37½° Centigrade or 100° Fahrenheit at the time of loading.

(d) Fishmeal pellets must not be stowed in the same hold with explosives or any other dangerous articles.

(e) The original bill of lading or other shipping paper must bear the shipper's certifying statement that the fishmeal pellets, when offered for shipment aboard the vessel, have the characteristics required by this section.

79. Section 146.27-30 is revised to read as follows:

§ 146.27-30 Motor vehicles and mechanized equipment powered by internal combustion engines and fueled by flammable liquids or flammable compressed gases.

(a) Applicability. Automobiles, trucks, motorcycles, tractors, other motor vehicles, and mechanized equipment which are powered by internal combustion engines using flammable liquids or flammable compressed gases as fuel may be transported on board vessels inspected and certified for ocean or coastwise voyages, subject to the conditions of this section. (Persons transporting motor vehicles on ferry vessels shall comply with the applicable requirements of Subpart 146.08 of this part. Vessels in a service similar to ferry service but not over a designated ferry route, may, at the discretion of the Officer in Charge, Marine Inspection, be treated as ferry vessels for the purposes of this section and Subpart 146.08.) Motor vehicles are hazardous articles if any of these three conditions exist:

(1) Fuel is contained in the fuel tank;

(2) Fuel is contained in the engine or;

(3) The electric storage battery is connected to either terminal of the electrical system of the vehicle.

(b) Vehicles shall not be considered as hazardous articles and may be transported without restriction provided all of the following conditions exist in the vehicle: The fuel tank has been thoroughly drained; the engine has been run until the fuel in the engine has been exhausted and the engine stalls; the battery cables have been disconnected and secured away from the battery terminals and the vehicles contain no dangerous articles other than the following:

(1) Two 1-pint metal containers of retouching enamel, either hermetically sealed or closed with a secure friction cap.

(2) One tire repair kit containing a tube of cement of not more than 4 fluid ounces capacity, completely enclosed in an outer metal of fiberboard container.

(3) Charged electric storage batteries, necessary for the normal operation of a vehicle, in position in the battery holder or, if shipped outside the battery

holder, then secured to prevent any movement of the battery. If a battery is packed within a boxed or crated vehicle, "This side up" markings shall be applied to the outside of the shipping box or crate.

(4) Such brake fluid as is actually contained within the brake mechanism.

(5) Motor vehicles and mechanized equipment shipped by, for, or to the Department of the Army, Navy, or Air Force may also contain electrolyte or corrosive battery fluid in a sufficient quantity to activate the number of electric storage batteries necessary for operation of the military vehicles or equipment. It must be packed in approved outside containers. Inside glass containers shall be cushioned on all sides with absorbent material in sufficient quantity to completely absorb the fluid contents in event of breakage. The outside container must be so blocked, braced or stayed within the vehicle or crate that it cannot change position during transit.

(6) Motor vehicles or mobile agricultural machinery may be shipped with a container of electrolyte or corrosive battery fluid secured in a position to prevent damage and packaged as follows: Wooden boxes (DOT-15A, 15B, 16C, 16A, 19A) or fiberboard boxes (DOT-12B, 12C) WIC meeting the requirements of DOT regulations.

(c) Conditions of acceptance and stowage.

(1) Before and after loading, vehicles shall be inspected for leaks. Vehicles showing signs of leakage shall not be accepted for transport.

(2) Vehicles may be stowed on deck or under deck.

(3) Vehicles stowed in a hold or compartment shall have battery cables disconnected and secured away from the battery terminals.

(4) The fuel tank shall be not more than one-fourth full.

(5) Equipment used for handling vehicles shall be so designed that the fuel tank and fuel system are protected from stresses that might cause rupture or other damage incident to handling.

(6) Vehicles shall be stowed so as to allow for their inspection during transit.

(7) Portable electrical lights and hand flashlights used in the stowage area shall be of an approved explosion-proof type. Electrical connections for portable lights shall be made from outlets outside the spaces in which vehicles are stowed.

(8) No cargo of a dangerous or hazardous nature other than motor vehicles and mechanized equipment shall be stowed in the same hold or compartment with vehicles having flammable liquid or flammable compressed gas fuels in the fuel tanks.

(9) Two hand-portable, dry-chemical fire extinguishers of at least 10 pounds capacity shall be located in accessible locations in each hold or compartment in which motor vehicles are stowed.

(10) "No Smoking" signs shall be conspicuously posted at each access opening to the hold or compartment.

(d) General vessel requirements.

(1) Spaces exposed to carbon monoxide or other hazardous vapors from exhausts of motor vehicles shall have adequate ventilation. The senior deck officer shall see that tests of the carbon monoxide content of the atmosphere are made as frequently as conditions require to ensure that dangerous concentrations do not develop. Such tests shall be made in the area in which persons are working, by persons acquainted with the test equipment and procedure. The carbon monoxide concentration in the holds and intermediate decks where persons are working shall be maintained at not more than 50 parts per million (0.005%) as a time-weighted average, and persons shall be removed from the area if the concentration exceeds 75 parts per million (0.0075%). When necessary portable blowers of adequate size and location shall be used to obtain sufficient ventilation.

(2) Holds and compartments in which motor vehicles and other mechanized equipment are stowed shall be in compliance with the following conditions:

(i) The holds or compartments shall be ventilated and fitted with an overhead water sprinkler system or fixed fire extinguishing system.

(ii) The holds or spaces shall be equipped with a smoke- or fire-detecting system.

(iii) Any electrical equipment in the hold or compartment other than fixed explosion-proof lighting shall be disconnected from its power supply at a location outside the hold or compartment while the vehicles are being handled or are stowed therein. Where the disconnecting means is a switch or circuit breaker, it shall be locked in the open position until the vehicles have been discharged.

80. Subpart 146.27 is amended by adding 2 new sections, §§ 146.27-31 and 146.27-32, to read as follows:

§ 146.27-31 Motor vehicles and mechanized equipment powered by internal combustion engines and fueled by combustible liquids.

(a) Applicability: Automobiles, trucks, motorcycles, tractors, other motor vehicles, and mechanized equipment which are powered by internal combustion engines using combustible liquids as fuel may be transported on board vessels inspected and certificated for ocean or coastwise voyages, subject to the conditions of this section. (Persons transporting motor vehicles on ferry vessels shall comply with the applicable requirements of Subpart 146.08 of this part. Vessels in a service similar to ferry service but not over a designated ferry route may, at the discretion of the Officer in Charge, Marine Inspection, be treated as ferry vessels for the purposes of this section and Subpart 146.08.) Motor vehicles are hazardous articles if any of these three conditions exist:

- (1) Fuel is contained in the fuel tanks;
- (2) Fuel is contained in the engine;
- (3) Or the electric storage battery is connected to either terminal of the electrical system of the vehicle.

(b) Vehicles shall not be considered as hazardous articles and may be transported without restriction provided all of the following conditions exist in the vehicle: the fuel tank has been thoroughly drained; the engine has been run until the fuel in the engine has been exhausted and the engine stalls; the battery cables have been disconnected and secured away from the battery terminals and the vehicle contains no dangerous articles other than the following:

(1) Two 1-pint metal containers of retouching enamel, either hermetically sealed or closed with a secure friction cap.

(2) One tire repair kit containing a tube of cement of not more than 4 fluid ounces capacity, completely enclosed in an outer metal or fiberboard container.

(3) Charged electric storage batteries, necessary for the normal operation of a vehicle, in position in the battery holder or, if shipped outside the battery holder, then secured to prevent any movement of the battery. If a battery is packed within a boxed or crated vehicle, "This side up" markings shall be applied to the outside of the shipping box or crate.

(4) Such brake fluid as is actually contained within the brake mechanism.

(5) Motor vehicles and mechanized equipment shipped by, for, or to the Department of the Army, Navy, or Air Force may also contain electrolyte or corrosive battery fluid in a sufficient quantity to activate the number of electric storage batteries necessary for operation of the military vehicles or equipment. It must be packed in approved outside containers. Inside glass containers shall be cushioned on all sides with absorbent material in sufficient quantity to completely absorb the fluid contents in event of breakage. The outside container must be so blocked, braced or stayed within the vehicle or crate that it cannot change position during transit.

(6) Motor vehicles or mobile agricultural machinery may be shipped with a container of electrolyte or corrosive battery fluid secured in a position to prevent damage and packaged as follows: Wooden boxes (DOT-15A, 15B, 15C, 16A, 19A) or Fiberboard boxes (DOT-12B, 12C) WIC meeting the requirements of DOT regulations.

(c) Conditions of acceptance and storage.

(1) Before and after loading, vehicles shall be inspected for leaks. Vehicles showing signs of leakage shall not be accepted for transport.

(2) Vehicles may be stowed on deck or under deck.

(3) Vehicles stowed in a hold or compartment shall have battery cables disconnected and secured away from the battery terminals.

(4) The fuel tanks shall be not more than one-fourth full.

(5) Equipment used for handling vehicles shall be so designed that the fuel tank and fuel system are protected from stresses that might cause rupture or other damage incident to handling.

(6) Vehicles shall be stowed so as to allow for their inspection during transit.

(7) Two hand-portable, dry-chemical fire extinguishers of at least 10 pounds capacity shall be located in accessible locations in each hold or compartment in which motor vehicles are stowed.

(8) "No Smoking" sign shall be conspicuously posted at each access opening to the hold or compartment.

(d) General vessel requirements:

(1) Spaces exposed to carbon monoxide or other hazardous vapors from exhausts of motor vehicles shall have adequate ventilation. The senior deck officer shall see that tests of the carbon monoxide content of the atmosphere are made as frequently as conditions require to ensure that dangerous concentrations do not develop. Such tests shall be made in the area in which persons are working, by persons acquainted with the test equipment and procedure. The carbon monoxide concentration in the holds and intermediate decks where persons are working shall be maintained at not more than 50 parts per million (0.005%) as a time-weighted average, and persons shall be removed from the area if the concentration exceeds 75 parts per million (0.0075%). When necessary, portable blowers of adequate size and location shall be used to obtain sufficient ventilation.

§ 146.27-32 Motor vehicles and mechanized equipment powered by internal combustion engines and transported on vessels in spaces specially suitable for vehicles.

(a) Applicability: Automobiles, trucks, motorcycles, tractors, other motor vehicles, and mechanized equipment which are powered by internal combustion engines may be transported in spaces designated as specially suitable for the carriage of vehicles on board vessels inspected and certificated for ocean or coastwise voyages, subject to the conditions of this section. For the definition of spaces designated as "specially suitable for vehicles", as applicable to U.S. vessels see § 70.10-44 of Subchapter H and § 90.10-38 of Subchapter I of this chapter. (Persons transporting motor vehicles on ferry vessels shall comply with the applicable requirements of Subpart 146.08 of this part. Vessels in a service similar to ferry service but not over a designated ferry route may, at the discretion of the Officer in Charge, Marine Inspection, be treated as ferry vessels for the purposes of this section and Subpart 146.08.) Motor vehicles are hazardous articles if any of these three conditions exist:

- (1) Fuel is contained in the fuel tank;
- (2) Fuel is contained in the engine;
- (3) Or the electric storage battery is connected to either terminal of the electrical system of the vehicle.

(b) Vehicles shall not be considered as hazardous articles and may be transported without restriction provided all of these conditions exist in the vehicle: the fuel tank has been thoroughly drained; the engine has been run until the fuel in the engine has been exhausted and the engine stalls; the battery cables have been disconnected and secured away

from the battery terminals and the vehicle contains no dangerous articles other than the following:

(1) Two 1-pint metal containers of retouching enamel, either hermetically sealed or closed with a secure friction cap.

(2) One tire repair kit containing a tube of cement of not more than 4 fluid ounces capacity, completely enclosed in an outer metal or fiberboard container.

(3) Charged electric storage batteries, necessary for the normal operation of a vehicle, in position in the battery holder or, if shipped outside the battery holder, then secured to prevent any movement of the battery. If a battery is packed within a boxed or crated vehicle, "This side up" markings shall be required on the outside of the shipping box or crate.

(4) Such brake fluid as is actually contained within the brake mechanism.

(5) Motor vehicles and mechanized equipment shipped by, for, or to the Department of the Army, Navy, or Air Force may also contain electrolyte or corrosive battery fluid in a sufficient quantity to activate the number of electric storage batteries necessary for operation of the military vehicles or equipment. It must be packed in approved outside containers. Inside glass containers shall be cushioned on all sides with absorbent material in sufficient quantity to completely absorb the fluid contents in event of breakage. The outside container must be so blocked, braced or stayed within the vehicle or crate that it cannot change position during transit.

(6) Motor vehicles or mobile agricultural machinery may be shipped with a container of electrolyte or corrosive battery fluid secured in a position to prevent damage and packaged as follows: Wooden boxes (DOT-15A, 15B, 15C, 16A, 19A) or fiberboard boxes (DOT-12B, 12C) WIC meeting the requirements of DOT regulations.

(c) Conditions of acceptance and stowage.

(1) Before and after loading, vehicles shall be inspected for leaks. Vehicles showing signs of leakage shall not be accepted for transport.

(2) Vehicles may be stowed on deck or under deck.

(3) The fuel tank shall be not more than one-fourth full.

(4) Equipment used for handling vehicles shall be so designed that the fuel tank and fuel system are protected from stresses that might cause rupture or other damage incident to handling.

(5) Vehicles shall be stowed so as to allow for their inspection during transit.

(6) No cargo of a dangerous or hazardous nature other than motor vehicles and mechanized equipment shall be stowed in the same hold or compartment with vehicles having flammable liquid or flammable compressed gas fuels in the fuel tanks.

(7) Two hand-portable, dry-chemical fire extinguishers of at least 10 pounds capacity shall be located in accessible locations in each hold or compartment in which motor vehicles are stowed.

(8) "No Smoking" signs shall be conspicuously posted at each access opening to the hold or compartment.

(d) General vessel requirements:

(1) Spaces exposed to carbon monoxide or other hazardous vapors from exhausts of motor vehicles shall have adequate ventilation. The senior deck officer shall see that tests of the carbon monoxide content of the atmosphere are made as frequently as conditions require to insure that dangerous concentrations do not develop. Such tests shall be made in the area in which persons are working, by persons acquainted with the test equipment and procedure. The carbon monoxide concentration in the holds and intermediate decks where persons are working shall be maintained at not more than 50 parts per million (0.005 %) as a time-weighted average, and persons shall be removed from the area if the concentration exceeds 75 parts per million (0.0075 %). When necessary, portable blowers of adequate size and location shall be used to obtain sufficient ventilation.

§ 146.27-100 [Amended]

81. Section 146.27-100 Table K—*Classification: Hazardous articles* is amended by deleting in column 1 the article hereinafter described and all the notes and entries pertaining thereto contained in columns 1, 2, 3, 4, 5, 6, and 7. The article that is deleted, together with all the pertinent notes and entries, is as follows:

Automobiles, motorcycles, tractors, other self-propelled vehicles, or mechanized equipment, new or used, when offered for transportation without boxing or crating and containing gasoline, or other motor fuel within the fuel tank.

§ 146.27-100 [Amended]

82. Section 146.27-100 Table K—*Classification: Hazardous articles* is amended by adding in column 1 in proper alphabetical sequence the following entry:

Automobiles (See Motor Vehicles, etc.)

§ 146.27-100 [Amended]

83. Section 146.27-100 Table K—*Classification: Hazardous articles* is amended by adding the following:

In column 1 (in proper alphabetical sequence),

Motor Vehicles etc., including automobiles, trucks, tractors, and other self-propelled vehicles or equipment powered by internal-combustion engines, when offered new or used for transportation and which contain fuel in the engine or fuel tank or the electric storage battery is connected to either terminal of the electric system of the vehicle.

In column 2,

Motor vehicles when offered for transportation as cargo or "passenger's baggage" on inland or domestic voyages and driven on and off the vessel by a member of the crew or agent of the vessel; or when offered as in ferry service and driven on and/or off the vessel by the owner or operator of the vehicle.

Fuel tanks shall be drained before loading vehicles destined for ocean-going voyages, unless the conditions of §§ 146.27-30, 146.27-31, and 146.27-32 are complied with. No marking required.

In columns 1 and 2 immediately below the preceding two entries,

NOTE: This does not include motor vehicles having on board dangerous articles as lading. For regulations governing transportation of such vehicles, see §§ 146.08-1 to 146.08-55, inclusive.

In column 3,

No label required.

In column 4,

Stowage:

"On deck in open."

"On deck protected."

"On deck under cover."

"Tween decks."

"Under deck."

(See Note in columns 5, 6, and 7.)

In column 5,

Stowage:

"On deck in open" "On deck protected" of it the vessel is provided with a compartment fitted with an overhead sprinkler system or fixed fire smothering system in any of the following locations such compartments may be utilized.

"On deck under cover."

"Tween decks."

"Under deck."

In column 6,

Ferry stowage: In the vehicle gangways.

In column 7,

Ferry stowage:

"On deck in open" or "On deck protected", or in the covered vehicle gangways on board car ferries having an overhead sprinkler system in such places.

In columns 5, 6, and 7 immediately below the preceding three entries,

NOTE: The person driving a motor vehicle on board a vessel shall observe the following rules:

(1) Drive the vehicle to the location indicated by the vessel's representative.

(2) Securely set the brakes of the vehicle to prevent movement.

(3) Shut off the motor and do not restart same until the vessel has completed its voyage and docked.

(4) Shut off all vehicle lights and do not relight same until the vessel has completed its voyage.

(5) Make no repairs or adjustments to the vehicle while on board the vessel.

(6) Observe any instructions given by the vessel's representative during drive-on or drive-off operations.

Smoking by any person within the vehicle, while on board the vessel, is prohibited.

§ 146.27-100 [Amended]

84. Section 146.27-100 Table K—*Classification: Hazardous Articles* is amended by revising the entry in column 4 for the article "Caustic potash, solid" to read as follows:

Stowage:

"On deck under cover."

"Tween decks."

"Under deck."

Outside packaging:

- Steel barrels or drums.
- Wooden barrels or kegs, not over 300 lbs. net wt.
- Wooden boxes, WIC, not over 200 lbs. net wt.
- Fiberboard boxes, WIC, not over 90 lbs. gr. wt.
- Fiber drums with inside liners, not over 400 lbs. net wt.
- Burlap asphalt-laminated paper bag, WIC polyethylene not over 102 lb. gr. wt.

See: "Bleaching powder."

§ 146.27-100 [Amended]

85. Section 146.27-100 Table K—*Classification: Hazardous Articles* is amended by adding the following:

In column 1 (in proper alphabetical sequence),

Coconut meal pellets containing at least 6 percent and not more than 13 percent moisture and not more than 10 percent residual fat content.

The originating bill of lading or other shipping paper shall bear the shipper's statement certifying the fat and moisture content of the shipment.

In column 2,

Coconut meal pellets (also known as copra pellets) are made from copra from which most of the oil has been extracted and which has been compressed into pellet form.

If allowed to absorb moisture or oil, it is subject to spontaneous heating by biological decay processes or by oxidation.

Check the temperature of the material before loading on board the vessel. Reject shipments if the temperature exceeds 120° F. Coconut meal pellets packed in wet or damp bags shall not be accepted for shipment.

Keep dry. Do not load during rain. Protect shipment from bilge water, deck drainage, and spray.

Observe temperatures during voyage for signs of heating.

Outside packaging, if any, shall be marked "Coconut meal pellets."

In column 3,

No label required.

In column 4,

Stowage:

- "On deck under cover."
- "Tween decks readily accessible."
- "Under deck."

Outside packaging:

- Burlap (jute) bags.
- Multi-ply paper bags.
- Polyethylene-lined burlap or paper bags.
- Bulk.

(See Note in columns 5, 6, and 7.)

In column 5,

Stowage:

- "On deck under cover."
- "Tween decks readily accessible."

Outside packaging:

- Burlap (jute) bags.
- Multi-ply paper bags.
- Polyethylene-lined burlap or paper bags.

In column 6,

Ferry stowage (AA).

Outside packaging:

- Burlap (jute) bags.
- Multi-ply paper bags.
- Polyethylene-lined burlap or paper bags.

In column 7,

Ferry stowage (BB).

Outside packaging:

- Burlap (jute) bags.

Multi-ply paper bags.
Polyethylene-lined burlap or paper bags.
Railroad freightcars.

In columns 5, 6, and 7 immediately below the preceding three entries,

NOTE: Coconut meal pellets shall be stowed so that free ventilation is provided to the entire stowage. This shall be accomplished as follows:

- (a) Do not stow nearer than 4 feet to any bulkhead subject to artificial heat.
- (b) Do not overstuff with any other cargo.
- (c) Provide a clear space of at least 1 foot between top of bags or bulk cargo and underside of deck beams.
- (d) Use only dry dunnage.
- (e) Place two layers of plank dunnage on the deck or tank tops. The first layer shall be laid fore and aft and the second athwartships.

(f) Stack the bags hard against those battens where ships holds are provided with cargo battens. If battens are not provided, dunnage must be placed against the ship's sides or bulkheads in such a manner as to provide a clear space of at least 4 inches between the bags and the metal surfaces.

(g) In addition to the above requirements, stowage shall be according to one of the following methods:

1. Strip stowage:

(i) The stowage shall be double rows of bags stowed athwartship with 4-inch ventilation channels on both sides of the double rows of bags. The bags shall be placed with the ends in a fore and aft direction. The flaps of the bags shall be placed inward in the double rows.

(ii) Along the width of every seventh tier of bags a single layer of dunnage shall be placed on every third bag with boards running fore and aft. The dunnage must butt hard against the bulkheads fore and aft, and at least 18 inches overlap shall be allowed at the end of one board and the beginning of another in the same fore and aft line to provide stability. Not more than four layers of bags and not less than three should be above the top layer of dunnage.

2. Block stowage:

Sufficient dunnage shall be used between every third tier of bags to provide free circulation of air. The entire stowage shall be so arranged to permit ventilation to all parts of the stowage.

§ 146.27-100 [Amended]

86. Section 146.27-100 Table K—*Classification: Hazardous Articles* is amended by adding the following:

In column 1 (in proper alphabetical sequence),

Copra pellets containing at least 6 percent and not more than 13 percent moisture and not more than 10 percent residual fat content.

In column 4,

See "Coconut meal pellets containing at least 6 percent and not more than 13 percent moisture and not more than 10 percent residual fat content."

§ 146.27-100 [Amended]

87. Section 146.27-100 Table K—*Classification: Hazardous Articles* is amended by revising the entry in column 2 and the entry in column 4 for the article "Fish scrap or fish meal" to read as follows:

Column 2,

Fish scrap or fish meal consists of ground and dried fish residue. Is subject to spontaneous heating and ignition.

Offensive odor. Will contaminate foodstuffs. Smoking shall not be permitted in hatches in which fish meal or fish scrap is stowed or being handled.

Check temperature of material before loading on board the vessel. Reject bags if temperature exceeds 120° F.

Fish meal or fish scrap packed in wet or damp bags shall not be accepted for shipment.

Keep dry. Do not load during rain. Protect shipment from bilge water, deck drainage or spray.

Observe temperatures during voyage for signs of heating.

Outside containers shall be marked "Fish meal" or "Fish scrap."

Bulk shipments shall be made under conditions prescribed in § 146.27-27.

In column 4,

Stowage:

- "On deck under cover."
- "Tween decks readily accessible."
- "Under deck."

Outside containers:

- Burlap (jute) bags.
- Double-walled paper bags.
- Polyethylene lined burlap or paper bags.
- Railroad freight cars.
- Bulk.

(See Note in columns 5, 6 and 7.)

§ 146.27-100 [Amended]

88. Section 146.27-100 Table K—*Classification: Hazardous Articles* is amended by adding in column 1 on a line below the words "Rags, scrap (when dry, clean and free from excess oil)", as a separate entry, the words "clothing used"; by adding in the first line of column 2 after the words "scraps of textile fabrics" the words "and used clothing"; by revising the last sentences of columns 4, 5, 6, and 7 to read "shipments of loose scrap rags and used clothing shall not be accepted."

§ 146.27-100 [Amended]

89. Section 146.27-100 Table K—*Classification: Hazardous Articles* is amended by adding the following:

In column 1 (in proper alphabetical sequence),

§ 146.27-100 [Amended]

89. Section 146.27-100 Table K—*Classification: Hazardous Articles* is amended by adding the following:

In column 1 (in proper alphabetical sequence),

Pesticides, water reactive, including but not limited to fungicides and herbicides, etc., containing manganese ethylenebisdithiocarbamate.

In column 2,

Mixtures or proprietary formulations, liquid or solid, which if allowed to absorb moisture, will decompose and give off flammable vapors; therefore, keep dry. Use caution when fighting fire with heavy water stream; personnel use self-contained breathing apparatus.

In column 3,

No label required

In columns 4 and 5,

Stowage:

- "Tween decks"
- "Under deck"

Outside containers:

Strong, tight, water resistant outside packaging including tight metal drums.

In column 6,

Ferry stowage (AA).

Outside containers:

Strong, tight, water resistant outside packaging.

In column 7,

Perry stowage (BB).

Outside containers:

Strong, tight, water resistant outside packaging.

Subpart 146.29—Detailed Regulations Governing the Transportation of Military Explosives and Hazardous Munitions on Board Vessels

90. Section 146.29-14 is amended by revising subparagraphs (1) and (3) of paragraph (c) to read as follows:

§ 146.29-14 Dangerous cargo manifest, list, or stowage plan.

(c) * * *

(1) Name of vessel and official number. (If the vessel has no official number, the international radio call sign shall be substituted.)

(3) True shipping name of all explosives and other dangerous articles as given in the commodity list of the regulations in this part (see § 146.04-5). Noun descriptions must be used.

92. Section 146.29-27 is revised to read as follows:

§ 146.29-27 Fire hose.

(a) During the handling, loading, or unloading of military explosive the vessel shall "run out" or otherwise make ready for quick use a minimum of two lines of hose on the weather deck, one fore and one aft. These hoses shall be of sufficient length so that a stream of water from at least one hose can reach all areas of the weather deck. The fire hose valves controlling these lines shall remain "cracked open" (except in freezing weather) so casual observation may indicate that water is available.

(b) Additional fire lines shall be "run out" or otherwise made ready at each hold or compartment working or containing military explosives when the hatch serving the hold is open. These lines shall be of sufficient length so that a stream of water can be directed onto all portions of the hold or compartment.

(c) Fire lines "run out" or otherwise made ready shall be fitted with an approved combination spray nozzle.

94. Section 146.29-39(g) is revised to read as follows:

§ 146.29-39 Handling and slinging of explosives.

(g) Drafts shall not be raised or stopped in lowering by sudden application of power or brake. Drafts shall not be unloaded by tripping or freeing one side of the net, tray, or pallet and tumbling the ammunition or explosives out of the gear. All drafts, beams, shackles, bridles, slings, hooks, etc., shall be hand freed before the winch takes control. Slings shall not be disengaged by hand unhooking and then dragged from under draft by means of winch except for the topmost layer in the hold when power removal is the only possible method and

when the cargo cannot be toppled. Handles or becketts on ammunition packages shall not be used for slinging purposes.

95. Section 146.29-45(e) is revised to read as follows:

§ 146.29-45 Loading or unloading military explosives and other cargo.

(e) Drafts of any kind shall not be handled over explosives or other dangerous articles that are stowed "On deck".

§ 146.29-73 [Amended]

96. Section 146.29-73(c) is amended by deleting the words "(of 2 hours or less)" in line 7.

97. Section 146.29-85 is amended by revising the introductory paragraph and paragraphs (a), (b), and (c) to read as follows:

§ 146.29-85 Chemical ammunition stowage.

Chemical ammunition or chemical agents in bulk that are authorized to be given chemical ammunition stowage by the provisions of § 146.29-100 shall, unless given another authorized stowage, be stowed under the following conditions:

(a) Shall be afforded the same protection as required for ammunition stowage.

(b) Stowage shall preferably be in a deep tank or a lower hold.

(c) When stowed in a deep tank, pump suction shall be effectively sealed off to prevent the escape of any leakage which may take place. Sealing off shall be accomplished by inserting a blank flange in way of the suction side of the bilge pump manifold.

Note: The blank flange is to prevent inadvertent leaking of chemical agents into occupied spaces through bilge suction piping. Nothing herein shall preclude the removal of the flange in an emergency situation should (in the opinion of the vessel's master) pumping of the deep tank be necessary.

98. Section 146.29-93(b)(1) is revised to read as follows:

§ 146.29-93 Stowage of blasting caps, detonators, primer detonators, etc.

(b) * * *

(1) With a permanent steel deck or bulkhead intervening, the separation shall not be less than 25 feet in any direction except where there are existing additional intervening permanent steel decks or bulkheads, in which case the distance requirement may be reduced by 50 percent.

§ 146.29-95 [Amended]

99. Section 146.29-95 is amended by deleting the word "double" in line 13.

§ 146.29-100 [Amended]

100. Section 146.29-100 *Classification, handling, and stowage chart* with respect to the entry in column 1, "X-B Ex-

sive bombs, mines, torpedoes, etc.," is amended by changing in column 2 (Description) after the word "warheads" the words "(all unfuzed)" to the words "(fuzed and unfuzed)".

§ 146.29-100 [Amended]

101. Section 146.29-100 *Classification, handling, and stowage chart* with respect to the entry in column 1, "X-C Guided missiles, solid propellant motors, packed with or without HE warheads" is amended by changing the heading of column 3 from "ICC marking" to "DOT marking"; by changing the heading of column 4 from "ICC class" to "DOT class"; by changing column 2, (Description) the words "ICC Class A" to "DOT Class A and Class B"; by adding in column 4 "or B" after the letter "A", by adding in column 4, the letter "A" opposite the entry "Jato units, Class A" in column 3, and by adding in column 4 the letter "A" opposite the entry "Jet, thrust units, Class A" in column 3.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2))

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

Subpart 147.03—Detailed Regulations Governing Certification of Ships' Stores and Supplies

§ 147.03-9 [Amended]

102. Section 147.03-9 is amended by adding the word "third" after the word "every" in line 3.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2))

SUBCHAPTER C—SPECIFICATIONS

PART 160—LIFESAVING EQUIPMENT

Subpart 160.057—Signals, Distress, Floating, Orange Smoke (15 Minutes), for Merchant Vessels

103. Section 160.057-3 is amended by revising paragraphs (a) and (c) to read as follows:

§ 160.057-3 Materials, workmanship, construction, and performance requirements.

(a) *Materials.* The materials shall conform strictly to the specifications and drawings submitted by the manufacturer and approved by the Commandant. Metal for containers shall be not less than 0.020 inch in thickness. Other dimensions or materials may be considered upon special request when presented with supporting data. Igniter systems shall be of corrosion resistant metal. The combustible material shall be of such nature that it will not deteriorate during long storage or when subjected to frigid or tropical climates.

(c) *Construction.* The outer container shall be cylindrical and of a size suitable for intended use. All sheet metal seams should be hook jointed and soldered. The whole container shall be covered with two coats of waterproof paint or other equivalent protection system. The igniter mechanism shall operate and provide ignition of the signal automatically when the ring life buoy to which it is attached is thrown overboard.

104. Section 160.057-4 is amended by revising the introductory texts of paragraphs (b) and (b)(1) to read as follows:

§ 160.057-4 Sampling, inspections, conditioning, and tests.

(b) *Qualification (type or brand approval) tests.* Preapproval samples, selected in accordance with § 160.057-6(c), shall be tested in accordance with the testing schedules indicated by subparagraphs (1) and (2) of this paragraph to determine qualification for type or brand approval. The Coast Guard shall have the right to require such other additional tests as reasonably may be deemed necessary, either with the completed signals or component parts, depending upon the particular construction methods and materials used. The cost of the tests shall be borne by the manufacturer.

(1) *Operational tests.* (i) Subject 4 specimens to water resistance conditioning, paragraph (d) of this section, following which subject them to tests as indicated by Table 160.057-4(b)(1) (i). One additional signal shall be dropped 90 feet into water and another shall be tested for satisfactory performance while floating in an open seaway. Both signals shall be attached to a ring life buoy in accordance with its manufacturer's instructions. Results of these tests will be analyzed by the Coast Guard to determine suitability for intended purpose.

§ 160.057-6 [Amended]

105. Section 160.057-6(c) is amended by changing the figure "3" in the 12th line to read "10".

(R.S. 4405, as amended, 4462, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2))

PART 161—ELECTRICAL EQUIPMENT

106. Part 161 is amended by adding a new Subpart 161.010 to follow Subpart 161.008 and reading as follows:

Subpart 161.010—Floating Electric Water Light

- Sec. 161.010-1 Applicable specifications.
- 161.010-2 Type.
- 161.010-3 Materials.
- 161.010-4 Construction and performance.
- 161.010-5 Inspection and methods of test.
- 161.010-6 Marking.
- 161.010-7 Procedure for approval.

Authority: The provisions of this Subpart 161.010 issued under R.S. 4405, as amended, 4462, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2).

Subpart 161.010—Floating Electric Water Light

§ 161.010-1 Applicable specifications.

(a) The following specifications, of the issue in effect on the date electric water lights are manufactured, form a part of this subpart:

(1) Federal specifications and standards:

- L-P-390 Plastic Molding Material, Polyethylene.
- L-P-393 Plastic Molding Material, Polycarbonate.
- TT-E-489 Enamel, Alkyd, Gloss.
- W-B-101 Battery, Dry.
- Federal Test Method Standard No. 406 Plastics, Methods of Testing Federal Standard No. 595—Colors.

(2) Military specifications:

- MIL-B-18—Batteries, Dry.
- MIL-P-79—Plastic Rods and Tubes, Thermosetting laminated.
- MIL-P-394—Plastic Molding Material, Polypropylene.
- MIL-R-900—Rubbersheets and cut, molded and extruded special shaped sections, synthetic, medium, soft, low temperature, gasket application.
- MIL-I-16923—Insulating Compound, Electrical Embedding.

(b) Applicable copies of the specifications in paragraph (a) of this section, as well as the various specifications forming a part thereof, shall be kept on file by the manufacturer, together with the certificate of approval. They shall be kept for a period consisting of the duration of the approval and 6 months after termination of approval.

(1) Federal Specifications and Standards may be purchased from the General Services Administration, Specification Activity, Printed Material and Supply Division, Building 197, Naval Weapons Plant, Washington, D.C. 20407.

(2) Military Specifications may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

§ 161.010-2 Type.

(a) Water lights, designated as light or lights, designed for use as a life-ring marker light, shall be of a type described in this specification.

§ 161.010-3 Materials.

(a) *Materials.* All materials shall be of suitable quality for the purpose intended, and shall conform to the requirements of this specification.

(1) All metal parts of the light, including the bracket, shall be made of corrosion resistant materials. When used in this specification, the terms corrosion resistant material or corrosion resistant metal shall mean material which, when subjected to the test described in § 161.010-5(b)(10) shows no evidence of corrosion or corrosive action, such evidence to be in excess of six spots per square foot of area or any spot measuring larger than one-sixteenth inch in any direction.

(2) *Plastics:*

(i) All plastic materials shall be fully cured and essentially free from volatile plasticizers or fillers. Thermosetting plastics shall be used whenever practicable

for parts under constant stress. Thermoplastic materials, whenever used, shall be of a formulation that has high resistance to cold flow, shrinkage, and warpage, or discoloration due to heat and sunlight.

(ii) Materials used for embedding and encapsulating shall not, either in their original application or as a result of aging, have any injurious effect on the insulating materials to which they are applied and shall not cause corrosion or deterioration of any adjacent part. Unless otherwise specified, compounds shall be in accordance with MIL-I-16923 or specifically approved by the Commandant. The conditions under which these materials are applied and used shall in all respects conform to the manufacturer's recommendations. Compounds selected shall not flow at temperatures below 85° Centigrade nor crack or become loose at temperatures down to minus 54° Centigrade.

(3) The choice of material used when none is specified or where a choice is permitted shall be such that maximum resistance to corrosion, shock, and temperature change will be insured. The use of dissimilar materials in combination shall, in general, be avoided, but when such contacts are necessary, means shall be taken to prevent such deleterious effects as galvanic corrosion, freezing or buckling of parts, and loosening or tightening of joints due to differences in coefficients of thermal expansion or shrinkage.

§ 161.010-4 Construction and performance.

(a) *General.* The light shall be a self-contained unit suitable for use as a floating illuminated marker. It shall be capable of being stowed in an inverted position, in which position it shall be self extinguishing. When in water, it shall float in a vertically upright position and become illuminating automatically. When floating vertically in water and tested in accordance with § 161.001-5(b)(3), the center of the lamp or flashtube shall be not less than 3 inches above the surface of the water.

(b) *Construction.* The light shall consist essentially of a case, embedding and filler material, battery, switch, electric circuit, flashtube or lamp assembly and spare lamp, globe, lanyard attachment ring and a mounting bracket. The light shall be watertight and vapor proof, and shall comply with the requirements specified herein.

(c) *Size.* The size, weight and shape of the light shall be suitable for conveniently throwing overboard attached to a life-ring buoy by means of a lanyard.

(d) *Case.* The case shall be made of corrosion resistant metal or plastic as specified in this subpart. The case shall be constructed to receive the components necessary to produce the required light output and withstand the tests specified in § 161.010-5. Additional signaling devices may be incorporated within or outside the case: *Provided,* The use of such signaling devices does not interfere with the required light output. Openings in the case shall be provided with a seal which will withstand the water-tightness test. Threaded joints,

when provided, shall be made with at least six threads of 16 threads per inch gauge. A lanyard attachment ring shall be permanently attached to the case in such a manner as to withstand the test specified in § 161.010-5(b)(9) without destroying the watertightness or otherwise causing damage to the light.

(e) *Globe.* The globe shall be made of a colorless, glass or plastic and shall be reasonably free from bubbles, striae, checks, scratches or other optical or mechanical defects. The globe design shall be such that light is emitted as specified in paragraphs (r)(3), (s)(3) of this section as applicable. The globe thickness shall be sufficient to withstand the impact test specified in § 161.010-5(b)(5) without any damage. As a result of the accelerated weathering test specified in § 161.010-5(b)(7), the globe shall not have crazed or appreciably discolored.

(f) *Filler material.* A unicellular polyfoam plastic or other material specifically approved by the Commandant shall fill all void space between the base of the globe and the space reserved for the battery.

(g) *Ballast.* Ballast, when required to insure the flotation stability of the light and a high righting moment, shall be firmly secured in the lower portion of the case. A spacer shall be installed to separate the battery from the ballast and to act as a shock absorber for the battery.

(h) *Finish of light.* External parts of the light other than the lens shall be international orange as described by color code 12197 of the Federal Standard Number 595, "Colors". When the pigment in the plastic is not the required international orange the exterior surface shall be properly cleaned and prepared, and coated with two coats of international orange enamel in accordance with Federal Specification TT-E-489. The finish shall be uniform and smooth, shall adhere firmly, and withstand reasonable impact without chipping or cracking.

(i) *Mounting bracket.* The mounting bracket shall be designed to hold the light in the inverted position and prevent free movement of the light when properly secured within the bracket. The bracket shall permit quick release of the light and shall not have a lens shield or light cover. The bracket shall be made of corrosion resistant metal and shall be arranged for mounting on a vertical surface. The type and color of finish is optional.

(j) *Ring for lanyard attachment.* The ring for the lanyard attachment shall be approximately 1 inch in diameter and made of corrosion resistant material. The ring and attachment shall be capable of withstanding the test specified in § 161.010-5(b)(9) without separating.

(k) *Dimensional stability and vaporproofness.* The light complete with battery shall be capable of undergoing the test specified in § 161.010-5(b)(6) without any damage, shrinkage, or distortion which might impair its serviceability, watertightness, or vaporproofness. The

light shall be considered vaporproof when examination of the interior after the specified test reveals no moisture and no fog or cloudiness of the lens.

(l) *Watertightness.* The light shall be watertight and shall show no leakage of water into its interior when tested in accordance with §§ 161.010-5(b)(3) and (4).

(m) *Ruggedness.* The light complete with battery shall be capable of withstanding the tests specified in § 161.010-5 without any damage or distortion which might impair its serviceability or watertightness.

(n) *Battery.* The light shall derive its source of electrical power from a self contained battery with screw post terminals. The battery shall be compatible with the electronic circuit and shall be of a type manufactured in accordance with Military Specification MIL-B-18 or Federal Specification W-B-101. The battery shall provide sufficient power to the light so that the unit operates as required by paragraph (q)(3), (r)(3), or (s)(3) of this section, as applicable. The battery shall be installed in the case such that it will be stowed in a position as recommended by the battery manufacturer. Other type power sources and batteries not manufactured in accordance with the referenced specifications will be given special consideration.

(o) *Lead wires and battery connectors.* Battery connectors shall be suitable for battery screw post terminals. When two wires are provided for battery connections, the wires shall be arranged, color coded, or marked so as to prevent improper connections. Other arrangements will be given special consideration by the Commandant.

(p) *Switch.* A suitable switch shall be provided and encapsulated with the electronic circuitry where applicable such that with the light in the upright position the contacts will be closed and with the light inverted the contacts will be open. If no electronic circuit is provided, a clip shall securely hold the switch and shall be so designed and so protected that jarring of light will not crack or destroy the switch. The switch shall be designed to satisfactorily make and break the electrical circuit within a temperature range of minus 30° to plus 160° Fahrenheit. The switch shall be so designed to prevent the accidental making of the contacts when the inverted light is jarred or shaken. The switch shall be capable of 1,000 cycles with the energized electrical circuit specified herein.

(q) *Stroboscopic flashing light.* A flashing light with a capacitor-discharge xenon flashtube shall meet the requirements of this paragraph.

(1) *Electronic flashing unit.* A suitable electronic solid state circuit shall be provided which will take power from a battery specified in paragraph (n) of this section and supply it to the flashtube in a manner as to emit intermittent flashes of light as specified in paragraph (q)(3) of this section. Electrolytic capacitors shall not be used. The power to the flashtube shall not exceed the rated power as specified by the flashtube

manufacturer. The average service life of the electronic circuit shall not be less than 500 hours. All components of the flashing unit excluding the flashtube shall be embedded in an encapsulating compound as specified in this subpart.

(2) *Flashtube.* A suitable capacitor-discharge xenon flashtube shall be provided which is compatible with the electronic flashing circuit and lens and provide the light output as specified in subparagraph (3) of this paragraph. The installation of the flashtube shall be as recommended by the flashtube manufacturer. The lower section of the flashtube may be encapsulated with the electronic circuit or suitably supported in a tube socket. The average service life of the tube shall not be less than 500 hours when connected to the circuit provided in accordance with subparagraph (1) of this paragraph.

(3) *Light output.* The light shall emit flashes of light at a frequency of not less than 50 nor more than 70 flashes per minute for a period of not less than 15 hours. The light output shall be not less than 0.2 candela-seconds per flash in all directions of the upper hemisphere with the globe in place.

(r) *Flashing incandescent light.* A flashing incandescent light shall meet the requirements of this paragraph.

(1) *Electronic flashing unit.* A suitable electronic solid state circuit shall be provided which will take power from a battery specified in paragraph (n) of this section and supply it to the flash lamp in a manner as to emit intermittent flashes of light as specified in subparagraph (3) of this paragraph. The power to the flash lamp shall not exceed the rated power specified by the flash lamp manufacturer. The average service life of the electronic circuit shall not be less than 500 hours. All components of the flashing unit excluding the flash lamp shall be embedded in an encapsulating compound as specified in this subpart.

(2) *Flash lamp.* A flash lamp shall be provided which is compatible with the electronic flashing circuit and globe to provide the light output specified in subparagraph (3) of this paragraph. The average service life of flash lamp shall be not less than 75 hours when connected to the circuit provided in accordance with subparagraph (1) of this paragraph. A spare lamp shall be carried in the interior portion of the light.

(3) *Light output.* The light shall emit flashes at a frequency of not less than 50 or more than 70 flashes per minute for a period of not less than 15 hours. The light output shall not be less than 0.4 candela-sec. per flash in all directions of the upper hemisphere with the globe in place.

(s) *Steady burning incandescent light.* A steady burning incandescent light shall meet the requirements of this paragraph.

(1) *Electronic circuit.* A solid state electronic circuit may be provided. The power provided to the lamp shall not exceed 110 percent of the rated power as specified by the lamp manufacturer. The

average service life of an electronic circuit shall not be less than 500 hours. All components of an electronic circuit, including the switch, shall be embedded in an encapsulating compounds as specified in this subpart.

(2) *Lamp.* A lamp shall be provided which is compatible with the power source and globe to provide the light output specified in subparagraph (3) of this paragraph. The average service life of the lamp shall not be less than 75 hours when connected to the circuit as provided. A spare lamp shall be carried in the interior portion of the light.

(3) *Light output.* The intensity of the light shall be not less than 2 candelas in all directions of the upper hemisphere with the globe in place.

(t) *Socket.* The socket shall be as recommended by the manufacturer. It shall be of corrosion resistant material, of durable construction and have suitable electrical clearances. Means shall be provided for minimizing the possibility of the lamp or flashtube becoming loose due to vibration. Flashtubes not requiring sockets may be used provided the terminals are connected by soldering and embedded in an encapsulating compound.

(u) *Electrical connections.* All electrical connections, except those intended to be removable, shall be mechanically secured and soldered and shall not depend on solder alone for mechanical strength. Where electrical connections are in close proximity, each shall be electrically insulated.

§ 161.010-5 Inspection and methods of test.

(a) *Inspection.* The U.S. Coast Guard reserves the right to make any inspection or test it deems necessary to determine the conformance of the materials and equipment to this specification.

(1) The facilities, materials and labor for all tests shall be furnished by the manufacturer at no cost to the U.S. Coast Guard. When testing facilities are not available at the point of inspection, testing may be completed by a mutually acceptable independent testing organization.

(b) *Methods of tests.* The following tests shall be conducted in the order listed below insofar as is reasonable and practicable.

(1) *Endurance test.* The electronic circuit shall be operated at rated voltage for 500 hours. The light, complete with battery, shall be alternately inverted and righted 1,000 times and examined for proper operation.

(2) *Drop test.* The light complete with battery, shall be dropped twice from a height of 90 feet into water. A life-ring buoy shall be attached to the light by means of a lanyard 6 feet in length during one of the drops. After each drop, the light shall be examined for leakage, cracks, or breakage. The light shall operate satisfactorily after each drop.

(3) *Float test.* The light, complete with battery, shall be allowed to float for 15 hours in water with the light floating as specified in § 161.010-4(a). The light shall be disassembled after the test and examined for conformance with the requirements of § 161.010-4(l).

(4) *Watertightness test.* The light, complete with battery, shall be submerged horizontally in water at a head of 1 foot for a period of 24 hours. At the end of the period the light shall be disassembled and examined for conformance with the requirements of § 161.010-4(l).

(5) *Ruggedness.* The light, complete with battery, shall be cooled to 0° F. It shall be dropped twice from a height of 3 feet onto a rigidly mounted steel plate or concrete; the distance of 3 feet shall be measured from the top of the lens to impact surface. When dropped, the light shall strike on the top center of the lens. The case shall be placed in its bracket, and the bracket mounted securely and positioned so the light is lying in a horizontal position. A steel ball 1¼ pounds in weight shall be allowed to fall three times through a distance of 48 inches; once onto the center portion of the case, once at each end onto a point approximately one-half inch from the end of the case. The case shall be examined for breakage, or cracking in accordance with paragraph (m) of § 161.010-4. Failure of lamp filament shall not constitute failure of light.

(6) *Dimensional stability and vapor-proof test.* The light assembled with battery shall be placed in a temperature-humidity chamber. The unit shall then be subjected to a 9-day continuous temperature-humidity cycle shown in Table 161.010-5(b)(6) without opening the light during the cycle. At the end of the tests the light shall be checked in accordance with § 161.010-4(k). The watertightness test specified in subparagraph (4) of this paragraph shall then be repeated.

TABLE 161.010-5(b)(6)

Time period (hours)	Temperature degree F (°F)	Relative humidity percent
24	140	85-90
24	-30	95-100
24	140	0-5
24	140	85-90
24	-30	95-100
48	140	0-5
48	70	45-55

(7) *Weathering tests (plastic globe only).* The globe shall be exposed to five complete cycles of Test Method 6023 and a 240-hour exposure cycle of Test Method 6024 as specified in the Federal Test Method Standard No. 406. The globe shall then be examined for conformance with § 161.010-4(e) and tested for light output in accordance with subparagraph (8) of this paragraph.

(8) *Light output test.* The light output test shall be conducted after the

tests specified in § 161.010-5(b)(7). The intensity and flash rate shall be measured at the end of the required operating period. The light shall meet the intensity requirements specified in § 161.010-4 (q) (3), (r) (3), or (s) (3) as applicable.

(9) *Pull test.* The light shall be adequately supported and a force of 50 pounds shall be applied to the lanyard attachment ring. The light case and lanyard attachment ring shall be examined for compliance with § 161.010-4 (d) and (j).

(10) *Accelerated weathering (metallic parts).* Under ultraviolet light alternate 3 minute cycles of (i) 20 percent salt spray at 55° C. and (ii) air blast at 55° C. without interruption for a period of 200 hours. Metallic parts shall be free of paint or other finish during this test.

§ 161.010-6 Marking.

(a) *Instructions and nameplate.* Each light shall be provided on the outside with a brass or plastic plate containing instructions for the maintenance and care of the light. The instructions shall be clearly marked in a plain, easily readable, permanent manner. The nameplate data shall contain the name of the manufacturer, the Coast Guard approval number, and the drawing number and alteration identification of the light. In securing the instructions and/or nameplate to the case, the wall of the case shall not be penetrated. The instruction wording shall be compatible to the particular design and shall be acceptable to the Commandant.

§ 161.010-7 Procedure for approval.

(a) Automatic floating electric waterlights are approved only by the Commandant, U.S. Coast Guard, Washington, D.C. 20591.

(b) Manufacturer's plans and specifications: In order to obtain approval of automatic floating waterlights, detailed plans and specifications, including a complete bill of material, assembly drawings, and parts drawings descriptive of the arrangement and construction of the device shall be submitted. Each drawing shall have an identifying drawing number, date, and identification of the device; and the general arrangement or assembly drawing shall include a list of all drawings applicable, together with the drawing numbers and alteration numbers. The manufacturer will be advised whether or not the drawings and specifications appear satisfactory or what corrections appear necessary and then he may proceed with the construction of the preapproval sample in accordance therewith.

(c) Preapproval sample. A preapproval sample together with two copies of the plans, specifications and certified test records shall be submitted to the Commandant, U.S. Coast Guard, 1300 E Street NW., Washington, D.C. 20591.

PART 164—MATERIALS

107. Subpart 164.007 is revised to read as follows:

Subpart 164.007—Structural Insulations

Sec.	
164.007-1	Applicable specification and referenced material.
164.007-2	Purpose.
164.007-3	Conditions of approval.
164.007-4	Testing procedure.
164.007-5	Test requirements.
164.007-6	Test report.
164.007-7	Analysis of results.
164.007-8	Retests.
164.007-9	Procedure for approval.

AUTHORITY: The provisions of this Subpart 164.007 issued under R.S. 4405, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2).

Subpart 164.007—Structural Insulations

§ 164.007-1 Applicable specification and referenced material.

(a) *Specification.* The following specification of the issue in effect on the date of manufacture of the structural insulation shall form a part of the regulations of this subpart (see §§ 2.75-17 through 2.75-19 of Subchapter A (Procedures Applicable to the Public) of this chapter:

(1) Coast Guard specification:

Subpart 164.009 of this part, Incombustible Materials for Merchant Vessels.

(b) *Technical reference.* For guidance purposes the technical reference may be used, which is entitled American Society for Testing Materials Standard E-119, "Fire Tests of Building Construction and Materials", ASTM, 1916 Race Street, Philadelphia, Pa. 19103.

(c) *Copies on file.* A copy of the specification listed in paragraph (a) of this section shall be kept on file by the manufacturer, together with the certificate of approval and this specification. It is the manufacturer's responsibility to have the latest issue of the specification on hand together with the certificate of approval and approved plans when manufacturing under this specification subpart.

(1) The Coast Guard specification may be obtained from the Commandant (MMT), U.S. Coast Guard, Washington, D.C. 20591.

§ 164.007-2 Purpose.

The purpose of this specification is to set forth tests necessary to measure the insulation value of structural insulation specimens under fire exposure conditions. The tests are not intended to measure the integrity of structural components of an assembly. Insulation meeting this specification is adequate to limit the average temperature rise of a steel bulkhead to 139° C. (250° F.) at the end of a 60-minute standard fire test.

§ 164.007-3 Conditions of approval.

(a) Structural insulation shall be of such quality as to successfully meet the requirements for an incombustible material as set forth in Subpart 164.009 of this part.

(b) Structural insulation shall be of such quality and thickness as to successfully pass all of the tests set forth in § 164.007-4, and the retests required by § 164.007-8.

(c) The product shall be so marked as to be readily identifiable to an inspector in the field. The marking shall include the Coast Guard approval number.

§ 164.007-4 Testing procedure.

(a) *Tests.* All tests, including the retests, shall be conducted at the National Bureau of Standards or other laboratories designated by the Coast Guard.

(b) *Test of physical properties.* (1) *Density measurement:* The smallest sample for density measurements of solid materials shall be 30 cm. x 30 cm. (12" x 12") by the submitted thickness. Length and width measurements shall be made to the nearest 1 mm. ($\frac{1}{32}$ "), thickness to the nearest 0.25 mm. (0.01"), allowance being made of any nonflatness of the major surfaces of the specimen. Measurements of dimensions of fibrous insulations shall be made to the nearest 1.5 mm. ($\frac{1}{16}$ ") on a nominal 30 cm. (12") cube assembled from sheets of thickness as received. The average of at least four measurements of each dimension shall be reported. The weight shall be determined with a scale or balance sensitive and accurate to 0.5 percent or less of the total weight. The dimensional and weight measurements shall not be made until the sample has been conditioned 1 week, or longer if required to reach constant weight, in an atmosphere at 23°±1° C. (73° F.±2°) and 50 percent relative humidity.

(2) Transfer to a previously dried and weighed wide-mouth weighing bottle provided with a glass stopper. Remove the stopper and heat the bottle and sample at 105°±5° C. (221°±9° F.) for 4 hours, insert the stopper, cool and weigh. Calculate the content of moisture and other volatiles as percent of the final dry weight of the sample.

(c) *Preparation of fire test specimens.*

(1) The fire test specimens shall be conditioned to approximately constant weight with air being maintained at a relative humidity of 40 to 70 percent and a temperature of 15° to 25° C. (50° to 77° F.). After conditioning, but before testing, the temperature of the specimens shall not exceed 40° C. (104° F.).

(2) Representative samples of the structural insulation, of a thickness or thicknesses and density as specified in § 164.007-9(a) (5), shall be tested as part of an assembly which forms a portion of a vertical wall of a furnace. The assembly shall be at least 100 cm. x 150 cm. (40" x 60") in size. More than one sample may be tested, see § 164.007-7.

(3) The specimens shall be attached to a 5±0.3 mm. ($\frac{3}{16}$ ") thick steel plate and mounted in the furnace with the steel plate forming the exterior wall of the furnace. Any stiffening members on the steel plate shall be installed on the face not adjacent to the insulation. Spacer strips of asbestos cement board or similar material, up to 5 cm. (2") in width, shall be installed around the

periphery of the panel. For fibrous insulations, the attachment to the steel plate shall be made by means of 5 mm. (0.19") diameter steel pins on 30 cm. (12") centers covered by 18-gage, 4 cm. (1½") mesh expanded metal. Alternate methods will be given consideration. For other materials, typical installation practice shall be used.

(d) *Furnace control.* (1) The furnace temperature shall be determined by at least four mineral insulated thermocouples having rapid response, and distributed so as to represent fairly the furnace temperature and to insure as uniform heating as possible. The thermocouples shall be arranged so that the hot junction is approximately 10 cm. from the nearest point of the specimen.

(2) The furnace temperature shall be continuously controlled so as to follow the standard time-temperature curve within the accuracy specified in subparagraph (4) of this paragraph.

(3) The standard time-temperature curve is defined by a smooth curve drawn through the following points:

At the beginning of the test,	20° C. (68° F.).
At the end of the first 5 minutes,	538° C. (1,000° F.).
At the end of the first 10 minutes,	704° C. (1,300° F.).
At the end of the first 30 minutes,	843° C. (1,550° F.).
At the end of the first 60 minutes,	927° C. (1,700° F.).

For a further definition of the time-temperature curve, see Appendix I of the ASTM Standard E-119, "Fire Tests of Building Construction and Materials".

(4) The accuracy of the furnace control shall be such that the area under the mean time-temperature curve is within 15 percent of the area under the standard time-temperature curve during the first 10 minutes of the test, within 10 percent during the first one-half hour, and within 5 percent for any period after the first one-half hour. At any time after the first 10 minutes of the test the mean furnace temperature shall not differ from the standard curve by more than 100° C. (180° F.). Consideration will be given to adjusting the results for variation of the furnace exposure from that prescribed. If corrections are made, they shall be in accordance with the procedures set forth in the ASTM E-119.

(e) *Temperature of unexposed surface.* For the unexposed surface temperature measurement a thermocouple of 0.5 mm. (0.020") diameter wires shall be soldered centrally with high temperature solder to one surface of a disc of copper 12 mm. in diameter and 0.2 mm. thick. The discs shall be covered with an oven-dry asbestos pad 50 mm. x 50 mm. and 4 mm. thick. The disc and the pad may be fixed to the surface of the steel plate by pins, tape, or a suitable adhesive. The asbestos pad shall have a density of approximately 1,000 kg./m.³ and thermal conductivity of 0.11 kcal/m/hr. × ° C. at 100° C. (212° F.).

(f) *Temperature observations.* (1) All observations shall be taken at intervals not exceeding 5 minutes. The surface temperature on the exterior side of the

steel plate shall be measured by thermocouples located as follows:

(i) One thermocouple located approximately in the center of each quadrant of the steel plate (four thermocouples total).

(ii) One thermocouple close to the center of the steel plate.

(iii) One thermocouple in way of or as close as possible to one of the pins or other through metallic connections (if any) used for holding the insulation in place.

(iv) Further thermocouples at the discretion of the testing laboratory or Coast Guard for the purpose of determining the temperature at points deemed likely to give a greater temperature rise than any of the above-mentioned thermocouples.

(2) The average temperature rise on the unexposed surface shall be obtained by averaging the readings of the thermocouples mentioned in subdivisions (i) and (ii) of subparagraph (1) of this paragraph.

(g) *Other observations.* Throughout the test observations shall be made of all changes and occurrences, which are not criteria of performance, but which may create hazard in case of a fire; for example the emission of appreciable volumes of smoke or noxious vapors from the unexposed side of the test specimen. The specimen shall be examined after the test for changes that have taken place and the information shall be noted in the test report.

(h) *Duration of testing.* The test shall be continued for at least one hour or until the maximum surface temperature rise values noted in § 164.007-5(a) have been reached, whichever occurs later.

§ 164.007-5 Test requirements.

The insulation value of the specimens for the full scale test shall be such that the average temperature of the thermocouples on the unexposed surface described in § 164.007-4(f) (2) will not rise more than 139° C. (250° F.) above the initial temperature, nor will the temperature at any one point on the surface, including any through metallic connection, rise more than 181° C. (325° F.) above the original temperature at the end of 60 minutes. The results obtained on the small scale test 2' x 2' (60 cm. x 60 cm.) shall be recorded.

§ 164.007-6 Test report.

(a) The test report required shall contain at least the following:

- (1) Name of manufacturer.
- (2) Purpose of test.
- (3) Test conditions and date of test.
- (4) Description of the panel tested giving the details of the assembly comprising a steel plate, insulation (thickness and density) spacer strips and fastening and the method of mounting the panel assembly in the test furnace.
- (5) Complete time-temperature data, including initial temperature, for each thermocouple together with curves of average temperature for the unexposed surface of the insulation and the thermocouple recording the highest tempera-

ture. In addition, for § 164.007-9(g) (2), complete time-temperature data consisting of a numerical time-temperature table for each furnace and each surface of insulation thermocouple together with the initial temperature of each thermocouple.

(6) A log maintained by the owner relative to deflections, cracking or loosening of the insulation, smoke or gas emission, glow, flame emission, and any other important data. The time of each observation should be noted.

(7) Photographs of both sides of the panel before and after testing.

(8) Summary of test results.

§ 164.007-7 Analysis of results.

(a) When only one sample is tested, the results of the test shall be binding and no analysis by the Coast Guard will be undertaken.

(b) When more than one sample of the same density material is tested simultaneously and the results are not exact, the Coast Guard may analyze the results. Data from the tests may be analyzed to determine the minimum thickness to meet the requirements of § 164.007-5(a).

(c) Consideration will be given to correction for inaccurate furnace control in accordance with § 164.077-4(d) (4).

§ 164.007-8 Retests.

(a) Manufacturers of approved structural insulation shall maintain quality control of materials used, manufacturing methods, and the finished product utilizing appropriate quality control testing so as to meet the requirements of this specification, and any other conditions outlined on the certificate of approval. Structural insulation materials are not inspected at regularly scheduled factory inspections; however, approved materials are subject to retest for continued compliance with the requirements of this subpart on the following basis:

(1) The Coast Guard may detail a marine inspector or other Coast Guard designated inspector at any time to visit any place where structural insulation is manufactured to conduct any inspections or examinations deemed advisable and to select representative samples for further examination, inspection, or tests. The inspector shall be admitted to any place where work is done on structural insulation or component materials.

(2) At a frequency of not less than once every 5 years following issuance of approval, samples of an approved material selected from production stock shall be forwarded by the inspector to the Commandant for testing in accordance with the requirements of this subpart. Where the plant is outside the jurisdiction of a Coast Guard District Commander, the frequency of such testing shall be once every 2 years. The cost of such testing shall be borne by the manufacturer. The nature of the product or its production may dictate a differing retest frequency.

(3) The Coast Guard reserves the right to make spot-check tests of approved structural insulation at any time on samples selected by a marine in-

spector obtained during installation on a vessel. The manufacturer will incur no expense for such tests, but the results, shall be binding upon the approval of his product.

(b) A small scale furnace test (2' x 2' furnace test 60 cm. x 60 cm.) shall be conducted. The time of failure shall not vary from the original small scale test values by more than 10 percent. In addition tests shall be conducted to determine incombustibility (§ 164.009), density and thickness. Values of retesting for density and thickness shall not vary from the original test values by more than 10 percent.

§ 164.007-9 Procedure for approval.

The following items shall be accomplished in sequential order.

(a) *Test request information.* If a manufacturer desires to have a structural insulation approved, a written request shall be submitted to the Commandant of the Coast Guard together with the following:

(1) If the material has already been approved as an incombustible material under Subpart 164.009 of this part, the approval number of the material shall be indicated. If not, the procedure set forth in Subpart 164.009 of this part shall be followed; and such approval shall be obtained prior to submittal under this specification.

(2) A description and trade name of the structural insulation.

(3) A statement of the composition of the material and the percentage of each component.

(4) A sample of the material at least 1 foot square in the thickness and density proposed by the manufacturer to be tested. When more than one thickness of a material of the same density is to be tested, only a sample of a single thickness need be submitted.

(5) The range of thicknesses and densities in which it is proposed to manufacture or use the material together with any information or recommendations that the manufacturer may have as to maximum or minimum thickness or density.

(6) The location of the place or places where the material will be manufactured.

(7) Description of attachment to or protection of the bulkhead or deck. If an adhesive is used, a liberal sample shall be supplied.

(8) A sketch showing typical installation methods and indicating limitations, if any.

(9) A general statement describing manufacturing procedures indicating the degree of quality control exercised and the degree of inspection performed by outside organizations.

(10) A statement indicating proposed methods for field identification of the products as being approved. Identification shall include the Coast Guard approval numbers.

(b) *Test suitability.* The above information will be examined by the Coast Guard, and if it is indicated that the material is in all respects suitable for testing, the manufacturer will be so advised.

Coast Guard comments on the manufacturer's recommended thickness and density of the sample or samples for the fire resistance test will be given at this time, together with the estimated cost of the required test.

(c) *Samples to be submitted.* If the material is indicated as being suitable for testing, the manufacturer shall submit a 100 cm. x 150 cm. (40" x 60") sample, a 30 cm. x 30 cm. (12" x 12") sample and a 60 cm. x 60 cm. (24" x 24") sample for each thickness and density proposed to the Fire Research Section of the National Bureau of Standards, Washington, D.C. 20234, and shall advise the Coast Guard of the shipment. A separate test will be made for each density of the material for which approval is desired.

(d) *Pretest information.* At this time the manufacturer shall submit to the Coast Guard the following:

(1) A statement that the material is offered for testing as described pursuant to paragraph (a)(3) of this section is completely representative of the product which will be manufactured and sold under U.S. Coast Guard approval if such approval is granted and that the shipbuilder will be advised of the proper installation methods and the limitations of the approval.

(2) A commitment that he will reimburse the National Bureau of Standards for the cost or review of the tests when billed by them.

(3) If the manufacturer desires to witness the test, he should so indicate at this time.

(e) *Test authorization.* The National Bureau of Standards will then be authorized to conduct the tests noted in § 164.007-4 and, upon completion of all testing, the manufacturer will be billed directly by the National Bureau of Standards. Four copies of the test report containing the information required by § 164.007-6 will be submitted to the Coast Guard.

(f) *Notification of results.* A copy of the report will be forwarded to the manufacturer and he will be advised if his material is approved under this subpart. If approved, any stipulations of the approval will be specified. This information will be published in the FEDERAL REGISTER, and a certificate of approval will be issued to the manufacturer.

(g) *Other laboratories.* (1) If the manufacturer desires to have the test conducted at some laboratory other than the National Bureau of Standards, this information shall be supplied at the time of initial contact with the Coast Guard. If the proposed laboratory is acceptable to the Coast Guard, the manufacturer will be so advised, and any special testing requirements together with any estimated cost of expenses incurred by the National Bureau of Standards for their review will be specified at this time. The Coast Guard shall be notified in advance of the date of the test so that a representative may be present.

(2) The laboratory shall submit four copies of a detailed test report to the Coast Guard together with representative samples of the material taken be-

fore and after testing. The test report and samples will be examined by the National Bureau of Standards for compliance with this subpart. The test report shall include the information required by § 164.007-6 together with any other pertinent data.

108. Subpart 164.008 is revised to read as follows:

Subpart 164.008—Bulkhead Panels

Sec.	
164.008-1	Applicable specification and reference material.
164.008-2	Conditions of approval.
164.008-3	Testing procedure.
164.008-4	Test requirements.
164.008-5	Test report.
164.008-6	Retests.
164.008-7	Procedure for approval.

AUTHORITY: The provisions of this Subpart 164.008 issued under R.S. 4405, as amended, 4462, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2).

Subpart 164.008—Bulkhead Panels

§ 164.008-1 Applicable specification and reference material.

(a) *Specification.* The following specification of the issue in effect on the date of manufacture of the bulkhead panel shall form a part of the regulations of this subpart (see §§ 2.75-17 through 2.75-19 of Subchapter A, Procedures Applicable to the Public, of this chapter):

(1) Coast Guard specification:

Subpart 164.009 of this part, Incombustible Materials for Merchant Vessels.

(b) *Technical reference.* For guidance purposes this technical reference may be used, which is entitled American Society for Testing Materials Standard E-119, "Fire Tests of Building Construction and Materials", ASTM, 1916 Race Street, Philadelphia, Pa. 19103.

(c) *Copies on file.* A copy of the specification listed in paragraph (a) of this section shall be kept on file by the manufacturer, together with the certificate of approval and this specification. It is the manufacturer's responsibility to have the latest issue of the specification on hand together with the certificate of approval and approved plans when manufacturing under this specification subpart.

(1) The Coast Guard specification may be obtained from the Commandant (MMT), U.S. Coast Guard, Washington, D.C. 20591.

§ 164.008-2 Conditions of approval.

(a) Bulkhead panel material shall be of such quality as to successfully meet the requirements for an incombustible material as set forth in Subpart 164.009 of this part.

(b) Bulkhead panels used in Class B-15 construction and as a component in Class A-30 or Class A-15 construction shall meet the thermal insulation requirements of § 164.008-4(a) for at least 15 minutes, and the integrity requirements of § 164.008-4(b) for at least 30 minutes.

(c) Bulkhead panels for use as a component in Class A-60 construction shall

meet the thermal insulation requirements of § 164.008-4(a) for at least 15 minutes and the integrity requirements of § 164.008-4(b) for at least 60 minutes.

(d) The product shall be so marked as to be readily identifiable to an inspector in the field. The marking shall include the Coast Guard approval number.

(e) The specimen to be tested shall be representative of the typical installation on board a vessel and any limitations shall be shown on the sketch required by § 164.008-7(a)(7).

(f) The bulkhead panel shall successfully pass the retests required by § 164.008-6.

§ 164.008-3 Testing procedure.

(a) *Tests.* All tests, including the retests, shall be conducted at the National Bureau of Standards or other laboratories designated by the Coast Guard.

(b) *Preparation of test specimen.* (1) The test specimens shall be conditioned to approximately constant weight with the air being maintained at a relative humidity of 40 to 70 percent and a temperature of 15° to 25° C. (59° to 77° F.). After conditioning, but before testing, the temperature of the specimen should not exceed 40° C. (104° F.).

(2) The specimens shall be mounted in the furnace in a vertical position in such a way as to give an exposed surface of at least 4.65 square meters (50 square feet) and a height of at least 2.44 meters (8 feet).

(3) The specimen shall be supported at the top and secured on the vertical sides and at the bottom in a manner representative of conditions in service. If provision for movement at the edges of a bulkhead panel is made for a particular construction in service, the specimen should simulate these conditions.

(4) The method of securing shall be such that there is no possibility of misinterpretation of test results due to the passage of flame at the edges of the specimen when the method of fixing is not the subject of the test.

(c) *Furnace control.* (1) The furnace temperature shall be determined by at least four mineral insulated thermocouples having rapid response and distributed so as to represent fairly the furnace temperature and to insure as uniform heating as possible. The thermocouples shall be arranged so that the hot junction is approximately 10 cm. (4") from the nearest point of the specimen.

(2) The furnace temperature shall be continuously controlled so as to follow the standard time-temperature curve within the accuracy specified in subparagraph (4) of this paragraph.

(3) The standard time-temperature curve is defined by a smooth curve drawn through the following points:

At the beginning of the test,	20° C. (68° F.).
At the end of the first 5 minutes,	538° C. (1,000° F.).
At the end of the first 10 minutes,	704° C. (1,300° F.).
At the end of the first 30 minutes,	843° C. (1,550° F.).
At the end of the first 60 minutes,	927° C. (1,700° F.).

For a further definition of the time-temperature curve, see Appendix I of the ASTM Standard E119, "Fire Tests of Building Construction and Materials".

(4) The accuracy of the furnace control shall be such that the area under the mean time-temperature curve is within 15 percent of the area under the standard curve during the first 10 minutes of the test, within 16 percent during the first one-half hour, and within 5 percent for any period after the first one-half hour. At any time after the first 10 minutes of the test the mean furnace temperature shall not differ from the standard curve by more than 100° C. (180° F.). Consideration will be given to adjusting the results for variation of the furnace exposure from that prescribed. If corrections are made, they shall be in accordance with the procedures set forth in ASTM E-119.

(5) The pressure in the furnace shall be equal to that in the laboratory at about one-third of the height of the specimen.

(d) *Temperature of unexposed surface.* For the unexposed surface temperature measurement, a thermocouple of 0.5 mm. (0.020") diameter wires shall be soldered centrally with high temperature solder to one surface of a disc of copper 12 mm. diameter and 0.2 mm. thick. The discs shall be covered with an oven-dry asbestos pad 50 mm. x 50 mm. and 4 mm. thick. The disc and the pad may be fixed to the surface of the specimen by pins, tape or a suitable adhesive, depending on the nature of the specimen material. The asbestos pad shall have a density of approximately 1,000 kg./m.³ and thermal conductivity of 0.11 kcal./m./hr. x C. at 100° C. (212° F.).

(e) *Flame penetration.* (1) Where cracks or openings are formed during the test, an ignition test as prescribed in § 164.008-4(b) shall take place immediately after the appearance of cracks or damage, followed by similar tests at frequent intervals. The purpose of the test is to indicate whether cracks and openings formed during the test are such that they would lead to passage of flame.

(2) The cotton wool used for the tests prescribed in § 164.008-4(b) shall consist of new undyed soft fibers without any admixture of artificial fibers, and shall be free from thread, leaf, and shell fiber dust. A suitable material for this purpose is sold in the form of rolls for surgical use. A pad shall be cut measuring 10 cm. x 10 cm. approximately 2 cm. thick and weighing between 3 and 4 grams. It shall be oven-dried prior to the test. The pad shall be attached by means of wire clips to a 10 cm. x 10 cm. frame of 1 mm. diameter. A wire handle approximately 75 cm. long attached to the frame would facilitate its use on the specimen.

(3) When testing for cracks or openings during the test, the pad shall be held in a vertical position facing the crack or opening with the aperture located in a central part of the cotton wool. The pad may be reused if it has not absorbed any moisture or become

charred during the previous application.

(f) *Temperature observations.* (1) All observations shall be taken at intervals not exceeding 5 minutes. The surface temperatures on the unexposed side of the test specimen shall be measured by thermocouples located as follows:

(i) One thermocouple located approximately in the center of each quadrant of the steel plate (four thermocouples total).

(ii) One thermocouple close to the center of the test specimen, but away from the joint, if any.

(iii) At least one thermocouple at the vertical joint of the test specimen.

(iv) Further thermocouples at the discretion of the testing laboratory or Coast Guard for the purpose of determining the temperature at points deemed likely to give a greater temperature rise than any of the above mentioned thermocouples.

(2) The average temperature rise on the unexposed surface shall be obtained by averaging the readings of the thermocouples mentioned in subdivisions (i) and (ii) of subparagraph (1) of this paragraph.

(g) *Other observations.* Throughout the test, observations shall be made of all changes and occurrences, which are not criteria of performance but which may create hazard in case of a fire; for example the emission of appreciable volumes of smoke or noxious vapors from the unexposed side of the test specimen. The specimen shall be examined after the test for changes that have taken place and the information shall be noted in the test report.

(h) *Duration of testing.* The test shall be continued for at least 30 minutes to meet the requirements of § 164.008-2(b) or at least 60 minutes to meet the requirements of § 164.008-2(c). In either case, the test shall be continued until the maximum surface temperature rise values noted in § 164.008-4(a) have been reached, or until cracks which lead to flaming as specified in § 164.008-4(b) are formed.

§ 164.008-4 Test requirements.

(a) *Thermal insulation:* The insulation value of the specimens for the full scale test shall be such that the average temperature of thermocouples on the unexposed surface described in § 164.008-3(f) (2) will not rise more than 139° C. (250° F.) above the initial temperature, nor will the temperature at any point on the surface, including any joint, rise more than 225° C. (405° F.) above the initial temperature at the end of 15 minutes. When failure is due to excessive temperature rise on the joint, consideration will be given to alternate joint construction. The results obtained on the small scale test (2' x 2') (60 cm. x 60 cm.) shall be recorded.

(b) The test shall determine the length of time, up to one hour, that the bulkhead panel, including the joint can withstand the passage of flame. Cracks and openings shall not be such as to lead to flaming of a cotton wool test pad as prescribed in § 164.008-3(e) (3) held fac-

ing the aperture at about 25 mm. for a period of 30 seconds. If no flaming occurs, the pad shall be removed and re-applied after a suitable interval.

§ 164.008-5 Test report.

(a) The test report required by § 164.008-7 (e) and (g) shall include at least the following:

(1) Name of manufacturer.
(2) Purpose of test.
(3) Test conditions and date of test.
(4) Description of the panel tested giving size, thickness, density, detail of joint and method of assembling in test furnace.

(5) Complete time-temperature data, including initial temperature, for each thermocouple together with curves of average temperature for the unexposed surface of the insulation and the thermocouple recording the highest temperature. In addition, for § 164.008-7(g) (2) complete time-temperature data consisting of a numerical time-temperature table for each furnace and each surface insulation thermocouple together with the initial temperature of each thermocouple.

(6) A log setting forth the observer's notes relative to deflections, smoke or gas emission, glow, flame emission, and any other important data. The time of each observation should be noted.

(7) Complete observations on the appearance of cracks and data on the testing of the cracks as specified in § 164.008-4(b).

(8) Photographs of both sides of the panel before and after testing.

(9) Summary of test results.

§ 164.008-6 Retests.

(a) Manufacturers of approved bulkhead panels shall maintain quality control of materials used, manufacturing methods, and the finished product utilizing appropriate quality control testing so as to meet the requirements of this specification, and any other conditions outlined on the certificate of approval. Bulkhead panels are not inspected at regularly scheduled factory inspections; however, approved bulkhead panels are subject to retest for continued compliance with the requirements of this subpart on the following basis:

(1) The Coast Guard may detail a marine inspector or other Coast Guard designated inspector at any time to visit any place where bulkhead panels are manufactured to conduct any inspections or examinations deemed advisable and to select representative samples for further examination, inspection, or tests. The inspector shall be admitted to any place where work is done on bulkhead panels or component materials.

(2) At a frequency of not less than once every 5 years following issuance of approval, samples of an approved bulkhead panel selected from production stock shall be forwarded by the inspector to the Commandant for testing in accordance with the requirements of this subpart. Where the plant is outside the jurisdiction of a Coast Guard District Commander, the frequency of such selec-

tion and testing shall be every 2 years. The cost of such testing shall be borne by the manufacturer. The nature of the product or its production may dictate a differing retest frequency.

(3) The Coast Guard reserves the right to make spot-check tests of approved bulkhead panels at any time on samples selected by a marine inspector obtained during installation on a vessel. The manufacturer will incur no expense for such tests, but the results shall be binding upon the approval of his product.

(b) A small scale furnace test (2' x 2' furnace test) shall be conducted. The time of failure shall not vary from the original (2' x 2' furnace) test values by more than 10 percent. In addition, tests shall be conducted to determine incombustibility (§ 164.009), density and thickness. Values on retesting for density and thickness shall not vary from the original test values by more than 10 percent.

§ 164.008-7 Procedure for approval.

The following items shall be accomplished in sequential order.

(a) *Test request information.* If a manufacturer desires to have a bulkhead panel approved, a written request shall be submitted to the Commandant of the Coast Guard, together with the following:

(1) If the material has already been approved as an "Incombustible Material" under Subpart 164.009 of this part, the approval number of the material shall be indicated. If not, the procedure set forth in Subpart 164.009 of this part shall be followed; and such approval shall be obtained prior to submittal under this specification.

(2) The description and trade name of the bulkhead panel.

(3) A statement of the composition of the material and the percentage of each component.

(4) A sample of the material at least 1 foot square in each thickness and density of the material as manufactured.

(5) The range of thicknesses and/or densities in which it is proposed to manufacture or use the material, together with any information or recommendations the manufacturer may have as maximum or minimum thickness or density.

(6) The location of the place or places where the material will be manufactured.

(7) A sketch showing typical installation methods and indicating limitations, if any.

(8) A general statement describing manufacturing procedures indicating the degree of quality control exercised and the degree of inspection performed by outside organizations.

(9) A statement indicating proposed methods for field identification of the products as being approved. Identification shall include the Coast Guard approval number.

(b) *Test suitability.* The above information will be examined by the Coast Guard and if it is indicated that the material is in all other respects suitable for testing, the manufacturer will be so

advised. Coast Guard comments on the manufacturer's recommended thickness and density of the panel for the fire resistance and integrity test will be given at this time together with the estimated cost of the tests.

(c) *Samples to be submitted.* If the material is indicated as being suitable for testing, the manufacturer shall submit the samples required by subparagraph (1) of this paragraph to the Fire Research Section of the National Bureau of Standards, Washington, D.C. 20234, and shall advise the Coast Guard of the shipment.

(1) One representative panel of the material having a surface approximately 4.65 square meters (50 square feet) and a height of 2.44 meters (8 feet) containing at least one vertical joint, located at approximately one-third panel width from one edge (20-24 inches), and one representative panel of the material having 60 cm. x 60 cm. (2' x 2') dimensions. If the manufacturer desires to submit the panel in thickness or size other than that recommended, prior approval shall be obtained from the Commandant. The manufacturer shall supply any labor required for fabrication of the panel and for attaching the panel to the frame for testing.

(d) *Pretest information.* At this time the manufacturer shall submit to the Coast Guard the following:

(1) A statement that the material as offered for testing and as described pursuant to § 164.008-6(a)(3) is completely representative of the product which will be manufactured and sold under U.S. Coast Guard approval if such approval is granted and that the shipbuilder will be advised of the proper installation methods and the limitations of the conditions of approval.

(2) A commitment from the manufacturer that he will reimburse the National Bureau of Standards for the cost of the tests or review when billed by them.

(3) If the manufacturer desires to witness the test, he should so indicate at this time.

(e) *Test authorization.* The National Bureau of Standards will then be authorized to conduct the test noted in § 164.008-4(a) and, upon completion of all testing, the manufacturer will be billed directly by the National Bureau of Standards, four copies of the report containing the information required by § 164.008-5 shall be submitted to the Coast Guard.

(f) *Notification of results.* A copy of the report will be forwarded to the manufacturer, and he will be advised if his material is approved under this subpart. If approved, any stipulations of the approval will be specified. This information will be published in the FEDERAL REGISTER, and a certificate of approval will be issued to the manufacturer.

(g) *Other laboratories.* (1) If the manufacturer desires to have the tests conducted at some laboratory other than the National Bureau of Standards, this information shall be supplied at the time of initial contact with the Coast Guard.

If the proposed laboratory is acceptable to the Coast Guard, the manufacturer will be so advised and any special testing requirements together with an estimated cost of expenses incurred by the National Bureau of Standards for their review will be specified at this time. Payment will be made as noted in paragraph (d)(2) of this section. The Coast Guard shall be notified in advance of the date of the test so that a representative may be present.

(2) The laboratory shall submit four copies of a detailed test report to the Coast Guard, together with representative samples of the material being taken before and after testing. The test report and samples will be examined by the National Bureau of Standards for compliance with this subpart. The test report shall include the information required by § 164.008-5 together with any other pertinent data.

SUBCHAPTER R—NAUTICAL SCHOOLS PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

Subpart 167.35—Lifesaving Equipment

109. Section 167.35-80 is amended by adding paragraph (c) to follow paragraph (b) to read as follows:

§ 167.35-80 Life buoys.

(c) *Waterlights.* All waterlights shall be of a type approved by the Coast Guard or Navy. Waterlights constructed in accordance with Subpart 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter shall not be installed after December 31, 1971, but may be retained as long as they are maintained in good condition.

(R.S. 4405, as amended, 4463, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 414, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2))

SUBCHAPTER T—SMALL PASSENGER VESSELS (UNDER 100 GROSS TONS)

PART 175—GENERAL PROVISIONS

Subpart 175.05—Application

110. Section 175.05-1(d) is revised to read as follows:

§ 175.05-1 Vessels subject to the requirements of this subchapter.

(d) *S and L.* Nothing in the regulations in this subchapter shall be construed as exempting, other than a yacht, any mechanically propelled vessel which carries more than 12 passengers on an international voyage from the applicable requirements of the International Convention for Safety of Life at Sea, 1960. The regulations in this subchapter shall not exempt any small passenger vessels from the applicable requirements of the 1966 International Convention on Load Lines.

111. Part 175 is amended by adding a new Subpart 175.07 to read as follows:

Subpart 175.07—Load Lines

§ 175.07-1 Load lines required.

Vessels of 79 feet in length and over having their keels laid or at a similar stage of construction on or after July 21, 1968, and engaged in international voyages, are subject to load line assignment, certification, and marking under Subchapter E (Load Lines) of this chapter.

(R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152, sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 390b, 85a, 88a, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 177—CONSTRUCTION AND ARRANGEMENT

Subpart 177.35—Rails and Guards

§ 177.35-1 [Amended]

112. Section 177.35-1 *Deck rails* is amended by adding in the fourth line of paragraph (b) the words "except as provided by paragraph (f) of this section." to follow the word "inches"; by redesignating the present paragraph (f) as paragraph (g); by redesignating the present paragraph (g) as paragraph (h); and by adding a new paragraph (f) to read as follows:

(f) For vessels subject to the 1966 International Convention on Load Lines the height of rails and bulwarks installed at the peripheries of the freeboard and superstructure decks shall be at least 39½ inches. However where this height would interfere with the normal operation of the ship, a lesser height may be approved if the cognizant Officer in Charge, Marine Inspection is satisfied that adequate protection is provided. The opening below the lowest course shall not be more than 9 inches and the courses shall not be more than 15 inches apart.

(R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152, sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 390b, 85a, 88a, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 180—LIFESAVING EQUIPMENT

Subpart 180.15—Equipment for Life Floats and Buoyant Apparatus

113. Section 180.15-5(d) is revised to read as follows:

§ 180.15-5 Description of equipment for life floats and buoyant apparatus.

(d) *Water light.* The water light shall be of an approved type constructed in accordance with Subpart 160.012, 161.001, or 161.010 of Subchapter Q (Specifications) of this chapter. Water lights constructed in accordance with Subpart 160.012 or 161.001 of this chapter shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition.

Subpart 180.30—Ring Life Buoys and Water Lights

114. Section 180.30-1(a) is revised to read as follows:

§ 180.30-1 General.

(a) All ring life buoys and water lights shall be of approved types. Water lights constructed in accordance with Subpart 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition.

(R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 390b, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 184.15—Navigation Lights and Shapes, Whistles, Fog Horns, and Fog Bells

115. Section 184.15-5 is amended by adding a new paragraph (d) to read as follows:

§ 184.15-5 Light intensity standards.

(d) The light intensity standards of this section shall apply to new navigation lights installed and replacements of existing lights made on or after January 1, 1971. Such lights shall be of an approved type.

(R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 390b, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

SUBCHAPTER U—OCEANOGRAPHIC VESSELS

PART 188—GENERAL PROVISIONS

Subpart 188.05—Application

116. Section 188.05-30 is amended by revising the heading and paragraphs (a) and (b) to read as follows:

§ 188.05-30 Portable tanks—interpretive rulings.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to mean portable tanks having a maximum capacity of 110 U.S. gallons and Department of Transportation specifications cylinders having a water capacity of not more than 1,000 pounds, which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase "inflammable or combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include such cargo in portable tanks of a capacity of more than 110 U.S. gallons.

(R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424, 428, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 190—CONSTRUCTION AND ARRANGEMENT

Subpart 190.25—Rails and Guards

117. Section 190.25-1 is revised to read as follows:

§ 190.25-1 Application.

(a) The provisions of this subpart with the exception of § 190.25-90, apply to all vessels contracted for on or after July 1, 1969.

(b) Vessels contracted for prior to July 1, 1969 shall meet the requirements of § 190.25-90.

118. Section 190.25-5 is revised to read as follows:

§ 190.25-5 Where rails required.

(a) All vessels shall have efficient guard rails or bulwarks on decks and bridges. The height of rails or bulwarks shall be at least 39½ inches from the deck. At exposed peripheries of the freeboard and superstructure decks, the rails shall be in at least three courses, including the top. The opening below the lowest course shall not be more than 9 inches. The courses shall not be more than 15 inches apart. In the case of ships with rounded gunwales the guard rail supports shall be placed in the flat of the deck. On other decks and bridges the rails shall be in at least two courses, including the top, approximately evenly spaced. If it can be shown to the satisfaction of the Officer in Charge, Marine Inspection, that the installation of rails of such height will be unreasonable and impracticable, having regard to the business of the vessel, rails of a lesser height or in some cases grab rails may be accepted and inboard rails may be eliminated if the deck is not generally accessible.

(b) Where it can be shown to the satisfaction of the Commandant that a vessel is engaged exclusively in voyages of a sheltered nature, the provisions of paragraph (a) of this section may be relaxed.

§ 190.25-90 [Amended]

119. Section 190.25-90 is amended by changing in the heading the date "March 1, 1968" to "July 1, 1969".

(R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 445, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

PART 192—LIFESAVING EQUIPMENT

Subpart 192.20—Equipment for Lifeboats, Liferrafts, Lifefloats, and Buoyant Apparatus

120. Section 192.20-25(o) is revised to read as follows:

§ 192.20-25 Description of equipment for liferafts.

(o) *Water light.* The water light shall be of an approved type, constructed in accordance with Subpart 160.012, 161.001, or 161.010 of Subchapter Q (Specifications) of this chapter. Water lights constructed in accordance with Subpart 160.012 or 161.001 of this chapter shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition. The water light shall be attached to the liferaft by a 12-thread manilla or equivalent synthetic lanyard 3 fathoms in length.

121. Section 192.20-35(e) is revised to read as follows:

§ 192.20-35 Description of equipment for lifeboats and buoyant apparatus.

(e) *Water light.* The water light shall be of an approved type, constructed in accordance with Subpart 160.012, 161.001 or 161.010 of Subchapter Q (Specifications) of this chapter. Water lights constructed in accordance with Subpart 160.012 or 161.001 of this chapter shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition. The water light shall be attached to the lifeboat or buoyant apparatus by a 12-thread manilla or equivalent synthetic lanyard 3 fathoms in length.

Subpart 192.43—Ring Life Buoys and Water Lights

122. Section 192.43-5(b) is revised to read as follows:

§ 192.43-5 General.

(b) All water lights shall be of an approved type, constructed in accordance with Subpart 160.012, 161.001, or 161.010 of Subchapter Q (Specifications) of this chapter. Water lights constructed in accordance with Subpart 160.012 or 161.001 of this chapter shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition.

(R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 445, 49 U.S.C. 1655 (b)(1); 49 CFR 1.4(a)(2))

PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 195.35—Fireman's Outfit

123. Section 195.35-5 is amended by adding three new paragraphs, (f), (g), and (h), reading as follows:

§ 195.35-5 General.

(f) Boots and gloves shall be of rubber or other electrically nonconducting material.

(g) The helmet shall provide effective protection against impact.

(h) Protective clothing shall be of material that will protect the skin from the heat of fire and burns from scalding steam. The outer surface shall be water resistant.

124. Section 195.35-10 is revised to read as follows:

§ 195.35-10 Fireman's outfit.

(a) A fireman's outfit shall consist of one self-contained breathing apparatus with lifeline attached, one flashlight, one flame safety lamp, a rigid helmet, boots and gloves, protective clothing, and one fire ax.

(b) Every vessel shall carry at least two firemen's outfits.

(R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 445, 49 U.S.C. 1655 (b)(1); 49 CFR 1.4(a)(2))

Effective date. These amendments shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: October 23, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

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