

FEDERAL REGISTER

VOLUME 34 • NUMBER 245

Tuesday, December 23, 1969 • Washington, D.C.

Pages 20017-20162

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Conservation Service
Civil Aeronautics Board
Coast Guard
Comptroller of the Currency
Consumer and Marketing Service
Customs Bureau
Emergency Preparedness Office
Federal Aviation Administration
Federal Maritime Commission
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Food and Drug Administration
Interstate Commerce Commission
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Small Business Administration
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Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

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



Area Code 202

Phone 962-8626

(49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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[Reg. Docket No. 10018; Amdt. 681]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Olympia, Wash.—Olympia Municipal, VOR Runway 17, Amdt. 1, 20 June 1968 (established under Subpart C).

2. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Olympia, Wash.—Olympia Municipal, VOR/DME Runway 35, Amdt. 3, 20 June 1968 (established under Subpart C).

3. By amending § 97.15 of Subpart B to cancel very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Olympia, Wash.—Olympia Municipal, VOR/DME Runway 17, Amdt. 6, effective 20 June 1968, canceled, effective 15 Jan. 1970.

4. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: OLM VORTAC.	
Curr Int.	Budd Int (NOPT)	Direct	1500	\$Climb to 3000' in holding pattern OLM VORTAC. Supplementary charting information: \$Hdd 8, 353° Inbnd, right turns, 1 minute. LRCO, 122.1. Runway 17, TDZ elevation, 203'.	

Procedure turn W side of crs, 348° Outbnd, 168° Inbnd, 3000' within 10 miles of Budd Int.

Final approach crs, 168°.

Minimum altitude over Budd Int, 1500'.

MSA: 000°-090°-4800'; 090°-180°-3400'; 180°-270°-3700'; 270°-360°-4100'.

NOTE: Radar vectoring.

*Straight-in and circling MDA increased 100' and alternate minimums not authorized when control zone not effective except operators with approved weather reporting service. Use McChord altimeter setting when Olympia altimeter setting not available.

%IFR departure procedures: Climb on R 348° OLM VORTAC within 10 miles so as to cross OLM VORTAC at or above 1500' Westbound V204, 1200' Eastbound V204.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-17*	780	1	577	780	1	577	780	1	577	780	1 1/4	577
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	780	1	575	780	1	575	540	1 1/4	635	880	2	675
A.	1000-2.											
			T 2-eng. or less—Standard.%									T over 2-eng.—Standard.%

City, Olympia; State, Wash.; Airport name, Olympia Municipal; Elev., 205'; Facility, OLM; Procedure No. VOR Runway 17, Amdt. 2; Eff. date, 15 Jan. 70; Sup. Amdt. No. 1; Dated, 20 June 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 15.6-mile DME Fix.
				Make climbing left turn to 6000' to HMV VORTAC via R 019° and hold. Supplementary charting information: Hold 8, 1 minute, right turns, 019° Inbnd. Final approach crs to center of landing area. HMV VOR all FSS frequencies.

Procedure turn not authorized. One-minute holding pattern S of HMV VORTAC, 019° Inbnd, right turns, 6000'.

Final approach crs, 019°.

Minimum altitude over HMV VORTAC, 6000'; over 5-mile DME Fix, 5400'; over 10-mile DME Fix, 3000'.

MSA: 000°-090°-7000'; 090°-270°-8400'; 270°-360°-6400'.

NOTE: (1) Radar vectoring. (2) Use Tri City, Tenn., altimeter setting.

%IFR departure procedure: Climb on runway heading NE to 3000', to SW 4000' before proceeding on crs as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	2840	1	770	2840	1½	770	2840	1½	770	2840	2	770
A.....	Not authorized.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, Abingdon; State, Va.; Airport name, Virginia Highland; Elev., 2070'; Facility, HMV; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 15 Jan. 79

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 11.3-mile DME.
HZN R 255°/10-mile DME.....	HZN VORTAC (NOPT).....	Direct.....	8900	Climbing left turn to 8000' via R 050° to HZN VORTAC and hold.* Supplementary charting information: *Hold W, right turns, 1 minute, 075° Inbnd. Chart restricted area, R-4803. FAC is aligned to AER 03.

Procedure turn not authorized. One-minute holding pattern W HZN VORTAC, 075° Inbnd, 8000'.

Final approach crs, 050°.

Minimum altitude over HZN VORTAC, 8000'; over 5-mile DME Fix, 6300'.

MSA: 010°-100°-7000'; 100°-190°-7800'; 190°-010°-9400'.

NOTES: (1) Prior ATC clearance required to penetrate R-4803. (2) Night minimums not authorized runways 13/31 and 6/24. (3) Use NAAS Fallon altimeter setting. When NAAS Fallon altimeter setting not available, use Lovelock altimeter setting and increase MDA to 4600'.

%IFR departures all runways, climb via R 069° to HZN VORTAC. Continue climb in a holding pattern W of HZN VORTAC on R 255° (075° Inbnd) right turns, 1 minute, to cross HZN VORTAC at or above the following MCA's: V68, 6500' northbound; V494, 9000' southwestbound; V68, 8000' westbound.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	4500	1	541	4500	1	541	4500	1½	541	4520	2	561
A.....	Not authorized.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, Fallon; State, Nev.; Airport name, Fallon Municipal; Elev., 3929'; Facility, HZN VORTAC; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 15 Jan. 79

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OLM VORTAC.
McKenna Int.	Centralia Int.	OLM 15-mile DME Arc OLM, R 165° lead radial.	3800	Climb to 5000' on R 345° OLM VORTAC within 15 miles.
OLM R 198° CCW.	Centralia Int.	OLM 15-mile DME Arc OLM, R 181° lead radial.	3000	Supplementary charting information: LRCA, 122.1.
Centralia Int.	10-mile DME, R 173° OLM.	Direct.	2000	Runway 35, TDZ elevation, 205'.

Procedure turn not authorized. Approach crs (profile) starts at OLM R 173°, 10-mile DME.

Final approach crs, 333°.

Minimum altitude over OLM R 173°, 5-mile DME, 1300'.

MSA: 000°-090°-4800'; 090°-180°-5400'; 180°-270°-3700'; 270°-360°-4100'.

Note: Radar vectoring.

*Straight-in and circling MDA increased 100' and alternate minimums not authorized when control zone not effective except operators with approved weather reporting service. Use McChord altimeter setting when Olympia altimeter setting not available.

%IFR departure procedures: Climb on R 345°, OLM VORTAC within 10 miles so as to cross OLM VORTAC at or above 1500' westbound V204, 1200' eastbound V204.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
6-30°	780	1	575	780	1	570	780	1	575	780	1½	575
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	780	1	575	780	1	575	840	1½	635	880	2	675
A	1000-2.			T 2-eng. or less—Standard.½			T over 2-eng.—Standard.½					

City, Olympia; State, Wash.; Airport name, Olympia Municipal; Elev., 205'; Facility, OLM; Procedure No. VOR/DME Runway 35, Amdt. 4; Eff. date, 15 Jan. 70; Sup. Amdt. No. 3; Dated, 20 June 68

5. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ADS VOR.
Lakeview Int.	Zone Int.	GSW R 006° and ADS R 336°.	1700	Climbing left turn to 2000' direct to DAL VORTAC. Supplementary charting information: Depict MAL8/8F to Runway 15. Runways 15/33 extended N 2000'. Runway 15, TDZ elevation, 634'.

Procedure turn not authorized. Approach crs (profile) starts at Zone Int.

Final approach crs, 146°.

Minimum altitude over Zone Int 1700'.

MSA: 100°-250°-3400'; 250°-100°-2300'.

Note: Radar vectoring or dual VOR equipment required. Aircraft on any inbound radial to ADS VOR may descend to circling minima after passing 5-mile radar fix from ADS VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
6-15	1040	¾	406	1040	¾	406	1040	¾	406	1040	1	406
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1080	1	437	1100	1	457	1100	1½	457	1200	2	557
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Dallas; State, Tex.; Airport name, Addison; Elev., 643'; Facility, ADS; Procedure No. VOR Runway 15, Amdt. 10; Eff. date, 15 Jan. 70; Sup. Amdt. No. 9; Dated, 23 May 68

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Minimum altitudes (feet)	Missed approach MAP: ADS VOR.
From—	To—	Via			
Ross Avenue Int.	Vickery Int.	Direct		2000	Climbing right turn to 2000' direct to DAL VOR. Supplementary charting information: Deplot MALs/SP to Runway 15. Runway 15/33 extended N. 200'. Runway 33, TDZ elevation, 635'.

Procedure turn not authorized. Approach crs (profile) starts at Vickery Int.
Final approach crs, 341°.
Minimum altitude over Vickery Int. 2000'.
MSA: 100°-250°-3400'; 250°-160°-2200'.
NOTE: Radar vectoring or dual VOR equipment required. Aircraft on any inbound radial to ADS VOR may descend to circling minimums after passing 5-mile Radar Fix from ADS VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33	980	1	345	980	1	345	980	1	345	980	1	345
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1080	1	437	1100	1	457	1100	1½	457	1200	2	557
A	Standard.	T 2-eng. or less—Standard.						T over 2-eng.—Standard.				

City, Dallas; State, Tex.; Airport name, Addison; Elev., 643'; Facility, ADS; Procedure No. VOR Runway 33, Amdt. 9; Eff. date, 15 Jan. 70; Sup. Amdt. No. 8; Dated 23 May 68

Terminal routes				Minimum altitudes (feet)	Missed approach MAP: 9.2 miles after passing CGT VORTAC.
From—	To—	Via			
Steamboat Int.	CGT VORTAC	Direct		2400	Turn right, climbing to 2400' and proceed direct to CGT VORTAC.
Pectons VORTAC	Monroe Int.	Direct		2400	Supplementary charting information: 2 chimneys, 833'—(1) 41°28'21"/87°24'25"; (2) 41°38'20"/87°24'23". Runway 2, TDZ elevation, 588'.
Monroe Int.	CGT VORTAC (NOPT)	Direct		2400	

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 2400' within 10 miles of CGT VORTAC.
FAF, CGT VORTAC. Final approach crs, 046°. Distance FAF to MAP, 9.2 miles.
Minimum altitude over CGT VORTAC, 2400'; over Hammond Int, 1480'.
MSA: 060°-180°-2300'; 180°-270°-2400'; 270°-090°-3100'.
NOTES: (1) Radar vectoring. (2) Use Midway altimeter setting when control zone not effective; circling and straight-in MDA increased 80'.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-2.....	1480	1½	892	1480	1½	892	1480	1½	892	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C.....	1480	1½	889	1480	1½	889	1480	1½	889	NA
VOR/DME or VOR/NDB Minimums:										
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-2.....	1100	1	512	1100	1	512	1100	1	512	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C.....	1180	1	589	1180	1	589	1180	1½	589	NA
A.....	Standard.#			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Gary; State, Ind.; Airport name, Gary; Elev., 591'; Facility, CGT; Procedure No. VOR Runway 2, Amdt. 6; Eff. date, 15 Jan. 70; Sup. Amdt. No. 8; Dated, 27 Nov. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.5 miles after passing LAX VOR.
				Climbing left turn to intercept LAX R 076°, then via LAX R 076° to LaHabra Int at 3000'. Supplementary charting information: Runway 7, TDZ elevation, 60'.

Procedure turn S side of crs, 254° Outbd, 074° Inbd, 2000' within 10 miles of LAX VOR.
FAF, LAX VOR. Final approach crs, LAX R 083°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over LAX VOR, 1000'; over Judy Int, 600'.
MSA: 345°-076°-7200'; 075°-255°-2000'; 255°-345°-5100'.
NOTE: Radar vectoring.
*All circling south of airport due to traffic restrictions north.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-T	600	1	540	600	1	540	600	1	540	600	1½	540
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	600	1	537	640	1	577	600	1½	597	660	2	597
VOR/DME Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-T	480	1	420	480	1	420	480	1	420	480	1	420
A	Standard.			T 2-eng. or less—Runways 7/25, 300-1.			T over 2-eng.—Runways 7/25, 300-1.					

City, Hawthorne; State, Calif.; Airport name, Hawthorne Municipal; Elev., 63'; Facility, LAX; Procedure No. VOR Runway 7, Amdt. 6; Eff. date, 15 Jan. 70; Sup. Amdt. No. 5; Dated, 14 Aug. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5 miles after passing Bell Int (5.2 DME R 081°).
LaHabra Int.	Norwalk Int.	DR 196°/2.4 miles and R 081°	3000	Climbing left turn to 3000' via 200° heading and LAX R 170° to Ling Int. If not at 3000' at Ling Int., climb in holding pattern to 3000' or as directed by ATC. Alternate missed approach: 5.5 miles after passing Bell Int (5.2 DME), climb to 2000' direct to LAX VOR, then via LAX R 170° within 10 miles. Supplementary charting information: Chart tower 2407-11823, 1862', vice 1787'. Runway 25, TDZ elevation, 60'.
R 347° LAX VOR CW	R 046° LAX VOR	16-mile arc	4300	
R 046° LAX VOR CW	Norwalk Int.	16-mile arc, R 073° lead radial	2000	
R 170° LAX VOR CCW	Norwalk Int.	16-mile arc R 089° lead radial	2600	
Norwalk Int.	Bell Int.	Direct	2000	

Procedure turn not authorized. Approach crs (Profile) starts at Bell Int.
FAF, Bell Int. Final approach crs, 261°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over Bell Int, 2000'.
MSA: 345°-075°-7200'; 075°-255°-2000'; 255°-345°-5100'.

NOTES: (1) Radar vectoring. (2) During simultaneous approaches (HHR Runway 25 and LAX Runways 24 L/R) aircraft must be radar vectored to Final Approach Fix. (Bell Int). (3) Inoperative components table does not apply to REIL Runway 25.
*All circling S of airport due to traffic restrictions N.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-T	580	1	520	580	1	520	580	1	520	580	1½	520
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	600	1	537	640	1	577	600	1½	597	660	2	597
A	Standard.			T 2-eng. or less—Runways 7/25, 300-1.			T over 2-eng.—Runways 7/25, 300-1.					

City, Hawthorne; State, Calif.; Airport name, Hawthorne Municipal; Elev., 63'; Facility, LAX; Procedure No. VOR Runway 25, Amdt. 6; Eff. date, 15 Jan. 70; Sup. Amdt. No. 5; Dated, 24 Oct. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.5 miles after passing IOW VORTAC.
CID LOM.....	IOW VORTAC.....	Direct.....	2500	Climbing right turn to 2400' direct to IOW VORTAC. Supplementary charting information: Steel tower 1.3 miles NW of airport 935'; TDZ elevation, 667'.
CID VORTAC.....	IOW VORTAC.....	Direct.....	2500	
R 073°, IOW VORTAC CW.....	R 199°, IOW VORTAC (NOPT).....	7-mile Arc.....	2400	
R 333°, IOW VORTAC CCW.....	R 199°, IOW VORTAC (NOPT).....	7-mile Arc.....	2400	

Procedure turn W side of crs, 199° Outbd, 019° Inbd, 2400' within 10 miles of IOW VORTAC.

FAF, IOW VORTAC. Final approach crs, 019°. Distance FAF to MAP, 7.5 miles.

Minimum altitude over IOW VORTAC, 2400'; over 4-mile DME Fix, 1300'.

MSA: 000°-090°-3300'; 090°-270°-2100'; 270°-360°-2300'.

NOTE: Use Cedar Rapids, Iowa, altimeter setting.

% Plan IFR departures to avoid 935' tower 1.3 miles NW.

*Standard alternate minimums authorized for air carriers with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
R-35.....	1200	1	548	1200	1	548	1200	1	548	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C.....	1300	1	639	1300	1	639	1300	1½	639	NA
	DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-35.....	1100	1	448	1100	1	448	1100	1	448	NA
A.....	Not authorized.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Iowa City; State, Iowa; Airport name, Iowa City Municipal; Elev., 661'; Facility, IOW; Procedure No. VOR Runway 35, Amdt. 6; Eff. date, 15 Jan. 70; Sup. Amdt. No. 3; Dated, 15 Jan. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing AKN VORTAC.
KG LFR.....	AKN VORTAC.....	Direct.....	1800	Climb to 3000' on R 111° within 15 miles. Alternate missed approach: When directed by ATC, climb to 3000', right turn to R 165° within 15 miles. Supplementary charting information: 280' tower 0.8 mile NW of airport. 190' LFR towers 1.1 mile W of airport. Runway 11, TDZ elevation, 44'.
R 030°, AKN VORTAC CCW.....	R 291°, AKN VORTAC (NOPT).....	10-mile Arc AKN, R 302° lead radial.	2000	
R 306°, AKN VORTAC CW.....	R 291°, AKN VORTAC (NOPT).....	10-mile Arc AKN, R 280° lead radial.	2000	

Procedure turn S side of crs, 291° Outbd, 111° Inbd, 1800' within 10 miles of AKN VORTAC.

FAF, AKN VORTAC. Final approach crs, 111°. Distance FAF to MAP, 3.7 miles.

Minimum altitude over AKN VORTAC, 700'.

MSA: 000°-090°-3700'; 090°-180°-3500'; 180°-270°-1400'; 270°-360°-1600'.

NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11.....	540	½	496	540	½	496	540	½	496	540	1	496
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	580	1	523	580	1	523	580	1½	523	620	2	563
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, King Salmon; State, Alaska; Airport name, King Salmon; Elev., 57'; Facility, AKN; Procedure No. VOR Runway 11, Amdt. 7; Eff. date, 15 Jan. 70; Sup. Amdt. No. 6; Dated, 13 Nov. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.8 miles after passing FOW VOR.	
New Prague Int.	POW VOR	Direct	2700	Climb to 2700' on R 130° within 10 miles return to VOR. Supplementary charting information: Runway 12, TDZ elevation, 1138'.	
Caumon City Int.	POW VOR	Direct	2700		
Hope Int.	POW VOR	Direct	2700		
Alma City Int.	POW VOR	Direct	2700		

Procedure turn S side of crs, 310° Outbnd, 130° Inbnd, 2700' within 10 miles of FOW VOR.
FAF, FOW VOR. Final approach crs, 130°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over FOW VOR, 2700'.
MSA: 000°-090°-2600'; 090°-180°-2700'; 180°-270°-2600'; 270°-360°-2600'.
NOTE: Use Rochester, Minn., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
S-12	1640	1	502	1640	1	502	1640	1	502	NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	1660	1	512	1780	1	532	1780	1½	532	NA	
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.				

City, Owatonna; State, Minn.; Airport name, Owatonna Municipal; Elev., 1148'; Facility, FOW; Procedure No. VOR Runway 12, Amdt. 3; Eff. date, 15 Jan. 70; Sup. Amdt. No. 2; Dated, 11 Dec. 60

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VORTAC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: AKN R 111°, 5-mile DME.	
KG LFR	AKN VORTAC R 111°, 5-mile DME	Direct	2800	Climb to 1800' direct to AKN VORTAC, continue climb on R 291° within 15 miles. Alternate missed approach:	
R 090°, AKN VORTAC CW	R 111°, AKN VORTAC (NOPT)	15-mile Arc AKN, R 103° lead radial.	2800		
R 260°, AKN VORTAC CCW	R 111°, AKN VORTAC (NOPT)	15-mile Arc AKN, R 119° lead radial.	2800	When directed by ATC, climb to 2000', left turn to R 165° within 15 miles. Supplementary charting information: 280' tower 0.8 mile NW of airport. 190' LFR towers, 1.1 miles W of airport. Runway 29, TDZ elevation, 57'.	

Procedure turn S side of crs, 111° Outbnd, 291° Inbnd, 2800' within 10 miles of AKN R 111°, 5-mile DME.
Final approach crs, 291°.
Minimum altitude over AKN R 111°, 10-mile DME, 1300'; over 5-mile DME, 800'.
MSA: 000°-090°-3700'; 090°-180°-3500'; 180°-270°-1400'; 270°-360°-1600'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20	380	¾	323	380	¾	323	380	¾	323	380	1	323
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	580	1	523	580	1	523	580	1½	523	620	2	563
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, King Salmon; State, Alaska; Airport name, King Salmon; Elev., 57'; Facility, AKN; Procedure No. VORTAC Runway 29, Amdt. 4; Eff. date, 15 Jan. 70; Sup. Amdt. No. 3; Dated 13 Nov. 69

6. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing BR LOM.	
HRL VOR.....	LOM (NOPT).....	Direct.....	1500	Climbing left turn to 1500' direct to BR	
Rio Hondo Int.....	LOM.....	Direct.....	1500	LOM and hold.	
Fresnos Int.....	LOM.....	Direct.....	1500	Supplementary charting information:	
BRO VORTAC.....	LOM.....	Direct.....	1500	Hold NW, 1 minute, left turns, 127°	
R 062°, BRO VORTAC CCW.....	BRO LOC (front crs).....	15-mile Arc BRO, R 304°	1500	Inbnd.	
Int 15-mile Arc/BRO LOC front crs.....	BR LOM (NOPT).....	lead radial, LOC crs.....	1500	Runway 13R, TDZ elevation, 17'.	

Procedure turn N side of crs, 307° Outbnd, 127° Inbnd, 1500' within 10 miles of BR LOM.

FAF, BR LOM. Final approach crs, 127°. Distance FAF to MAP, 6.1 miles.

Minimum altitude over BR LOM, 1500'; over Rail Int, 400'.

MSA: 000°-270°-1300'; 270°-360°-2100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R.....	400	1	443	400	1	443	400	1	443	400	1	443
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	400	1	438	400	1	438	400	1½	438	580	2	538
LOC/VOR Minimums (Rail Int)												
S-13R.....	340	1	323	340	1	323	340	1	323	340	1	323
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	420	1	398	480	1	458	480	1½	458	580	2	508
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Brownsville; State, Tex.; Airport name, Rio Grande Valley International; Elev., 22'; Facility, I-BRO; Procedure No. LOC Runway 13R, Amdt. 2; Eff. date, 15 Jan. 70; Supp. Amdt. No. 1; Dated, 11 Sept. 69

7. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing BR LOM.	
HRL VOR.....	BR LOM (NOPT).....	Direct.....	1500	Climbing left turn to 1500' direct to BR	
Rio Hondo Int.....	BR LOM.....	Direct.....	1500	LOM and hold.	
Fresnos Int.....	BR LOM.....	Direct.....	1500	Supplementary charting information:	
BRO VORTAC.....	BR LOM.....	Direct.....	1500	Hold NW, 1 minute, left turns, 127° Inbnd.	
R 062°, BRO VORTAC CCW.....	Bearing 307°, BR LOM.....	15-mile Arc BRO, R 304°	1500	Runway 13R, TDZ elevation, 17'.	
Int 15-mile Arc/bearing 307°, BR LOM.....	BR LOM (NOPT).....	Bearing 307°, BR LOM.....	1500		

Procedure turn N side of crs, 307° Outbnd, 127° Inbnd, 1500' within 10 miles of BR LOM.

FAF, BR LOM. Final approach crs, 127°. Distance FAF to MAP, 6.1 miles.

Minimum altitude over BR LOM, 1500'.

MSA: 000°-270°-1300'; 270°-360°-2100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R.....	500	1	483	500	1	483	500	1	483	500	1	483
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	500	1	478	500	1	478	500	1½	478	580	2	538
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Brownsville; State, Tex.; Airport name, Rio Grande Valley International; Elev., 22'; Facility, BR; Procedure No. NDB (ADF) Runway 13R, Amdt. 2; Eff. date, 15 Jan. 70; Supp. Amdt. No. 1; Dated, 11 Sept. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes			Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 3 miles after passing Lima LOM (LA).
Dowsey FM/NDB	Lima LOM (LA)	Direct	1500	Climb to 2000' on crs 225° from Lima LOM within 15 miles.

Procedure turn not authorized. Approach crs (Profile) starts at Lima LOM (LA).
FAF, Lima LOM (LA). Final approach crs, 225°. Distance FAF to MAP, 3 miles.
Minimum altitude over Lima LOM (LA), 1500'.
MSA: 045°-135°-4800'; 135°-225°-2000'; 225°-315°-4800'; 315°-045°-9100'.
NOTE: Radar required.
*All circling S of airport due to traffic restrictions N.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	660	1	597	660	1	597	660	1½	597	660	2	597
A	Standard.			T 2-eng. or less—Runways 7/25, 300-1.			T over 2-eng.—Runways 7/25, 300-1.					

City, Hawthorne; State, Calif.; Airport name, Hawthorne Municipal; Elev., 63'; Facility, LA; Procedure No. NDB (ADF)-1, Amdt. 4; Eff. date, 15 Jan. 70; Sup. Amdt. No. 3; Dated, 24 Oct. 68

Terminal routes			Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: MUT NDB.
Nichols Int.	MUT NDB	Direct	2300	Climb to 2300', turn right to MUT NDB. Supplementary charting information: Final approach crs intercepts runway centerline 822' from threshold.
Grandview Int.	MUT NDB	Direct	2400	
Buffalo Int.	MUT NDB	Direct	2300	

Procedure turn S side of crs, 242° Outbd, 062° Inbd, 2300' within 7 miles of MUT NDB.
Final approach crs, 062°.
Minimum altitude over MUT NDB, 1320'.
MSA: 000°-270°-2100'; 270°-360°-3300'.
NOTE: Use Moline, Ill., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS		
8-1	1320	1	774	1320	1½	774	1320	1½	774	NA		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1320	1	774	1320	1½	774	1320	1½	774	NA		
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Muscatine; State, Iowa; Airport name, Municipal; Elev., 546'; Facility, MUT; Procedure No. NDB (ADF) Runway 5, Amdt. 1; Eff. date, 15 Jan. 70; Sup. Amdt. No. Orig.; Dated, 19 Sept. 68

Terminal routes			Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.5 miles after passing FRT NDB.
SPA VORTAC	FRT NDB	Direct	2400	Climb to 3000' direct to SPA VORTAC and hold. Supplementary charting information: Hold N, 1 minute, right turns, 100° Inbd.

Procedure turn S side of crs, 238° Outbd, 058° Inbd, 2400' within 10 miles of FRT NDB.
FAF, FRT NDB. Final approach crs, 058°. Distance FAF to MAP, 1.5 miles.
Minimum altitude over FRT NDB, 1600'.
MSA: 000°-090°-3700'; 090°-180°-2100'; 180°-270°-4200'; 270°-360°-6000'.
NOTES: (1) Use GSP altimeter setting when control zone not effective and circling MDA increased 40'. (2) Radar vectoring.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	464	1280	1	464	1280	1½	464	1280	2	564
A	Standard.#			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Spartanburg; State, S.C.; Airport name, Spartanburg Downtown Memorial; Elev., 816'; Facility, FRT; Procedure No. NDB (ADF)-1, Amdt. 3; Eff. date, 15 Jan. 70; Sup. Amdt. No. 2; Dated, 26 Dec. 68

8. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Minimum altitudes (feet)	Missed approach MAP: DH 4292' Categories A, B, C; DH 4342' Categories D, E.
From—	To—	Via		
LMT VORTAC.....	LFA NDB.....	Direct.....	8500	Climb straight ahead to 4600', then climbing left turn direct to LFA NDB, continue climb on SE crs LMT LOC to 7000' within 10 miles of LFA NDB.
Mount Dome Int.....	LFA NDB.....	Direct.....	8100	
LMT R 162°, 17 miles CW.....	LMT R 146°, 17 miles.....	17-mile Arc LMT, R 151° lead radial.....	8000	
LMT R 146°, 17 miles.....	LFA NDB (NOPT).....	SE crs LMT LOC.....	7100	Supplementary charting information: Runway 32, TDZ elevation, 4667'.

Procedure turn W side of crs, 139° Outbound, 319° Inbound, 7500' within 10 miles of LFA NDB.

Final approach crs, 319°.

Minimum glide slope interception altitude, 7100'. Glide slope altitude at LFA NDB, 7038'; at OM, 5721'; at MM, 4308'.

Distance to runway threshold at LFA NDB, 19.5 miles; at OM, 5.8 miles; at MM, 0.6 mile.

MSA: 000°-090°-8300'; 090°-180°-9100'; 180°-270°-8000'; 270°-360°-6300'.

Notes: (1) ASR/PAR. (2) Procedure not authorized with glide slope inoperative.

#Air carrier reduction not authorized.

*Circling not authorized E of Runways 14/32.

%IFR departure procedures: Climb via LMT LOC SE crs/LMT VOR R 140° to 6000', turn right heading 250° to intercept and proceed via LMT VOR R 162° to cross LMT VOR at or above 7000'; westbound V-122, 6000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-32.....	4292	1/4	200	4292	1/4	200	4292	1/4	200	4342	1/4	200
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	4320	1	728	4320	1 1/4	828	4320	1 1/4	828	5020	2	928
	Condition E:											
	DH	VIS	HAT									
8-32.....	4342	1/4	250									
	MDA	VIS	HAA									
C*.....	5500	3/4	1408									
A.....	Categories A, B, C, D; 1000-2; Category E, 1500-3 1/4.			T 2-eng. or less—%Runway 14, Standard; #Runway 32, 300-1; Runways 7/25 and 18/36, 500-1. T over 2-eng.—%Runway 14, Standard; #Runway 32, 300-1; Runways 7/25 and 18/36, 500-1.								

City, Klamath Falls; State, Oreg.; Airport name, Kingsley Field; Elev., 4092'; Facility, I-LMT; Procedure No. ILS Runway 32, Amdt. 10; Eff. date, 15 Jan. 70; Sup. Amdt. No. 9; Dated, 30 Nov. 69.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 370'; LOC 6.3 miles after passing Romeo LOM/Int.
				Initiate immediate climb on LOC crs to 500', turn right, continue climb to 4000' via 265° heading and LAX R 276° to Topanga Int. Supplementary Charting Information: Deplot Runway 25L, localizer crs in plan view. Parallel procedures Parallel ILS Runways 24 L/R and Parallel ILS Runway 25L to be issued on adjoining plates. Runways 24 L/R, TDZ elevation, 120'.

Procedure turn not authorized. Approach crs (Profile) starts at Romeo LOM/Int.
FAF, Romeo LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 6.3 miles.
Minimum altitude over Romeo LOM/Int, 2200'; over Arbor Int, 640'.
Minimum glide slope interception altitude, 2500'. Glide slope altitude at OM, 2196'; at MM, 317'.
Distance to runway threshold at OM, 1.3 miles; at MM, 0.5 mile.
MSA: Not authorized.

NOTES:

- (1) ASR/PAR.
- (2) Radar required. (a) This procedure mandatory when conducting a parallel ILS approach and is authorized only when airborne 75MC (or ADF) and localizer receivers are operating simultaneously. (b) Notify approach control immediately if any required airborne receiver in note (a) is malfunctioning or parallel approach is not desired.
- (3) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.
- (4) Inoperative table does not apply to HIRL or SALS runways 24 L/R.
- *IFR departures: Northbound (250° CW through 060°) published SID's must be used or be radar vectored.
- *Runways 6 L/R, 7R, RVR 50'; Runways 24 L/R, RVR 40'; Runways 25 L/R, 7L, RVR 24'.
- *Sidestep maneuver to runway not providing electronic guidance requires 600' ceiling, RVR 60'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-24 L/R*	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-24 L/R*	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500
	LOC/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-24 L/R*	480	RVR 50	300	480	RVR 50	300	480	RVR 50	300	480	RVR 50	300
A.....	Standard.			T 2-eng. or less—Runways 8/26, Standard. %			T over 2-eng.—Runways 8/26, Standard; all other runways RVR 24' %					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 120'; Facility, I-OSS; Procedure No. Parallel ILS Runway 24 L/R, Amdt. 2; Eff. date, 15 Jan. 70; Sup. Amdt. No. 1; Dated, 1 Jan. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		
				MAP: ILS DH, 300'; LOC 5.4 miles after passing Lima LOM/Int.
				Initiate immediate climb on LOC crs to 500', turn left, continue climb to 300' via 220° heading and LAX R 192° to Kingfish Int.
				Supplementary charting information: Deplet Runway 24R localizer crs in plan view.
				Parallel procedures, Parallel ILS Runway 25 L/R and Parallel ILS Runway 24R to be issued on adjoining plates.
				Runways 25 L/R, TDZ elevation, 100'.

Procedure turn not authorized. Approach crs (Profile) starts at Century Int.

FAF, Lima LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 5.4 miles.

Minimum altitude over Century Int, 3300'; over Lima LOM/Int, 1900'; over Lake Int, 630'.

Minimum glide slope interception altitude, 3300'. Glide slope altitude at OM, 1890'; at MM, 324'.

Distance to runway threshold at OM, 5.4 miles, at MM 0.5 mile.

MSA: not authorized.

Notes:

(1) ASR/PAR.

(2) Radar required. (a) This procedure mandatory when conducting a parallel ILS approach and is authorized only when airborne 75MC (or ADP) and localizer receivers are operating simultaneously. (b) Notify approach control immediately if any required airborne receiver in note (a) is malfunctioning or parallel approach is not desired.

(3) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.

§ IFR departures: Northbound (280° CW through 090°) published SID's must be used or be radar vectored.

§ Runways 6 L/R, 7R, RVR 50'; Runways 24 L/R, RVR 40'; Runways 25 L/R, 7L, RVR 24'.

*Sidestep maneuver to runway not providing electronic guidance requires 600' ceiling, RVR 60'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-25 L/R*	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25 L/R*	620	RVR 24	520	620	RVR 24	520	620	RVR 24	520	620	RVR 50	520
LOC/DME Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25 L/R*	400	RVR 24	360	400	RVR 24	360	400	RVR 24	360	400	RVR 40	360
A	Standard.			T 2-eng. or less—Runways 8/26, Standard: 24'				T over 2-eng.—Runways 8/26, Standard; all other runways RVR 24'.				

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-LAX; Procedure No. Parallel ILS Runway 25 L/R, Amdt. 1; Eff. date, 15 Jan. 79; Sup. Amdt. No. Orig.; Dated, 30 Oct. 69

9. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and R.A. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)												Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by ABI ASR minimum altitude vectoring chart.												1. Approach crs within 15-mile radius of airport from 340° CW to 360°. 2. From 15 miles to 4 miles FAF, 3000'. 3. Descend aircraft to MDA after FAF 4 miles from airport. 4. Missed approach point 1 mile from airport.

Missed approach: Climb to 3000' on heading 170° within 20 miles.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	2340	1	562	2340	1	562	2340	1½	562	2340	2	562
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Abilene, State, Tex.; Airport name, Abilene Municipal; Elev., 1778'; Facility, ABI ASR; Procedure No. ASR Runway 17R, Amdt. 1; Eff. date, 15 Jan. 70; Sup. Amdt. No. ASR-2, Orig.; Dated, 10 July 69

As established by ABI ASR minimum altitude vectoring chart.....												1. Approach crs within 15-mile radius of airport from 160° CW to 180°. 2. From 15 miles to 6 miles FAF, 3000'. 3. Descend aircraft to MDA after FAF 6 miles from airport. 4. Missed approach point 1 mile from airport.
---	--	--	--	--	--	--	--	--	--	--	--	--

Missed approach: Climb to 3000' on heading 350° within 20 miles.

*Circling not authorized NW as defined by Runway 35L centerline extended N and Runway 22 centerline extended SW.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	2160	1	382	2240	1	462	2240	1½	462	2340	2	562
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Abilene, State, Tex.; Airport name, Abilene Municipal; Elev. 1778'; Facility, ABI ASR; Procedure No. ASR Runway 35L, Amdt. 1; Eff. date, 15 Jan. 70; Sup. Amdt. No. ASR-1, Orig.; Dated, 10 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and alt. (sectors and distances measured from radar ant.)
 From—To—Distance Altitude Distance Altitude Distance Altitude Distance Altitude Distance Altitude

Notes

As established by AKN ASR minimum altitude vectoring charts.

Descend aircraft to MDA after FAF: ASR Runways 29, 11, 18, 36—6 miles from threshold;
 Supplementary charting information:
 1. 280' tower 0.8 mile NW of airport.
 2. 190' towers 1.1 miles W of airport.
 3. Runway threshold elevations: Runway 11, 44'; Runway 29, 57'; Runway 18, 50'; Runway 36, 61'.

Missed approach:

- (1) PAR Runway 11—Upon reaching DH of 244', climb straight ahead to 3000' within 15 miles.
 (2) ASR Runways 29, 18, 36—Climb straight ahead to 2000' within 15 miles.
 (3) ASR Runway 11—Climb straight ahead to 3000' within 15 miles.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
PAR:												
S-11.....	244	$\frac{1}{4}$	200	244	$\frac{1}{4}$	200	244	$\frac{1}{4}$	200	244	$\frac{1}{4}$	200
ASR:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11.....	540	$\frac{1}{4}$	496	540	$\frac{1}{4}$	496	540	$\frac{1}{4}$	496	540	1	496
S-29.....	540	$\frac{1}{4}$	483	540	$\frac{1}{4}$	483	540	$\frac{1}{4}$	483	540	1	483
S-36.....	420	1	377	420	1	377	420	1	377	420	1	377
S-18.....	540	1	490	540	1	490	540	1	490	540	1	490
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	580	1	523	580	1	523	580	$\frac{1}{4}$	523	620	2	563
	Military Minimums:											
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-11.....	144	$\frac{1}{4}$	100	144	$\frac{1}{4}$	100	144	$\frac{1}{4}$	100	144	$\frac{1}{4}$	100
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, King Salmon; State, Alaska; Airport name, King Salmon; Elev., 57'; Facility, King Salmon Radar; Procedure No. Radar-1, Amdt. 2; Eff. date, 15 Jan. 70; Sup. Amdt. No. 1; Dated, 13 Nov. 69

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and alt. (sectors and distances measured from radar ant.)

From—To—Distance Altitude Distance Altitude Distance Altitude Distance Altitude Distance Altitude Distance Altitude

Notes

As established by Klamath Falls ASR minimum altitude vectoring chart.

1. Descend aircraft to MDA after FAF.
Precision approach: Runway 14, FAF 6800' 5.5 miles from threshold. Fac 319°. TDZ elevation, 4089'. Runway 32, FAF 6000' 7.2 miles from threshold. Facility 139°. TDZ elevation, 4092'.
Surveillance approach: Runway 32 FAF 5600', 5 miles from threshold. Facility 319°. Minimum altitude over 4-mile fix 5300'; over 3-mile fix 5000'.
*Sliding scale not authorized.
§Hold SE, 1 minute, right turns, 319° Inbound.
#Air carrier reduction not authorized.
**Circling not authorized East of Runway 14/32.
Inoperative table does not apply to SALS Runway 14.

Mixed approach:
§Runway 14—Climb to 7500' direct LFA NDB and hold.
Runway 32—Climb straight ahead to 4600', then climbing left turn to intercept and climb on R 263° LMT VORTAC to 7500' within 10 miles. All maneuvering N of R 263°.
Lost communications:
Runway 14—Climb to 7500' direct LFA NDB and hold.
Runway 32—Climb direct LMT VORTAC; then left climbing turn R 263° LMT VORTAC to 7500' within 10 miles.
§IFR departure procedures: Climb on SE crs LMT LOC/R 149° LMT VORTAC to 6000', turn right heading 250° to intercept and proceed via R 162° LMT VORTAC to cross LMT VORTAC at or above 7000', westbound V-122, 6000'.
DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
Precision approach:												
S-14*	4336	¾	250	4336	¾	250	4336	¾	250	4336	¾	250
S-32	4292	¼	200	4292	¼	200	4292	¼	200	4342	¾	250
Surveillance approach:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32*	4780	1	688	4780	1	688	4780	1¼	688	4780	1¼	688
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4820	1	738	4920	1¼	828	4920	1¼	828	5020	2	928
ASR/PAR—Condition E:												
Precision approach—Condition E:												
	DH	VIS	HAT									
S-14*	4336	¾	250									
S-32	4342	¾	250									
Surveillance approach—Condition E:												
	MDA	VIS	HAT									
S-32*	4780	1¼	688									
ASR/PAR												
	MDA	VIS	HAA									
C**	5500	3¼	1408									
A	Categories A, B, C, T 2-eng. or less—% Runway 14, Standard; #Runway 32, T over 2-eng.—% Runway 14, Standard; #Runway 32, D, 1000-2; Category E, 1500-3¼. 300-1; Runways 7/25 and 18/36, 500-1.											

City, Klamath Falls; State, Oreg.; Airport name, Kingsley Field; Elev., 4092'; Facility, Klamath Falls Radar; Procedure No. Radar-1, Amdt. 4; Eff. date, 15 Jan. 70; Sup: Amdt. No. 3; Dated, 20 Nov. 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348 (c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on December 11, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-15055; Filed, Dec. 23, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

Miscellaneous Amendments

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55) as set forth below:

Statement of considerations. The amendments establish specific temperatures and holding times for pasteurizing a wide variety of egg products and provide facility requirements, temperatures, and holding times for heat treating spray-dried and pan-dried albumen. To minimize the possibility of contaminating egg products during processing and packaging operations, the amendments require a separate drawoff room for packaging liquid eggs except products packaged in an automatic, closed system. Also required is a separate blending-packaging room or closed blending facilities for blending dried egg products or adding dry ingredients. Openings into the drying unit are required to be closed to the extent possible during and after operations, and special precautions must be taken when the unit is not operating, contains powder, and operations will not be promptly resumed.

An alternate, simplified inspection mark which contains only the words "USDA Inspected Egg Products" may now be used and any official identification applied to containers shall be printed or lithographed.

Product formerly identified with the rectangular mark may be identified with the official shield-shaped mark provided the product is identified with a qualifying statement, e.g., "manufactured from eggs of other than current production," or "Frozen Whole Turkey Eggs."

The amendments adjust the cooling requirements for liquid egg products with 10 percent or more salt added to facilitate processing and also change the temperature requirements for liquid whites that are not to be stabilized and will be held in excess of 8 hours. U.S. inspected fowl ova from official poultry plants will be allowed to enter official egg products plants for processing.

The condition inspection of product produced in nonofficial plants is no longer limited to frozen whole eggs, but includes all frozen egg products. Certification is limited to the number of satisfactory and unsatisfactory containers examined organoleptically.

Certain conditions and time limitations are provided for processing inedi-

ble egg products in official plants for nonhuman use.

The minimum holding time for pasteurization of the "fastest moving particle" has been included in the pasteurization chart. The minimum average holding time and temperature will continue to determine pasteurization compliance.

Other minor changes have been made for the sake of clarity.

A rulemaking proposal was published in the FEDERAL REGISTER, 34 F.R. 8363, May 30, 1969. The four comments received on this proposal prompted additional changes to the regulations which were proposed in rulemaking printed in the FEDERAL REGISTER, 34 F.R. 15561, October 7, 1969. An additional 10 comments were received on the October 7 proposal. After careful consideration of all comments, the Department has decided to promulgate the amendments as proposed with the following exception:

There was considerable opposition to changing the required freezing temperature for frozen eggs from 10° F. to 0° F., especially for salt product and plain yolks. Considering the merit of the comments, the Department has decided not to change the freezing requirements.

The amendments also provide that dried albumen which is properly heat treated and tested may be labeled "pasteurized."

The Department also wishes to set forth its policy on enforcement of the maximum liquid egg cooling temperatures specified in the regulations. The Department realizes that in some situations or emergencies, slightly higher temperatures than those provided for in the regulations may occur even in the best equipped and operated plants. In these situations, administrative judgment is exercised, and the product is permitted to be officially identified. This tolerance would not be allowed if the situation is continuous or occurs frequently.

The amendments are as follows:

1. In § 55.2, the definitions for the terms: "Eggs of current production," "Sanitize," and "Shell eggs," are changed to read respectively:

§ 55.2 Terms defined.

"Eggs of current production" means shell eggs which have moved through the usual marketing channels since the time they were laid and have not been held in refrigerated storage in excess of 60 days.

"Sanitize" means the application of a bactericidal treatment which is approved as being effective in destroying microorganisms, including pathogens.

"Shell eggs" means the shell eggs of the domesticated chicken, turkey, duck, goose, and guinea.

2. In § 55.2a, paragraphs (c) and (e) are revised to read:

§ 55.2a Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

(c) "Official mark" means the grade mark, inspection mark, and any other mark or symbol formulated pursuant to the regulations in this part, stating that the product was graded or inspected, or for the purpose of maintaining the identity of the product.

(e) "Official device" means a printed label, or other method as approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

3. Paragraph (e) of § 55.4 is revised to read:

§ 55.4 Kinds of service available.

(e) Condition inspection, sampling, and laboratory analysis of frozen egg products which were prepared in non-official plants.

4. In § 55.6, paragraph (a) is revised and a new paragraph (c) is added to read:

§ 55.6 Basis of service.

(a) Products shall be graded or inspected in accordance with such standards, methods, and instructions as may be issued or approved by the Administrator. All grading service shall be subject to supervision at all times by the applicable State supervisor, egg products supervisor, area supervisor, and National Supervisor. Whenever the supervisor of a grader or inspector has evidence that such grader or inspector incorrectly graded or inspected a product, such supervisor shall take such action as is necessary to correct the grading or inspection and to cause any improper official identification which appears on the product or containers thereof to be corrected prior to shipment of the product from the place of the initial grading or inspection.

(c) Condition inspection of frozen egg products prepared in nonofficial plants shall be on a container-by-container basis. No certification of product shall be made other than the reporting of the organoleptic condition for the containers of product in the lot as determined by examination of the product.

5. Section 55.17 (a) and (b) are amended by adding a new paragraph (a) (6), revising paragraph (b) (5), and deleting paragraph (b) (6) as follows:

§ 55.17 Authority and duties of inspectors performing service on a resident inspection basis.

(a)

(6) To use retention tags or other devices and methods as may be approved by the Administrator for the identification and control of products which are

not in compliance with the regulations or are held for further examination, and any equipment, utensils, rooms or compartments which are found to be unclean or otherwise in violation of any of the regulations. No product, equipment, utensil, room or compartment shall be released for use until it has been made acceptable. Such identification shall not be removed by anyone other than an inspector or grader.

- (b) * * *
- (5) The types and quantities of egg products processed in the official plant.
- (6) [Deleted]

§ 55.23 [Amended]

6. In § 55.23, subparagraph (2) of paragraph (b) is deleted.

7. The heading preceding § 55.30 is revised and in § 55.30 the title of the section and the introductory text in paragraph (a) are amended and paragraph (b) is deleted to read, respectively:

DENIAL OF SERVICE

§ 55.30 Debarment.

(a) The following acts or practices or the causing thereof may be deemed sufficient cause for the debarment by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the act for a specified period. The rules of practice governing withdrawal of inspection and grading services set forth in Part 50 of this chapter shall be applicable to such a debarment action:

- (b) [Deleted]

8. Section 55.35 is revised to read:

§ 55.35 Approval of official identification.

(a) Any label, container or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container, or packaging material bearing official identification may be used unless finished copies or samples thereof have been approved by the Administrator. No label, container, or packaging material bearing official identification shall be printed or prepared for use until the printer's or other final proof has been approved by the Administrator. No label, container, or packaging material which bears official identification shall bear any statement that is false or misleading. If the label is printed on or otherwise applied directly to the container or packaging material, the principal display panel thereof shall be considered as the label.

(b) Containers of product bearing official identification shall display the following information:

- (1) The common or usual name, if any there be, and if the product is comprised of two or more ingredients, such ingredients shall be listed in the order of descending proportions;

(2) The name and address of the packer or distributor. When the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors";

(3) The lot number or production code number;

(4) The net contents;

(5) Official identification and plant number;

(6) Egg products which are produced in an official plant from edible shell eggs of other than current production or from other egg products produced from shell eggs of other than current production, shall be clearly and distinctly labeled in close proximity to the common or usual name of the product, e.g., "Manufactured from eggs of other than current production";

(7) Egg products produced from edible shell eggs of the turkey, duck, goose, or guinea, or from other egg products which were produced from edible shell eggs of the turkey, duck, goose or guinea shall be clearly and distinctly labeled as to the common or usual name of the product indicating the type of eggs or egg products used in the product, e.g., "Frozen whole turkey eggs." Egg products labeled without qualifying words as to type of shell egg used in the products shall be produced only from the edible shell egg of the domesticated chicken.

(c) Liquid or frozen egg products identified as whole eggs and prepared other than in natural proportions, as so broken from the shell, shall have a total egg solids content of 24.70 percent or greater.

9. In § 55.36(b), the text is revised and Figures 2 and 3 are amended as follows:

§ 55.36 Form of official identification symbol and inspection mark.

(b) The inspection marks which are permitted to be used on egg products shall be contained within the outline of a shield and with the wording and design set forth in either Figure 2 or 3 of this section, except the plant number may be omitted from the official identification if applied elsewhere on the container.



FIGURE 2.



FIGURE 3

10. Section 55.37 is revised to read:

§ 55.37 Products that may bear the inspection mark.

Egg products which are permitted to bear the inspection mark shall be processed in an official plant from edible shell eggs or other edible egg products eligible to bear the inspection mark and may contain other edible ingredients. The official mark, when used, shall be printed or lithographed and applied as a part of the principal display panel of the container, but shall not be applied to a detachable cover.

11. Section 55.38 is revised to read:

§ 55.38 Use of other official identification.

All nonpasteurized egg products shipped from an official plant in packaged form shall be marked with the identification set forth in figure 4 of § 55.39. Such mark shall be printed or lithographed and applied as a part of the principal display panel, but shall not be applied to a detachable cover. Such products shall meet all requirements for egg products which are permitted to bear the official inspection mark shown in § 55.36, except for pasteurization, heat treatment, or other such methods of treatment approved by the Administrator. Such products shall not be released into consumptive channels until they have been subjected to pasteurization, heat treatment, or other approved methods of treatment in an official plant. After such pasteurization or treatment, the product may bear the official inspection mark as shown in § 55.36.

12. Section 55.39 is revised to read:

§ 55.39 Form of other identification.

Egg products prepared in accordance with § 55.38 shall be marked with the identification of the wording and design set forth in Figure 4, except that the plant number may be omitted from the identification if applied elsewhere on the container.

NON-PASTEURIZED EGG PRODUCTS

FOR FURTHER PROCESSING
IN AN OFFICIAL USDA PLANT
PLANT NO. 42

FIGURE 4

13. Section 55.40 is revised to read:
§ 55.40 Processing turkey, duck, goose,
or guinea eggs.

Edible turkey, duck, goose, or guinea eggs may be processed in the official plant and may be identified with the official mark shown in § 55.36. Such egg products shall be labeled as required in § 55.35.

14. Section 55.41 is revised to read:

§ 55.41 Processing ova.

(a) Ova from slaughtered birds may be brought into the official plant for processing: *Provided*, That the ova is from poultry inspected in a plant operating under the Poultry Products Inspection Act, as amended: *And provided further*, That the containers of such ova are properly labeled and bear official identification.

(b) The ova shall be handled, processed, cooled, and pasteurized in the same manner as liquid, frozen, or dried egg yolk.

(c) Labeling and identification for all ova product or egg product containing ova shall be approved by the Administrator prior to use.

15. The heading preceding § 55.75 is revised and in § 55.75, paragraph (h) is deleted and paragraphs (l), (m), and (n) are amended to read:

SANITARY AND PROCESSING REQUIREMENTS

§ 55.75 Plant requirements.

(h) [Deleted]

(i) The water supply (both hot and cold) shall be ample, clean, and potable, with adequate facilities for its distribution throughout the plant, or portion thereof utilized for egg processing and handling operations, and for protection against contamination and pollution. A water report, issued under the authority of a State or municipal health agency, certifying to the potability of the water supply shall be obtained by the applicant and furnished to the Administrator whenever such report is required by the Administrator.

(m) (1) There shall be a sufficient number of adequately lighted dressing rooms and toilet rooms, ample in size, conveniently located and separated from the rooms and compartments in which shell eggs or egg products are handled, processed or stored. The dressing rooms and toilet rooms shall be separately ventilated, and shall meet all requirements as to sanitary construction and equipment.

(2) The following formula shall serve as a basis for determining the toilet facilities required:

Persons of same sex	Toilet bowls required
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	3
56 to 80, inclusive	4
for each additional 30 persons in excess of 80	1

¹Urinals may be substituted for toilet bowls but only to the extent of one-third of the total number of bowls stated.

(n) Lavatory accommodations (including, but not being limited to, hot and cold running water, towels, and soap which does not impart an odor which interferes with accurate evaluation of the product) shall be placed at such locations in the plant as may be essential to assure cleanliness of each person handling any shell eggs or egg products. The hand washing facilities in the processing areas shall be operated by other than hand operated controls and the facility drains shall be trapped and connected to the plumbing system.

16. In § 55.77, paragraphs (a), (d), (n), and (o) (2) are amended to read:

§ 55.77 General operating procedures.

(a) All operations involving processing, storing, and handling of shell eggs, ingredients, and egg products shall be strictly in accord with clean and sanitary methods, and shall be conducted as rapidly as practicable. Pasteurization, heat treatment, stabilization, and other processes shall be in accord with this part and as approved by the Administrator. Temperatures in all operations shall be such as will prevent a material increase in microbial growth and deterioration of the egg products.

(d) Noninspected egg products may not be brought into an official plant for processing, repackaging, or labeling, except that such products may be brought into an official plant for processing into products which are properly denatured and labeled in a manner that will clearly indicate they are not for human consumption. The processing of such inedible product in the official plant may be accomplished: *Provided*, That prior approval is obtained from the Administrator and under such conditions and time limitations as the Administrator may specify. This processing must take place in separate areas or at times when no edible product is being processed, and in such instances, all equipment and processing areas must be thoroughly cleaned following the processing of inedible egg products. All processing equipment shall be thoroughly cleaned and sanitized prior to processing any edible product. Such inedible products or other noninspected packaged products may be brought into an official plant for storage and reshipment: *Provided*, That they are handled in such a way that adequate segregation and inventory controls are maintained at all times.

(n) All utensils and equipment, except drying units, powder conveyors, sifters, blenders, and mechanical powder coolers shall be cleaned and sanitized at the start of processing operations. All equipment and utensils shall be kept clean and sanitary during all processing operations.

(o) * * *

(2) Nonpasteurized or salmonellae positive egg product may be shipped from an official plant only when it is to be pasteurized, repasteurized or heat treated in another official plant. All shipments of products from one official plant to another for pasteurization, repasteurization or heat treatment shall be in sealed cars or trucks with an accompanying certificate stating that the product is not pasteurized or is salmonellae positive. If nonpasteurized or salmonellae positive products are to be stored in other than the official plant facilities, the grader or inspector-in-charge at the consignee and consignor's plants shall be given full knowledge of the disposition of the product, including warehouse inventory receipts, until such time as product is pasteurized, repasteurized or heat treated. The containers of such nonpasteurized product shall be marked with the identification mark shown in Figure 4 of § 55.39.

17. In § 55.78, paragraphs (c), (f), and (g) are revised to read:

§ 55.78 Candler and transfer-room facilities.

(c) Ventilation shall be provided by means of an approved forced air exhaust system.

(f) Containers made of a material and of such design that is conducive to easy cleaning shall be provided for inedible eggs. All such containers shall be conspicuously marked.

(g) Containers made of a material and of such design that is conducive to easy cleaning shall be provided for trash unless clean, disposable containers are furnished daily.

18. In § 55.80, paragraphs (b) and (c) are revised to read:

§ 55.80 Classifications of shell eggs used in the processing of egg products.

(b) Shell eggs having strong odors or eggs received in cases having strong odors shall be candled and broken separately to determine their acceptability.

(c) Incubator reject eggs shall not be brought into the official plant.

19. In § 55.81, paragraph (d) is deleted and paragraph (a) (6) is revised to read:

§ 55.81 Egg cleaning operations.

(a) * * *
(6) Immersion-type washers shall not be used.

(d) [Deleted]

20. Paragraph (n) of § 55.82 is revised to read:

§ 55.82 Breaking room facilities.

(n) A separate drawoff room with a filtered positive air ventilation system shall be provided for packaging liquid egg product, except product packaged by automatic, closed packaging systems. Such facilities shall be provided in all new or remodeled construction prior to approval and shall be provided in all other plants prior to March 1, 1971.

21. In § 55.83, paragraphs (m), (q), (w), (x), (y), (z), (dd), and (ee) are revised to read as follows:

§ 55.83 Breaking room operations.

(m) All inedible eggs or egg products shall be placed in a clearly identified container containing a denaturant. Such containers shall be removed from the breaking room as often as necessary to maintain satisfactory operating conditions. Notwithstanding the foregoing and upon permission of the inspector, the applicant may hold inedible product in conspicuously marked containers which

do not contain a denaturant if such inedible product is denatured or decharacterized prior to shipment from the official plant: *Provided*, That such product is properly packaged, labeled, segregated, and inventory controls are maintained.

(q) All ingredients and additives used in, or for, processing egg products shall be handled in a clean and sanitary manner.

(w) Cups, knives, racks, separators, trays, spoons, liquid egg pails, and other breaking equipment, except for mechanical egg breaking equipment, shall be cleaned and sanitized at least every 2½ hours. This equipment shall be cleaned at the end of each shift and shall be clean and sanitized immediately prior to use.

(x) Utensils shall be drained on aerated drain racks and shall not be nested.

(y) Dump tanks, drawoff tanks, and churns shall be cleaned at least every 4 hours. All such equipment and all other liquid handling equipment, unless cleaned by acceptable in-place cleaning methods, shall be dismantled and cleaned after each shift. Pasteurization

equipment shall be cleaned at the end of each day's use or more often if necessary. All such equipment shall be clean and shall be sanitized prior to placing in use.

(z) Strainers, clarifiers, and other devices used for removal of shell particles and other foreign material shall be cleaned and sanitized each time it is necessary to change such equipment, but at least once each 4 hours of operations.

(dd) Tables, shell conveyors, and containers for inedible egg product shall be cleaned at the end of each shift.

(ee) Mechanical egg breaking equipment shall be cleaned and sanitized as often as needed to maintain it in a sanitary condition, but at least every 4 hours. This equipment shall be cleaned at the end of each shift and shall be clean and sanitized within 1 hour prior to use.

22. In § 55.85, paragraphs (d), (e), (f), and (g) are deleted and paragraph (c) is revised to read:

§ 55.85 Liquid egg cooling.

(c) The cooling and temperature of liquid egg products shall be as specified in Table I of this section.

TABLE I.—MINIMUM COOLING AND TEMPERATURE REQUIREMENTS FOR LIQUID EGG PRODUCTS

Product	Unpasteurized product temperature within 2 hours from time of breaking			Temperature within 2 hours after pasteurization	Temperature within 3 hours after stabilization
	Liquid (other than salt product) to be held 8 hours or less	Liquid (other than salt product) to be held in excess of 8 hours	Liquid salt product		
Whites (not to be stabilized).....	55° F. or lower	43° F. or lower		45° F. or lower	
Whites (to be stabilized).....	70° F. or lower	55° F. or lower		55° F. or lower	(1)
All other product (except product with 10 percent or more salt added).....	45° F. or lower	40° F. or lower		If to be held 8 hours or less, 45° F. or lower. If to be held in excess of 8 hours, 40° F. or lower.	If to be held 8 hours or less, 45° F. or lower. If to be held in excess of 8 hours, 40° F. or lower.
Liquid egg product with 10 percent or more salt added.....			If to be held 30 hours or less, 65° F. or lower. If to be held in excess of 30 hours, 45° F. or lower.	65° F. or lower?	

¹ Stabilized liquid whites shall be dried as soon as possible after the removal of glucose. The storage of stabilized liquid whites shall be limited to that necessary to provide a continuous operation.

² The cooling process shall be continued to assure that any salt product to be held in excess of 24 hours is cooled and maintained at 45° F. or lower.

(d) [Deleted]
(e) [Deleted]
(f) [Deleted]
(g) [Deleted]

23. Paragraph (b) of § 55.86 is revised to read:

§ 55.86 Liquid egg holding.

(b) Liquid egg holding tanks or vats shall be equipped with suitable thermometers and agitators.

24. Paragraph (b) of § 55.87 is revised to read:

§ 55.87 Freezing facilities.

(b) Adequate air circulation shall be provided in all freezing rooms.

25. Paragraph (b) of § 55.88 is revised to read as follows and paragraph (e) is deleted:

§ 55.88 Freezing operations.

(b) Requirements:

(1) All nonpasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. or lower within 60 hours from time of breaking.

(2) All pasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. or lower within 60 hours from time of pasteurization.

(3) The temperature of the products not solidly frozen shall be taken at the center of the container to determine compliance with this section.

(c) [Deleted]

26. Paragraphs (a), (c), and (e) in § 55.90 are revised to read:

§ 55.90 Defrosting operations.

(a) Frozen egg products which are to be defrosted shall be defrosted in a sanitary manner.

(c) Frozen whites to be used in the production of dried albumen may be defrosted at room temperature. All other whites shall be defrosted in accordance with paragraph (d) of this section.

(e) Sanitary methods shall be used in handling containers and removing egg product.

(1) Partially emptied containers shall not be stacked on one another prior to final removal of egg product.

(2) Paper or fiber containers of frozen egg product shall not be placed in water to speed defrosting except when product is contained in sealed waterproof liners.

27. Paragraphs (a), (g), and (j) in § 55.91 are revised and a new paragraph (k) is added to read:

§ 55.91 Spray process drying facilities.

(a) Driers shall be of a continuous discharge type and so constructed and equipped to prevent an excess accumulation of powder in the drier, bags, and powder conveyors.

(g) Preheating units, if used, shall be of stainless steel construction or equivalent which will allow thorough cleaning.

(j) All openings into the drier around ports, augers, high pressure lines, etc., shall be closed to the extent possible during and after the drying operation to prevent entrance of nonfiltered air.

(k) All openings into the drying unit shall be closed when the drier is not to be used for a period of 18 hours or longer except when the drying unit has been completely emptied of powder and wet washed. This includes, but is not limited to, openings for the air intake and exhaust systems, nozzle openings, ports, augers, etc.

28. In § 55.92, paragraphs (a), (b), and (c) are amended to read as follows and paragraphs (f), (g), (h), and (i) are deleted:

§ 55.92 Spray process drying operations.

(a) The drying room shall be kept in a clean condition and free of flies, insects, and rodents.

(b) Low-pressure lines, high-pressure lines, high- and low-pressure pumps, homogenizers, and pasteurizers shall be cleaned by acceptable in-place cleaning methods or dismantled and cleaned after use or as necessary when operations have been interrupted.

(1) Spray nozzles, orifices, cores, or whizzers shall be cleaned immediately after cessation of drying operations.

(2) Equipment shall be sanitized within 2 hours prior to resuming operations.

(c) Drying units, conveyors, and sifters shall be cleaned whenever wet powder is encountered or when other conditions occur which would adversely affect the product. The complete drying unit, including sifters, conveyors, and powder coolers shall be either wet washed or dry cleaned. A combination of wet washing and dry cleaning of the complete drying unit shall not be permitted unless that segment of the unit to be cleaned in a different manner is completely detached or disconnected from the balance of the drying unit.

(1) Sifters and conveyors used for other than dried albumen shall be cleared of power when such equipment is not to be used for a period of 24 hours or longer.

(2) Bags for bag collectors shall be cleaned as often as needed to maintain them in an acceptable clean condition.

(f) [Deleted]

(g) [Deleted]

(h) [Deleted]

(i) [Deleted]

29. In § 55.93, paragraph (a) (5) and paragraph (b) are revised and new paragraphs (c) and (d) are added to read:

§ 55.93 Spray process powder; definitions and requirements.

(a) * * *

(5) "Brush bag powder" is that powder which is brushed from the collector bags.

(b) Secondary powder shall be continuously discharged and mixed with the primary powder by methods approved by the Administrator.

(c) Edible dried egg products, including edible ingredients which may be added to such dried products, may be dry-blended: *Provided*, That the blending is done in a room as provided in § 55.96 or in a closed blending system and in accordance with clean, sanitary practices and such procedures as may be prescribed by the Administrator.

(d) Any edible dried egg powder may be reconstituted, repasteurized, and redried when accomplished in a clean, sanitary manner and in accordance with such procedures as may be prescribed by the Administrator.

(1) Edible dried egg powder obtained from the dust house, sweep down, screenings, brush bag (except for brush bag powder from albumen driers), and improperly dried or scorched powder shall not be dry-blended or officially identified unless reconstituted, repasteurized, and redried.

(2) Approximately the first and last 175 pounds of powder from the main driers for each continuous operation shall be checked for improperly dried or scorched powder.

30. Section 55.96 is revised to read:

§ 55.96 Drying, blending, packaging, and heat treatment rooms and facilities.

(a) General: All processing rooms shall be maintained in a clean condition and free of flies, insects, and rodents. The drying, blending, and packaging rooms shall be well-lighted and have ceilings and walls of a tile surface, enamel paint, or other water-resistant material.

(1) The floors shall be free from cracks or rough surfaces which form pockets for accumulation of water or dirt.

(2) The intersections of the walls and floor shall be impervious to water and the floor shall be sloped for adequate drainage.

(3) Storage racks or cabinets shall be provided for storing of tools and accessories.

(b) Dry blending of edible egg products, including adding edible dry ingredients, and/or packaging or spray-dried products shall be done in a room separate from other processing operations. Dry blending may also be done in other areas: *Provided*, That it is accomplished in an approved closed blending system.

(1) Blending and packaging rooms for pasteurized products shall be provided with an adequate positive flow of outside filtered air.

(2) All blending and packaging equipment and accessories which come into contact with the dried product shall be constructed without open seams and of

materials that can be kept clean and which will have no deleterious effect on the product. Service tables shall be of approved metal construction without open seams and all metal surfaces shall be smooth to permit thorough cleaning.

(3) Package liners shall be inserted in a sanitary manner, and equipment and supplies used in the operation shall be kept off the floor.

(4) Utensils used in packaging dried eggs shall be kept clean at all times and whenever contaminated shall be cleaned and sanitized. When not in use, scoops, brushes, tampers, and other similar equipment shall be stored in sanitary cabinets or racks provided for this purpose.

(5) Automatic container fillers shall be of a type that will accurately fill given quantities of product into the containers. Scales shall be provided to accurately check the weight of the filled containers. All equipment used in mechanically packaging dried egg products shall be vacuum cleaned daily.

(c) The heat treatment room shall be of an approved construction and be maintained in a clean condition. The room or rooms shall be of sufficient size so that product to be heat treated can be so spaced to assure adequate heat and air circulation. The room shall have an adequate heat supply and a continuous air circulation system.

31. Section 55.97 is revised to read:

§ 55.97 Dried egg storage.

Dried egg storage shall be sufficient to adequately handle the production of the plant and shall be kept clean, dry, and free from objectionable odors.

32. Subparagraph (1) in § 55.99(b) is revised to read:

§ 55.99 Cleaning and sanitizing requirements.

(b) *Sanitizing*. (1) Sanitizing shall be accomplished by such methods as approved by the Administrator.

(i) Chemicals and compounds used for sanitizing shall have approval prior to use.

(ii) Sanitizing by use of hypochlorites or other approved sanitizing solutions shall be accomplished by subjecting the equipment surfaces to such sanitizing solutions containing a maximum strength of 200 p.p.m. of chlorine or its equivalent. These solutions shall be changed whenever the strength drops to 100 p.p.m. or less of available chlorine or its equivalent.

33. Paragraph (g) of § 55.100 is revised to read:

§ 55.100 Health and hygiene of personnel.

(g) Use of tobacco in any form or the wearing of jewelry, nail polish, or perfumes shall not be permitted in any area where edible products are exposed.

34. Section 55.101 is revised to read:

§ 55.101 Pasteurization of liquid eggs.

(a) Pasteurization facilities: The facilities for pasteurization of egg products shall be adequate and of approved construction so that all products will be processed as provided for in this section. Pasteurization equipment for liquid egg product shall include a holding tube, an automatic flow diversion valve, thermal controls, and recording devices to determine compliance for pasteurization as set forth in paragraph (b) of this section. The temperature of the heated liquid

egg product shall be continuously and automatically recorded during the process.

(b) Pasteurizing operations: Every particle of all products must be rapidly heated to the required temperature and held at that temperature for the required minimum holding time for the fastest moving particle or the average moving particle as set forth in this section for it to be considered pasteurized under the requirements of this part. The temperatures and holding times listed in table I of this section are minimum. The product may be heated to higher temperatures and held for longer periods of time.

TABLE I.—PASTEURIZATION REQUIREMENTS¹

Liquid egg product	Minimum temperature requirements	Minimum holding time requirements	
		Fastest particle	Average particle
	^{° F.}		^{Minutes}
Albumen (without use of chemicals).....	134 132	1.75 3.1	3.5 6.2
Whole egg.....	140	1.75	3.
Whole egg blends (less than 2 percent added nonegg ingredients).....	142 140	1.75 3.1	3.5 6.2
Fortified whole egg and blends (24-38 percent egg solids, 2-12 percent added nonegg ingredients).....	144 142	1.75 3.1	3.5 6.2
Salt whole egg (with 2 percent or more salt added).....	146 144	1.75 3.1	3.5 6.2
Sugar whole egg (2-12 percent sugar added).....	142 140	1.75 3.1	3.5 6.2
Egg yolk.....	142 140	1.75 3.1	3.5 6.2
Sugar yolk (2 percent or more sugar added).....	146 144	1.75 3.1	3.5 6.2
Salt yolk (2-12 percent salt added).....	146 144	1.75 3.1	3.5 6.2

¹ Pasteurization of egg products not listed in this table shall be in accordance with paragraph (c) of this section.

(c) Other methods of pasteurization may be approved by the National Supervisor when such treatments give equivalent effects to those specified in paragraph (b) of this section for those products or other products and results in a salmonellae negative product.

35. Section 55.103 is revised to read:

§ 55.103 Heat treatment of dried whites.

Where heat treatment of dried whites is required, the product shall be heated throughout for such times and at such temperatures as will result in salmonellae negative product.

(a) The product to be heat treated shall be held in the heat treatment room in closed containers and shall be spaced to assure adequate heat penetration and air circulation. Each container shall be identified as to type of product (spray or pan dried) and with the lot number or production code number.

(b) The minimum requirements for heat treatment or spray or pan dried albumen shall be as follows:

(1) Spray dried albumen shall be heated throughout to a temperature not less than 130° F. and held continuously at such temperature not less than 7 days and until it is salmonellae negative.

(2) Pan dried albumen shall be heated throughout to a temperature of not less than 125° F. and held continuously at such temperature not less than 5 days and until it is salmonellae negative.

(3) Methods of heat treatment of spray dried or pan dried albumen, other than listed in subparagraphs (1) and (2) of this paragraph, may be approved by the National Supervisor upon receipt of satisfactory evidence that such methods will result in salmonellae negative product.

(c) Dried whites which have been heat treated in the dried form shall be sampled and analyzed for the presence of salmonellae as required in § 55.77(p)(2).

(d) Records shall be maintained of the following:

- (1) Type of product;
- (2) lot number;
- (3) heat treatment room temperature;
- (4) product temperatures;
- (5) length of time product is held in heat treatment room;
- (6) results of all laboratory analyses made for the presence of salmonellae.

(e) Dried whites processed and tested in accordance with all of the applicable requirements specified in this section may be labeled "Pasteurized."

36. Section 55.125 is revised to read:

§ 55.125 Preparation of samples for palatability test.

Reconstitute 33 grams of dried whole egg powder as completely as possible with 90 grams of distilled water in a suitable, clean container. Add the water and mix until the mixture is smooth and free from lumps. Place the container in gently boiling water and stir the mixture while coagulation takes place. When coagulated to the consistency of scrambled eggs, the sample is ready for the palatability test.

37. The following is added at the end of the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55):

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

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624; 29 F.R. 16210, as amended; 33 F.R. 10750)

Issued at Washington, D.C., this 16th day of December 1969, to become effective February 1, 1970.

G. R. GRANCE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-15095; Filed, Dec. 22, 1969; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.6, Amdt. 2]

PART 813—ALLOTMENT OF SUGAR QUOTAS, DOMESTIC BEET SUGAR AREA

1969

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended) hereinafter called the "Act", for the purpose of amending Sugar Regulation 813.6 (34 F.R. 6321, 16608) which established allotments of the sugar quota for the Domestic Beet Sugar Area for the calendar year 1969.

This amendment is necessary to revise allotments to reflect a correction in the January 1, 1969, effective inventory of New York Sugar Industries, Inc., which was used in the allotment formula in determining allotments of the 1969 beet sugar area quota currently in effect and to prorate a deficit in the allotment of Maine Sugar Industries, Inc., of 2,675 short tons, raw value.

On the basis of data recently received from New York Sugar Industries, Inc., which have become a part of official records of the Department, that company's January 1, 1969, effective inventory was reduced 1,425 short tons, raw value, to 4,075 short tons, raw value. The allotment formula provides that New York Sugar Industries, Inc., be permitted to market in 1969 only its January 1,

1969, effective inventory plus 25 percent of its new crop processings, therefore, its 1969 allotment currently in effect is herein reduced by 1,425 short tons, raw value. Such quantity is distributed herein pursuant to the allotment formula to all other allottees except Maine Sugar Industries, Inc.

Maine Sugar Industries, Inc., notified the Department by letter of December 5, 1969, that it will be unable to utilize 2,675 short tons, raw value, of its allotment and released this quantity for distribution to other allottees. Accord-

ingly, a deficit in the allotment for Maine Sugar Industries, Inc., of 2,675 tons is herein prorated to allottees that are able to utilize additional allotments on the basis of allotments currently in effect (34 F.R. 16608).

Allotments set forth herein are established on the basis of and consistent with the findings previously made by the Secretary.

In accordance with paragraph (6) of the findings and conclusions set forth in S.R. 813.6 (34 F.R. 6321) and pursuant to paragraph (e) of such regulation, para-

graph (4) of such findings and conclusions, as amended (34 F.R. 16608), is amended to read as follows:

(4) The determination of allotments in finding (3) is set forth in the following table. Allotments have been computed on the basis of corrected final data on 1968 beet sugar crop processings, 1968 beet sugar marketings, January 1, 1969, sugar inventories and estimates of acreage planted to beets as set forth in finding (5) of this order as applied to the Domestic Beet Sugar Area quota of 3,215,667 short tons, raw value.

Processors	Processings of sugar from 1968 crop beets		Average marketings within the quota 1965-1968		Percent of total (col. 2)X 0.75+ col. 4X 0.25	Base allotments, short tons raw value (col. 5)X quota ¹	January 1, effective inventories hundredweight, refined			Adjustments to base allotments ²		Allotments, short tons, raw value (col. 6+ or- col. 11)
	Hundred-weight refined	Percent of total	Hundred-weight refined	Percent of total			1969	1965-1968 adjusted average to col. 7 total	Inventory imbalances col. 7-col. 8	Hundred-weight refined	Short tons raw value	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	
Amalgamated Sugar Co., the	8,673,018	13.2856	7,172,684	12.8792	13.1840	420,655	7,505,334	6,074,905	+830,429	+40,735	+2,179	422,834
American Crystal Sugar Co.	8,621,152	13.2061	7,032,062	12.6267	13.0612	416,737	6,485,461	5,890,916	+594,545	+1,363	+73	416,819
Buckeye Sugars, Inc.	544,042	0.8334	428,672	0.7697	0.8175	26,084	282,825	206,563	+76,262	+6,402	+343	26,427
Great Western Sugar Co.	15,559,394	23.8344	13,164,670	23.6894	23.7854	788,908	11,969,847	12,207,027	-237,180	-1,782	-95	788,813
Holly Sugar Corp.	10,588,533	16.2198	9,295,999	16.6915	16.3378	521,281	8,204,792	8,765,397	-560,605	-17,299	-926	520,355
Layton Sugar Co.	367,995	0.5637	330,329	0.6063	0.5751	18,549	329,182	341,931	-12,749	-393	-21	18,338
Maine Sugar Ind., Inc. ³												16,166
Michigan Sugar Co.	2,292,375	3.5115	1,887,426	3.3890	3.4809	111,053	1,708,361	1,694,979	+13,382	0	0	111,053
Monitor Sugar Co. ⁴	995,496	1.5249	939,169	1.6864	1.5553	49,943	699,342	847,655	-148,313	-4,577	-245	49,698
New York Sugar Ind., Inc. ⁵												6,280
Spreckels Sugar Co.	8,552,064	13.1003	7,345,982	13.1994	13.1228	418,702	5,059,448	5,672,066	-612,618	-16,066	-861	417,841
Union Sugar Division, Consolidated Foods Corp.	2,715,686	4.1600	2,367,696	4.2514	4.1828	133,458	2,010,786	1,923,655	+87,131	0	0	133,458
Utah-Idaho Sugar Co.	6,371,624	9.7603	5,715,269	10.2677	9.8872	315,465	4,927,904	5,198,661	-270,757	-8,353	-447	315,018
Total	65,281,379	100.0000	55,691,958	100.0000	100.0000	3,190,645	49,144,342	49,144,342	±1,571,749	±48,500	±2,595	3,215,667

¹ Column (6) plus quota less allotments of 16,743 tons for Maine Sugar Industries, Inc., and 8,280 tons for New York Sugar Industries, Inc.

² Plus (+) adjustments in Col. 10= (Extent (+) quantities in Col. 9 exceeds 10 percent of Col. 8) + (25 percent); Minus (-) adjustments in Col. 10=total of (+) adjustments in Col. 10, prorated to processors on the basis of minus (-) quantities in Col. 9. Plus (+) and minus (-) adjustments in Col. 11= (Col. 10 adjustments)X (0.6335).

³ These processors not included in the base allotment method computations. The

allotments established for Maine Sugar Industries, Inc., and New York Sugar Industries, Inc., are based on their respective effective inventories on Jan. 1, 1969, of 11,472 tons and 4,075 tons plus 25 percent of their estimated 1969 crop beet sugar production. Estimated 1969 crop sugar production is based on 13,175 acres planted for Maine and 19,513 acres planted for New York.

⁴ Without the application of the alternative measure of "processings", 1968 crop processings were 924,945 hundredweights and Jan. 1, 1969, effective inventory was 628,791 hundredweights for Monitor Sugar Co.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act and in accordance with paragraph (e) of § 813.6 of this chapter, paragraph (a) of § 813.6 is amended to read as follows:

§ 813.6 Allotment of the 1969 sugar quota for the domestic beet sugar area.

(a) **Allotments.** The 1969 calendar year sugar quota for the Domestic Beet Sugar Area of 3,215,667 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Short tons, raw value	Equivalent in hundred-weight refined beet sugar
Amalgamated Sugar Co., the	423,159	7,910,075
American Crystal Sugar Co.	417,169	7,707,383
Buckeye Sugars, Inc.	26,449	494,374
Great Western Sugar Co., the	759,447	14,195,308
Holly Sugar Corp.	520,791	9,734,411
Layton Sugar Co.	18,549	342,860
Maine Sugar Industries, Inc.	14,067	262,935
Michigan Sugar Co.	111,156	2,077,682
Monitor Sugar Co.	49,740	929,720
New York Sugar Industries, Inc.	8,280	154,766
Spreckels Sugar Co.	418,191	7,816,654
Union Sugar Division, Consolidated Foods Corp.	133,458	2,496,636
Utah-Idaho Sugar Co.	315,282	5,993,121
Total	3,215,667	60,105,925

(Secs. 205, 209, 403; 61 Stat. 926, as amended, 928, as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. Allotments established in this order for almost all allottees are larger than the allotments established in S.R. 813.6 (34 F.R. 16608). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on December 18, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-15203; Filed, Dec. 22, 1969; 8:45 a.m.]

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

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On December 2, 1969, notice of rule making was published in the FEDERAL REGISTER (34 F.R. 19078), regarding proposed expenses and the related rate of assessment for the period August 1, 1969, through July 31, 1970, pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Growers Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 905.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1969, through July 31, 1970, will amount to \$168,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 905.41, is fixed at \$0.006 per standard packed box of fruit.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended July 31, 1969, shall be carried over as a reserve in accordance with § 905.42 of said marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of fruit are now being made, (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit handled from the beginning of such period, and (3) the current fiscal period began on August 1, 1969, and said rate of assessment will automatically apply to all assessable fruit beginning with such date.

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

Dated: December 18, 1969.

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

[F.R. Doc. 69-15204; Filed, Dec. 22, 1969;
8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 18—FORM AND CONTENT OF FINANCIAL STATEMENTS

Miscellaneous Amendments

On November 25, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 18818) in which the Comptroller of the Currency invited interested persons to comment not later than December 12, 1969, on proposed amendments to Part 18, which would provide principally that financial reports submitted by national banks to shareholders for fiscal years ending on and after December 31, 1969:

(1) Include a loan loss factor in operating expenses;

(2) Include the results of investment securities transactions as realized in the report of income; and

(3) Designate the last line in the statement of income as "net income."

The Comptroller has reviewed and considered all comments received and has determined that the public interest requires the adoption of the amendments as proposed (except for corrections in the note to Appendix A) to be effective for financial reports submitted by national banks to shareholders for fiscal years ending on and after December 31, 1969.

Part 18, Chapter I, Title 12 of the Code of Federal Regulations, is amended by revising paragraph (a) in § 18.2 and paragraphs (d) and (e) in § 18.4; adopting a new § 18.5; revising paragraphs (c) and (d) in existing § 18.5; adopting a new paragraph (a) and revising existing paragraphs (a) and (d) in § 18.7; renumbering existing §§ 18.5, 18.6, and 18.7 to §§ 18.6, 18.7, and 18.8 and redesignating existing paragraphs (a), (b), (c), and (d) in § 18.7 as paragraphs (b), (c), (d), and (e) in § 18.8; and revising Appendixes A and B to read as follows:

§ 18.2 Definition of terms.

(a) *Valuation reserve.* A "valuation reserve" is an account established through an appropriate charge representing management's judgment as to possible loss or value depreciation in a specific class of assets, such as loans or investment securities. Loan loss reserves established pursuant to the Treasury tax formula should be separately disclosed and may be considered valuation reserves; these reserves should be included in reserves on loans and securities.

§ 18.4 Consolidated statements.

(d) Nonsignificant subsidiaries may also be consolidated provided a consistent policy of consolidation is used.

(e) Minority interests in the net assets of consolidated subsidiaries shall be shown in each consolidated balance sheet as a liability. The aggregate amount of profit and loss accruing to minority interests may be stated separately in the consolidated profit or loss statement. Alternatively, net income (less minority interest) may be reported in "other income."

(1) Income from foreign subsidiaries and foreign branches shall be reported only when remittable to the parent bank, unless the bank consolidates each item of revenue and expense. Such income shall be reported under Item 1(h), Appendix B.

§ 18.5 Reporting of a loan loss factor in operating expenses.

(a) *Computation of loan loss factor.*

(1) Banks which provide for loan losses

¹ Once a bank has selected one of the three methods, it must continue to use that method.

on a reserve basis shall include an estimated amount for credit losses in operating expense.² Beginning for the year end 1969 and consistently thereafter, a bank may elect one of the following methods for reporting a minimum loan loss factor in expenses.

(i) A charge equivalent to a 5-year average ratio of losses computed on the basis of net charge-offs to total loans over the past 5 years. Ratio of loss shall be determined based on the aggregate of total net charge-offs (losses less recoveries) and total average loans for the 5 most recent years, including the current year. This ratio shall be applied to the average of outstanding loans during the current year to arrive at a minimum dollar amount to be charged to operating expense.

(ii) A charge equivalent to an average ratio of losses computed on the basis of a forward moving average beginning with the year 1969. Ratio for 1969 would be determined based on the net charge-offs (losses less recoveries) and average of loans for the year 1969. This ratio would be applied to the average loans outstanding for 1969 to arrive at a minimum dollar amount to be charged to operating expense. For each successive year after 1969, up to and including 1973, the current year's average loans would be added to those of preceding years from 1969 forward. Net charge-offs would be handled in the same way. By 1973, banks choosing this option would be on the same basis as those initially choosing subdivision (i) of this subparagraph.

(iii) Actual net charge-offs as experienced in the current year.

(2) Banks which are not on the reserve basis for loan losses shall include in operating expenses the dollar amount of actual net charge-offs for the current year.

(b) *Additional charge to operating expense.* Based on management's judgment, an amount in excess of that computed by any method outlined under subparagraph (1) of paragraph (a) of this section may be taken. The amount so taken will have no effect on computing the loss ratio factor in the current or preceding years. Such action must be adequately disclosed in a referenced footnote.

(c) *Adjustments on statement of earnings for conformity to bank's books.* (1) When the amount reported in operating expenses is in excess of that allowed as a transfer to Reserve for Possible Loan Losses or exceeds actual net loan losses recorded on the bank's books, the amount of difference, less related tax effect, should be credited to the Undivided Profits Account in the Reconciliation of Capital Accounts.

(2) When the amount reported in operating expenses is less than that transferred to Reserve for Possible Loan Losses or is less than the actual net loan

² An appropriate footnote will be made on the Statement of Earnings indicating which method has been employed to arrive at the dollar amount of credit loss charged to operating expenses.

losses recorded on the bank's books, the amount of difference, less related tax effect, should be charged against the Undivided Profits Account.

(d) *Annual average loans.* To determine the annual average loans outstanding, the loans as reported in the Statement of Condition called for by the Comptroller of the Currency during the year will be averaged. Any schedule of frequency greater than the foregoing is permissible.

§ 18.6 Reporting of securities transactions.

(c) *Trading account securities.* Banks that are dealers in securities should report their trading account securities on the same basis as is used for tax purposes. If either the reporting value of securities or income therefrom meets the test of materiality, the trading account and trading account income should be reported separately. The income account should include coupon interest, profit and losses, revaluation adjustments and any other incidental revenue or expenses related to the purchase and sale of such securities, but salaries, commissions and other expenses should be excluded. If materiality is not met, unless management wishes to report separately, trading account securities should be included with portfolio securities in the respective classifications. In the statement of earnings coupon interest should then be reported with interest on securities and other income with other operating income.

(d) *Securities profits and losses.* Securities gains and losses should be reported after applicable income tax has been deducted from income. Net security gains and losses should be reflected in income in the period such results are realized and booked.

§ 18.7 Reconciliation of capital accounts and valuation reserves.

§ 18.8 Rules of general application.

(a) *One-bank holding companies.* The financial statements, other than the statement of earnings, of a bank owned by a one-bank holding company should be presented separately. The statement of earnings may be presented on a consolidated basis with the other units of the holding company. Appropriate disclosure of this consolidation should be made.

(b) *Earnings.* All banks subject to the jurisdiction of the Office of the Comptroller of the Currency shall be required to report: (1) A loan loss factor in its operating expenses; (2) net income, total and per share, which was transferred to the capital accounts.

(c) *Additional information.* . . .

(d) *Changes in accounting principles and practices and retroactive adjustments initiated by the bank.* . . .

(e) *Balance sheet and statement of earnings.* (1) Banks shall report a balance sheet and a statement of earnings. The format illustrated in Appendices A and B represents the minimum disclosure consistent with this part.

(2) If a cash basis of accounting has been used, it should be so stated.

(3) All fixed assets acquired subsequent to June 30, 1967, shall be stated at cost less accumulated depreciation or amortization.

(4) Accounting questions, account designations, and other related matters not specifically detailed in this regula-

tion will be handled in accordance with instructions contained in Instructions for Preparation of Reports of Condition and/or Instructions for Preparation of Report of Income.

Dated: December 19, 1969,

[SEAL]

J. T. WATSON,
Acting Comptroller
of the Currency.

APPENDIX A—BALANCE SHEET

19— 19—

Resources:

1. Cash and due from banks.....
2. U.S. Treasury securities.....
3. Securities of other U.S. Government agencies and corporations.....
4. Obligations of States and political subdivisions.....
5. Other securities.....
6. Trading account securities.....
7. Federal funds sold and securities purchased under agreements to resell.....
8. Loans.....
9. Bank premises and equipment.....
10. Other real estate.....
11. Investments in subsidiaries not consolidated.....
12. Customer's acceptance liability.....
13. Other assets.....
14. Total.....

Liabilities:

15. Deposits:
 - (a) Demand deposits.....
 - (b) Time deposits.....
16. Federal funds purchased and securities sold under agreements to purchase.....
17. Funds borrowed.....
18. Mortgage indebtedness.....
19. Acceptances outstanding.....
20. Other liabilities.....
21. Total liabilities.....
22. Minority interest in consolidated subsidiaries.....

Reserves on Loans and Securities:

23. Reserve for bad debt losses.....
24. Other loan reserves.....
25. Reserves on securities.....
26. Total.....

Capital Accounts:

27. Capital notes and debentures.....
 - Rate.....
 - Maturity.....
28. Equity capital:
 - (a) Capital stock:
 - Preferred stock, total par value.....
 - Number shares outstanding.....
 - Common stock, total par value.....
 - Number shares authorized.....
 - Number shares outstanding.....
 - (b) Surplus.....
 - (c) Undivided Profits.....
 - (d) Reserve for contingencies and other capital reserves.....
29. Total capital accounts.....
30. Total liabilities, reserves and capital accounts.....

NOTES

A bank, for purposes of the preparation of its reports to shareholders, may use options permitted or specifically authorized. It may also combine the various lines as indicated below, if the line figure is less than 3 percent of total assets.

Line 3 into line 5. Line 12 into line 13. Line 10 into line 9. Line 6 into lines 2, 3, 4, and 5 as appropriate. Line 7 into line 8. Line 11 into line 13. Line 16 into line 17. Line 18 into line 17. Line 19 into line 20.

APPENDIX B—STATEMENT OF EARNINGS

19—

19—

1. Operating Income:

- (a) Interest and fees on loans.....
- (b) Income on Federal funds sold and securities purchased under agreements to resell.....
- (c) Interest and dividends on investments (exclude trading account income):
 - (1) U.S. Treasury securities.....
 - (2) Securities of other U.S. Government agencies and corporations.....
 - (3) Obligations of States and political subdivisions.....
 - (4) Other securities.....
- (d) Trading account income.....
- (e) Trust department income.....
- (f) Service charges on deposit accounts.....
- (g) Other service charges, collection and exchange charges, commissions and fees.....
- (h) Other operating income.....
- (i) Total.....

APPENDIX B—STATEMENT OF EARNINGS—Continued

19—

19—

- Operating expenses:
- (a) Salaries and wages.....
 - (b) Pensions and other employee benefits.....
 - (c) Interest on deposits.....
 - (d) Expense of Federal funds purchased and securities sold under agreements to repurchase.....
 - (e) Interest on borrowed money.....
 - (f) Interest on capital notes and debentures.....
 - (g) Occupancy expense of bank premises, net.....
 - (h) Furniture and equipment, depreciation, rental costs, servicing, etc.....
 - (i) Provisions for loan losses (or actual net losses).....
 - (j) Other.....
 - (k) Total.....
1. Income before income taxes and securities gains or losses.....
2. Applicable income taxes.....
3. Income before securities gains or losses.....

Gross	Net of tax effect	Gross	Net of tax effect

4. Net security gains or losses.....
5. Net income before extraordinary items.....

Gross	Net of tax effect	Gross	Net of tax effect

6. Extraordinary charges or credits.....
7. Less minority interest in consolidated subsidiaries.....
8. Net income.....
- Earnings per common share:
- Income before securities gains (losses).....
- Net income.....

NOTE: Any operating income or expense item which is not material may be combined with 1(h) or 2(j) as appropriate.

[P.R. Doc. 69-15248; Filed, Dec. 22, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

Subpart A—Investigations

MISCELLANEOUS AMENDMENTS

The Commission announces the following revisions in Part 2 of Chapter I of Title 16 of the Code of Federal Regulations. These revisions shall become effective on the date of their publication in the FEDERAL REGISTER.

1. Section 2.7 of Subpart A of Part 2 is revised to read as follows:

§ 2.7 Subpoenas in investigations.

(a) The Commission or any member thereof may issue a subpoena, directing the person named therein to appear before a designated representative at a designated time and place to testify or to produce documentary evidence, or both, relating to any matter under investigation by the Commission. The Directors and Assistant Directors of the Bureaus of Deceptive Practices, Restraint of Trade, Textiles and Furs, Industry Guidance, and Economics, pursuant to delegation of authority by the Commission, without power of redelegation, also may issue investigational subpoenas, and, for good cause shown, may extend the time prescribed for compliance with subpoenas issued during the investigation of any matter. The Director or Assistant Director who issues any subpoena under this section is authorized to negotiate and approve the terms of satisfactory compliance therewith.

(b) Any motion to limit or quash any investigational subpoena shall be filed with the Secretary of the Commission within ten (10) days after service of the subpoena, or, if the return date is less than ten (10) days after service of the subpoena, within such other time as may be allowed. All motions to limit or quash any investigational subpoenas shall be ruled upon by the Commission itself, but the above-designated Directors and Assistant Directors of the Bureaus are delegated, without power of redelegation, the authority to rule upon motions for extensions of time within which to file motions to limit or quash any investigational subpoenas.

2. Section 2.11 of Subpart A of Part 2 is revised to read as follows:

§ 2.11 Orders requiring access.

(a) The Commission may issue an order requiring any corporation being investigated to grant access to files for the purpose of examination and the right to copy any documentary evidence. The Directors and Assistant Directors of the Bureaus of Deceptive Practices, Restraint of Trade, Textiles and Furs, Industry Guidance, and Economics, pursuant to delegation of authority by the Commission, without power of redelegation, are authorized, for good cause shown, to extend the time prescribed for compliance with orders requiring access issued during the investigation of any matter.

(b) Any motion to limit or quash an order requiring access shall be filed with the Secretary of the Commission within ten (10) days after service of the order, or, if the date for compliance is less than ten (10) days after service of the order, within such other time as may be allowed. All motions to limit or quash orders requiring access shall be ruled upon by the Commission itself, but the

above-designated Directors and Assistant Directors of the Bureaus are delegated, without power of redelegation, the authority to rule upon motions for extensions of time within which to file motions to limit or quash orders requiring access.

3. Section 2.12 of Subpart A of Part 2 is revised to read as follows:

§ 2.12 Reports.

(a) The Commission may issue an order requiring a corporation to file a report or answers in writing to specific questions relating to any matter under investigation. The Directors and Assistant Directors of the Bureaus of Deceptive Practices, Restraint of Trade, Textiles and Furs, Industry Guidance, and Economics, pursuant to delegation of authority by the Commission, without power of redelegation, are authorized, for good cause shown, to extend the time prescribed for compliance with orders requiring reports or answers to questions issued during the investigation of any matter.

(b) Any motion to limit or quash an order requiring a report or answers to specific questions shall be filed with the Secretary of the Commission within ten (10) days after service of the order, or, if the date for compliance is less than ten (10) days after service of the order, within such other time as may be allowed. All motions to limit or quash orders requiring reports or answers to questions shall be ruled upon by the Commission itself, but the above-designated Directors and Assistant Directors of the Bureaus are delegated, without power of redelegation, the authority to rule upon motions for extensions of time within which to file motions to limit or quash orders requiring reports or answers to questions.

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

Issued: December 17, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 69-15201; Filed, Dec. 22, 1969; 8:46 a.m.]

[Docket No. C-1625]

PART 13—PROHIBITED TRADE PRACTICES

Famous Wool Corp. et al.

Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 Composition: 13.1185-90 Wool Products Labeling Act; § 13.1212 Formal regulatory and statutory requirements: 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, secs.

2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Famous Wool Corp. et al., Brooklyn, N.Y., Docket C-1625, Nov. 17, 1969]

In the Matter of Famous Wool Corp., a Corporation, and Harry Fram and Leon Holz, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of wool batting materials for use in interlining materials to cease misbranding and falsely invoicing its wool products.

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

It is ordered, That respondent Famous Wool Corp., a corporation, and its officers, and Harry Fram and Leon Holz, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the manufacture for introduction into commerce, the introduction into commerce or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

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

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

It is further ordered, That respondents Famous Wool Corp., a corporation, and its officers, and Harry Fram and Leon Holz, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of wool batting materials or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

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

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 69-15182; Filed, Dec. 22, 1969; 8:45 a.m.]

[Docket No. C-1626]

PART 13—PROHIBITED TRADE PRACTICES

Feldman Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 5, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, The Feldman Co., Inc., et al., New York, N.Y., Docket C-1626, Nov. 17, 1969]

In the Matter of The Feldman Co., Inc., a Corporation, and Joseph Feldman and Alfred Feldman, Individually and as Officers of Said Corporation

Consent order requiring a New York City wholesaler of synthetic piece goods to cease misbranding its textile fiber products.

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

It is ordered, That respondents The Feldman Co., Inc., a corporation, and its officers, and Joseph Feldman and Alfred Feldman, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forth-

with cease and desist from misbranding textile fiber products by failing to affix a stamp, tag, label or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

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

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 69-15183; Filed, Dec. 22, 1969; 8:45 a.m.]

[Docket No. C-1628]

PART 13—PROHIBITED TRADE PRACTICES

Hudson's Department Store, Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*: 13.30-30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements*: 13.73-10 Fur Products Labeling Act; § 13.155 *Prices*: 13.155-40 Exaggerated as regular and customary. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-35 Fur Products Labeling Act.

(Sec. 5, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Hudson's Department Store, Inc., Anniston, Ala., Docket C-1628, Nov. 17, 1969]

In the Matter of Hudson's Department Store, Inc., a Corporation

Consent order requiring an Anniston, Ala., department store to cease falsely advertising its fur products and failing to keep required records.

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

It is ordered, That respondent Hudson's Department Store, Inc., a corporation, and its officers, and respondent's

representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of any such fur product and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Falsely or deceptively identifies any fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

4. Represents, directly or by implication, that any price whether accompanied or not by descriptive terminology is the respondent's former price of such fur product when such price is in excess of the price at which such fur product has been sold or offered for sale in good faith by the respondent on a regular basis for a reasonably substantial period of time in the recent regular course of business, or otherwise misrepresents the price at which such fur product has been sold or offered for sale by respondent.

5. Falsely or deceptively represents that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

6. Falsely or deceptively represents that the price of any such fur product is reduced.

B. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation

which may affect compliance obligations arising out of the order.

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

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

Issued: November 17, 1969.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 69-15184; Filed, Dec. 22, 1969;
8:45 a.m.]

[Docket No. C-1624]

PART 13—PROHIBITED TRADE PRACTICES

McBratney's, Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*; 13.30-30 *Fur Products Labeling Act*; § 13.73 *Formal regulatory and statutory requirements*; 13.73-10 *Fur Products Labeling Act*; § 13.155 *Prices*; 13.155-85 *Sales below cost*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*; 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-35 *Fur Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, McBratney's, Inc., Monrovia, Calif., Docket C-1624, Nov. 17, 1969]

In the Matter of McBratney's, Inc., a Corporation

Consent order requiring a Monrovia, Calif., department store to cease falsely advertising its fur products.

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

It is ordered, That respondent McBratney's, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote

or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely and deceptively represents, directly or by implication, by means of the phrase "Below Wholesale Cost" or any other phrase, term or word of similar import or meaning that such fur product is being offered for sale at less than the price paid for the product by respondent.

3. Falsely or deceptively represents that savings are afforded to the purchaser of such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

4. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Fails to set forth all parts of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

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

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

Issued: November 17, 1969.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 69-15185; Filed, Dec. 22, 1969;
8:45 a.m.]

[Docket No. C-1627]

PART 13—PROHIBITED TRADE PRACTICES

Miami Sportswear Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*; 13.30-75 *Textile Fiber Products Identification Act*; § 13.73 *Formal regulatory and statutory requirements*;

13.73-90 Textile Fiber Products Identification Act. Subpart—Furnishing false guaranties: § 13.1053 Furnishing false guaranties: 13.1053-80 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: 13.1108-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 Composition: 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 Formal regulatory and statutory requirements: 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Miami Sportswear Co., Inc., et al., Opa Locka, Fla., Docket C-1627, Nov. 17, 1969]

In the Matter of Miami Sportswear Co., Inc., a Corporation Trading as Ceeb of Miami, and Jack L. Brasington and Clayton B. Brasington, Jr., Individually and as Officers of Said Corporation

Consent order requiring an Opa Locka, Fla., sportswear and beachwear manufacturer to cease misbranding, falsely advertising, and deceptively guaranteeing its textile fiber products.

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

It is ordered, That respondents Miami Sportswear Co., Inc., a corporation trading as Ceeb of Miami, or under any other name or names, and its officers, and Jack L. Brasington and Clayton B. Brasington, Jr., individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products

as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Using a fiber trademark on labels affixed to such textile fiber products without the generic name of the fiber appearing on the said label.

4. Using a generic name or fiber trademark on any label, whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Act and regulations the first time such generic name or fiber trademark appears on the label.

B. Falsely and deceptively advertising textile fiber products by:

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

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

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

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That respondents Miami Sportswear Co., Inc., a corporation, trading as Ceeb of Miami, or under any other name or names, and its officers, and Jack L. Brasington and Clayton B. Brasington, Jr., individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely or deceptively invoiced or advertised under the provisions of the Textile Fiber Products Identification Act.

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

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 69-15186; Filed, Dec. 22, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 2—MEASUREMENT OF VESSELS

PART 3—DOCUMENTATION OF VESSELS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Transfer of Regulations

CROSS REFERENCE: For a document transferring certain regulations to Title 46, Chapter I, Subchapter G, Parts 66, 67, and 69, see F.R. Doc. 69-15196 in Part II of this issue.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Submission of Drug Experience Information on Computer Printouts in Lieu of Form FD-1639; Correction

In F.R. Doc. 69-12851 appearing at page 17428 in the issue of Wednesday, October 29, 1969, the words of issuance of amendment 2 are incorrect and are hereby changed to read "Section 130.13 is amended by revising the introductory text of paragraph (b) to read as follows:"

Dated: December 18, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-15247; Filed, Dec. 22, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Preparedness

PART 1715—FEDERAL DISASTER ASSISTANCE UNDER THE DISASTER RELIEF ACT OF 1969

- Sec.
- 1715.1 Purpose.
 - 1715.2 Definitions.
 - 1715.3 Applicability of Part 1710.
 - 1715.4 Permanent repair or reconstruction of street, road and highway facilities.
 - 1715.5 Grants for removing timber from privately owned lands and relief under government timber sales contracts.
 - 1715.6 Public land entry—Department of the Interior.
 - 1715.7 Disaster loans—Small Business Administration.
 - 1715.8 Emergency Loans—Farmers Home Administration.
 - 1715.9 Grants to develop comprehensive State plans for assisting individuals suffering losses.
 - 1715.10 Appointing a Federal coordinating officer.
 - 1715.11 Temporary accommodations for individuals and families.
 - 1715.12 Distribution of food stamps and surplus commodities.
 - 1715.13 Assistance to unemployed individuals.
 - 1715.14 Grants or loans to States for the suppression of forest or grass fires.
 - 1715.15 Grants to States for removing debris from private property.

AUTHORITY: The provisions of this Part 1715 issued under Public Law 91-79 (80 Stat. 120) and E. O. 11495, 34 F.R. 18447.

§ 1715.1 Purpose.

The purpose of this part is to prescribe the standards and procedures to be followed in providing Federal disaster assistance under the Disaster Relief Act of 1969 (Public Law 91-79). The regulations promulgated in this part are limited to the responsibilities assigned to the Director of OEP by Executive Order No. 11495 of November 18, 1969.

§ 1715.2 Definitions.

(a) *Act*. Means the Disaster Relief Act of 1969; Public Law 91-79, October 1, 1969; 83 Stat. 125.

(b) *Major disaster*. Means a major disaster as determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes," approved September 30, 1950, as amended (42 U.S.C. 1855-1855g), which disaster occurred after June 30, 1967, and on or before December 31, 1970, except that "major disaster" in §§ 1715.9, 1715.10, and 1715.14 shall include disasters later occurring.

(c) *Major disaster area*. A major disaster area is the area identified as eligible for Federal assistance by the Director, OEP, pursuant to Presidential Declaration of a major disaster.

(d) *State*. Any State in the United States, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(e) *Local government*. Any county, city, village, town, district, or other political subdivision of any State, or the District of Columbia.

(f) *Federal agency*. Any department, independent establishment, government, corporation, or other agency of the Executive Branch of the Federal Government, not including the American National Red Cross.

(g) *Governor*. The Chief Executive of any State.

§ 1715.3 Applicability of Part 1710.

Those sections of Part 1710 of this chapter consistent with the provisions of the Disaster Relief Act of 1969 and these regulations are applicable to this part.

§ 1715.4 Permanent repair or reconstruction of street, road and highway facilities.

(a) A Federal financial contribution toward the permanent repair or reconstruction of those permanent street, road, or highway facilities not on any of the Federal-aid systems which have been destroyed or damaged as a result of a major disaster in the amount of 50 per centum of all design and construction costs of such repair or reconstruction, may be authorized by the OEP Regional Director or his representative when the State so requests and agrees to pay not less than the 50 per centum of all costs of such repair or reconstruction.

(b) The request shall include a description of the work proposed, a schedule of dates for various phases of the work including non-Federal funding, design, invitation to bid, award of contract, and completion of work.

(c) The Federal contribution authorized will be toward the permanent repair or reconstruction to predisaster capacity and either to predisaster standard or to the applicable State or local standard, whichever is higher, for the type of permanent street, road, or highway facilities involved. Only those permanent repair and reconstruction needs arising from destruction or damage to street, road, and highway facilities as a result of a major disaster and within the major disaster area are eligible for Federal assistance.

(d) If the work proposed calls for increasing the capacity of the permanent street, road, or highway facility beyond the predisaster capacity or applying a standard above the predisaster or the applicable State or local standard, whichever is higher, the Federal contribution authorized will be limited to 50 per cent of the cost of permanent repair or reconstruction to the previous capacity and to either the previous standard or the applicable State or local standard, whichever is higher, and the State will pay 100 per cent of the remaining cost.

(e) The applicant may request assistance under Part 1710 of this chapter for emergency repairs or temporary replacements, or a grant-in-lieu. Emergency repairs or temporary replacement will not prevent a 50 per cent Federal contribution under this part, except that no assistance under this Part 1715 will be provided for work for which a Part 1710 grant-in-lieu has been made.

(f) All costs related to acquisition of rights-of-way are ineligible.

§ 1715.5 Grants for removing timber from privately owned lands and relief under government timber sales contracts.

(a) Department of Agriculture will administer sections 3(a), 3(b), and 3(c) with respect to Department of Agriculture timber sales under procedures applicable to the National Forests.

(b) Department of the Interior will administer sections 3(a) and 3(b) with respect to Department of the Interior timber sales under procedures established by revision of the Bureau of Land Management manual, or by letters of instruction to its field agencies, or both.

(c) Section 3(d): Removal of timber damaged by a major disaster from privately owned lands on the basis of an action plan prepared by the State is eligible for Federal assistance if the OEP Regional Director or his representative determines that it is in the public interest. The following shall apply to such cases:

(i) An action plan shall be prepared by the State to tailor the cleanup and timber salvage operation to fit the specific situation, including at least the following:

(1) Priorities in the approval of work shall be established to guide efforts to areas where fire, pest, and wildlife hazards are concentrated.

(ii) Consideration may be given to the necessity of organizing, equipping, and training work crews if necessary, to expedite salvage and cleanup operations and to provide the required technical assistance to landowners in their cleanup and salvage efforts.

(iii) An appropriate limitation shall be placed on the degree of cleanup to be approved.

(iv) Approved work practices and a scale of acceptable unit costs (per acre or otherwise) shall be established, if feasible.

(2) Inspection of the areas to be cleared shall be made by State and Federal representatives to provide a valid basis for approval of work to be done. In those cases where work has already been started or completed, the inspection is to determine a reasonable basis for approving or disapproving such work. Inspection reports shall include the following types of data:

(i) A geographical reference and specific description of the area recommended for timber cleanup.

(ii) Dimensions of the affected area, i.e., square miles, acres of fallen timber, miles of road or channel, etc., that is covered by the recommendation.

(iii) Estimates of equipment and labor to remove the damaged timber.

(iv) The inspection reports shall include an estimate of the salvage as described in "3" below.

(3) Considerations in determining public interest under this section shall include:

(i) Whether removal of damaged timber is necessary to reduce or prevent further losses from insects, disease, or other causes.

(ii) Whether removal of downed and damaged timber is necessary in stream courses and flood plains to prevent building of debris that materially increases the flood potential.

(iii) Whether removal of damaged timber is necessary to eliminate threats to health, well-being, or safety of the public.

(iv) Whether removal of damaged timber is necessary to eliminate a fire or flood hazard which threatens substantial destruction of undamaged public or private property.

(v) Whether removal of damaged timber is essential to the economic recovery of the affected community or to the restoration of the land to a productive condition.

(4) Considerations in determining eligible costs under this section shall include:

(i) Claims for reimbursement shall be verified before payment on the basis of inspections and audits of completed work.

(ii) Any applicable insurance recoveries and any salvage value of timber to be removed are to be considered and deducted from the costs for approved work. If the individual property owner elects to burn or otherwise dispose of the damaged timber instead of salvaging it, an estimated net value of potential salvage as determined by the State and Federal representatives will be deducted. If the State and Federal representatives do not agree, the OEP Regional Director or his representative shall make the determination, and his decision will be final.

(iii) Costs for construction of temporary roads approved by the OEP Regional Director or his representative, as necessary for access to or salvage of damaged timber are eligible.

(iv) All or a portion of the damaged timber may be removed by the Federal Government if requested by the State and the OEP Regional Director or his representative judges that expedient and efficient removal can best be accomplished by the Federal Government.

§ 1715.6 Public land entry—Department of the Interior.

Department of the Interior instructions for implementing section 4 of the Act will be covered by amendment to Federal Regulations 43 CFR Part 1815 and by administrative issuances and Bureau of Land Management manual changes if required.

§ 1715.7 Disaster loans—Small Business Administration.

Instructions pertaining to section 6 of the Act, covering Disaster Loans by the Small Business Administration, have been issued by that agency as Bulletin B5/ND 560-1A, dated October 24, 1969.

§ 1715.8 Emergency loans—Farmers Home Administration.

Instructions pertaining to section 7 of the Act, covering emergency loans by the Farmers Home Administration, have been issued by the Administrator, Farmers Home Administration, Department of

Agriculture, and are identified as Administration Letter 988(441). This letter modifies FHA Instructions 441.2 and 441.4.

§ 1715.9 Grants to develop comprehensive State plans for assisting individuals suffering losses.

A Federal contribution up to a maximum of \$250,000 for any one State, and not to exceed 50 percent of the cost of developing a plan and program, may be provided on the basis of the following:

(a) A State desiring assistance under this section shall designate or create an agency which is qualified to plan and administer a program for assisting individuals suffering losses as a result of a major disaster.

(b) The State shall then submit a letter application for assistance under this part to the OEP Regional Director not later than April 1, 1970. Such application shall include the following:

(1) Estimated total cost to develop the plan.

(2) Contribution requested from the Federal Government.

(3) Schedule or timetable for developing and completion of the plan.

(4) Proposed staffing, including qualification standards for planning staff and work that will be contracted.

(c) Once the application is approved by the OEP Regional Director, the State agency shall then submit a plan not later than December 31, 1970, which shall:

(1) Set forth a comprehensive and detailed State program for assistance to individuals suffering losses as a result of a major disaster and showing the role of State and local governments in execution of the program, including maintenance of effective liaison and cooperation with the American National Red Cross and other appropriate charitable organizations which provide food, shelter, and other disaster relief, and

(2) Make provision for the appointment of a State coordinating officer to act in cooperation with the Federal coordinating officer required by section 9 of the Act.

§ 1715.10 Appointing a Federal coordinating officer.

The Director, OEP, will appoint a Federal coordinating officer to operate under the Office of Emergency Preparedness in each major disaster. Such officer may be the Regional Director or a member of his staff. He shall be responsible for the coordination of all Federal disaster relief and assistance. He shall establish and staff such field offices as may be necessary for the rapid and efficient administration of Federal disaster relief programs and shall otherwise assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

(a) Staffing of field offices may include personnel from other agencies.

(b) Field offices shall be disbanded when it has been determined by the Director, OEP, that their purposes have been served.

§ 1715.11 Temporary accommodations for individuals and families.

Dwelling accommodations may be made available under this section only to an individual who, or family which, as determined by a State or local representative in accordance with guidance established by the OEP Director or his representative, had occupied a dwelling in the major disaster area, as owner or tenant, which was destroyed or damaged to such an extent as to make it uninhabitable as a result of the major disaster.

(a) Temporary housing arrangements may be furnished as follows:

(1) Using any unoccupied housing owned by the United States under any program of the Federal Government.

(2) Arrangement with a local public housing agency for using unoccupied public housing units.

(3) Acquiring existing single dwellings, apartments, motel units, or hotel units through renting or leasing in an "as is" furnished or unfurnished condition, or

(4) Acquiring mobile homes or other readily fabricated dwellings, through leasing, to be placed on sites furnished by the State or local government or by the owner of an individual homesite, with no site charge to the Federal Government or the disaster victim. Costs of installing utilities and other site development shall be eligible for Federal payment.

(b) Charges to tenants of housing provided under this part shall be determined by the OEP Regional Director or his representative. In cases of financial hardship, rentals may be compromised, adjusted, or waived for a period not to exceed 12 months, but in no case shall any individual family be required to incur a monthly housing expense (including any fixed expense relating to the amortization of debt owing on a house destroyed or damaged in a major disaster) which is in excess of 25 percent of the individual's or family's monthly income.

(c) The tenant shall be responsible for directly paying all utility use charges, or shall be responsible for paying a monthly allowance for utilities used if he occupies a mobile home or fabricated home located in a park.

§ 1715.12 Distribution of food stamps and surplus commodities.

Instructions pertaining to section 11 of the Act, covering the distribution of food stamps and surplus commodities, will appear as amendments to the following Federal Regulations:

16 CFR Part 1600.

16 CFR Part 1602.

16 CFR Part 1603.

§ 1715.13 Assistance to unemployed individuals.

The OEP Director has delegated to the Secretary of Labor the authorities, functions and powers granted by section 12 to provide assistance to individuals unemployed as a result of a major disaster and to issue such rules and regulations

as may be necessary and appropriate. Such regulations are provided in Title 20, Chapter V, Part 625, of the Code of Federal Regulations (34 F.R. 19656, Dec. 13, 1969).

§ 1715.14 Grants or loans to States for the suppression of forest or grass fires.

Upon the request of a Governor, through the OEP Regional Director, the Director, OEP, may recommend the allocation of funds by the President to assist in the suppression of any fire on publicly or privately owned forest or grass lands which threatens such destruction as to constitute a major disaster. The Governor's request shall specify the location of the fire, the conditions existing which make the threat imminent, and the assistance required from the Federal Government.

§ 1715.15 Grants to States for removing debris from private property.

(a) Removal of debris (including wreckage) from privately owned lands or waters on the basis of an action plan prepared by the State is eligible for Federal assistance if the OEP Regional Director or his representative determines that it is in the public interest. The following shall apply to such cases:

(1) An action plan shall be prepared by the State to tailor the cleanup and debris clearance operations to fit the specific situation.

(i) Priorities in the performance of work shall be established to guide efforts to areas where health and safety problems are concentrated.

(ii) An appropriate limitation shall be placed on the degree of cleanup to be approved.

(iii) Approved work practices and scale of acceptable unit costs (per cubic yard, ton, or otherwise) shall be established, if feasible.

(2) Inspection of the areas to be cleaned shall be made by State and Federal representatives to provide a valid basis for approval of work to be done. If work has started or been completed, the inspection is to determine a reasonable basis for approving or disapproving such work. Inspection reports shall include the following types of data:

(i) A geographical reference and specific description of the area recommended for cleanup.

(ii) Estimates in terms of debris volume, i.e., tons, cubic yards, etc., that is covered by the recommendation for each location.

(iii) Estimates of equipment and labor, including unit costs where practicable, to make the cleanup.

(iv) An estimated value of salvageable material as described in "3" below.

(3) Any applicable insurance recoveries and any salvage value of debris and wreckage to be removed are to be considered and deducted from the costs for the approved work. If the individual property owner elects to burn or otherwise dispose of the debris and wreckage instead of salvaging it, an estimated net value of potential salvage as determined by the State and Federal Agency representatives will be deducted. If the State and Federal representatives do not agree, the OEP Regional Director or his representative shall make the determination, and his decision will be final.

(4) Claims for reimbursement shall be verified before payment on the basis of inspections and audits of completed work.

(b) All or a portion of the debris and wreckage may be removed by the Federal Government if requested by the State and when the OEP Regional Director or his representative judges that expedient and efficient removal can best be accomplished by the Federal Government.

(c) Considerations in determining public interest under this section shall include:

(1) Whether removal of debris and wreckage is necessary to eliminate threats to health, well-being, or safety of the public.

(2) Whether removal of debris and wreckage is necessary to eliminate a fire or flood hazard which threatens substantial destruction of undamaged public or private property.

(3) Whether removal of debris and wreckage is essential to the economic recovery of the affected community or to the restoration of the land to a productive condition.

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

Dated: December 18, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-15294; Filed, Dec. 23, 1969;
9:34 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1003, 1004, 1016]

[Docket No. AO-293-A23, etc.]

MILK IN WASHINGTON, D.C., DELAWARE VALLEY, AND UPPER CHESAPEAKE BAY MARKETING AREAS

Notice of Recommended Decision (Partial) and Opportunity To File Written Exceptions Thereof

7 CFR Part	Market	Docket No.
1003	Washington, D.C.	AO-293-A23, AO-293-A23-RO1.
1004	Delaware Valley	AO-100-A43, AO-100-A43-RO1.
1016	Upper Chesapeake Bay	AO-312-A30, AO-312-A30-RO1.

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposals to amend the orders regulating the handling of milk in the Washington, D.C., Delaware Valley, and Upper Chesapeake Bay marketing areas.

Interested parties may file written exceptions to this partial decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and opportunity to file exceptions thereto are issued 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).

Preliminary statement. The hearing on the record of which the findings and conclusions, as hereinafter set forth, were formulated, was conducted at Baltimore, Md., on August 4-15, 1969, and at King of Prussia, Pa., on August 18-22, 1969, pursuant to notice thereof which was issued on July 3, 1969 (34 F.R. 11364) and at a reopened hearing which was conducted at Friendship International Airport, Md., on October 30, 1969, pursuant to a notice which was issued on October 22, 1969 (34 F.R. 17298).

The material issues on the record of hearings relate to:

1. Merger of two or more of the marketing areas (Delaware Valley, Upper Chesapeake Bay (Maryland), and Washington, D.C.) in any combination thereof,

including also the redefinition of marketing area for any separate or combined order to encompass part or all the areas presently defined in the respective orders, including also certain additional territory to be added to either of the separate orders or to the proposed merged marketing area:

- Merger of orders.
- Marketing area expansion.
- Interstate commerce.
- If an order is issued for one milk marketing area in the manner proposed, what its provisions should be with respect to:
 - Milk to be priced and pooled.
 - Classification.
 - Class prices, butterfat differentials, and location differentials.
 - Seasonal incentive plans (Base-excess plan, Louisville Plan).
 - Marketing information and certain services to producers through marketing services provision and/or cooperative payments.
 - Miscellaneous administrative and conforming changes.
- Bracketing of the Class I price to provide price movements only in specified increments and announcement of the Class I price prior to the beginning of the pricing period.

This is a partial decision dealing only with issue 3. Since the proponents, at the hearing, abandoned for the time being their proposal to provide for the announcement of Class I price in advance of the month to which it applies, no further consideration of this matter is warranted on the basis of this proceeding.

Findings and conclusions. The following findings and conclusions on the issue No. 3 are based on evidence presented at the hearing and the record thereof:

A bracketing system of pricing Class I milk such as contained in the proposal considered at the reopened hearing should not be adopted under the three respective orders at this time and on this record.

The Delaware Valley order Class I price presently is a specified price (\$7.17 per hundredweight for milk testing 3.5 percent butterfat), and since September 1, 1969, is subject to a plus adjustment by any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the preceding month (on a 3.5 percent butterfat basis) exceeds \$4.33.

The Class I price under both the Washington, D.C., and Upper Chesapeake Bay orders is the Delaware Valley Class I price minus 10 cents.

The Delaware Valley Class I price (and the Washington, D.C., and Upper Chesapeake Bay Class I prices because of the tie with the Delaware Valley price) has been specified (as contrasted to determination through a pricing formula) since May 1, 1968. This also has been the

case under the neighboring New York-New Jersey and the New England orders. Prior to a May 1, 1968, amendatory action, the New England, New York-New Jersey, and the Delaware Valley orders provided economic formula pricing of Class I milk. The Delaware Valley order pricing formula also prescribed a procedure for the bracketing of the Class I price.

The matter of interregional alignment of Class I prices for the six markets (Massachusetts-Rhode Island-New Hampshire, Connecticut, New York-New Jersey, Delaware Valley, Upper Chesapeake Bay, and Washington, D.C.), with those of other markets in the Federal order system (including the Class I price bracketing issue) was considered at a hearing held in New York City in June 1969.

A proposal considered at the June 1969 hearing and made by the New York-New England Cooperative Coordinating Committee¹ prescribed that the Class I price under each of the six northeastern Federal orders be "floored" in its relationship with the Class I price under the Chicago Regional order. The proposal had as its purpose to continue the precise interregional Class I price alignment maintained by the Department in all of the price actions taken under orders generally on January 1, 1969, and during the previous 3 years, in an effort to halt declining milk production nationally.

In his decision issued August 20, 1969 (34 F.R. 13601), based upon the evidence of the June 1969 hearing, the Acting Secretary concluded that the specified Class I price under each of the six orders should be adjusted each month by any amount by which the Minnesota-Wisconsin pay price, as reported by the Department for the preceding month, exceeded \$4.33. A proposal for the adoption of bracketed Class I prices was denied and obsolete language of the inactivated pricing formulas in the applicable orders was deleted.

In this decision,² the Acting Secretary concluded, in part, that:

*** The structure of the Class I pricing provisions as contained in the Massachusetts-Rhode Island-New Hampshire, and Connecticut orders is such that one not intimately familiar with the details of the order is required to read through and assimilate very lengthy provisions only to find at the end

¹ The "committee" represents 18 of the principal cooperatives with membership among producers supplying the New York-New Jersey and/or New England Federal order markets.

² The August 1969 decision of the Assistant Secretary was officially noticed at the October 1969 reopened hearing. The findings therein relating to Class I pricing provisions, including the proposed bracketing scheme, are appropriate to the matter at hand and are adopted herewith as a part of this decision. Order amendments based on this proceeding were made effective Sept. 1, 1969.

that the several provisions of the pricing formula have no current application and that the effective price is, in fact, a specified price. It is desirable to simplify such provisions for better public understanding * * *

* * * Contrary to proponents' position, the present basis of fixed pricing is the best way of implementing market stability in this period of great uncertainty with respect to future production and consumption trends. Appropriately, the matter of a pricing formula should be reconsidered at a future hearing after marketing conditions have stabilized sufficient to permit a longer-range decision than is now possible. Such formulas could not appropriately be reactivated in existing form.

While such decision related to the Massachusetts-Rhode Island-New Hampshire, Connecticut, and New York-New Jersey markets in particular, the obvious need for maintaining price alignment throughout the Northeast would dictate reconsideration of the Delaware Valley formula in the event any revised formula were developed for the former markets. Consequently, the Delaware Valley economic formula is not necessary at this time.

In light of the above, the present provisions setting forth the details of a pricing formula in the respective orders serve no useful purpose and, in fact, impede clear understanding of the present pricing scheme. Accordingly, the now obsolete language of the respective inactivated pricing formulas should be deleted.

A cooperative association excepted to the deletion of these provisions on the basis that such action was not within the scope of the hearing notice and that they be reactivated in their present form. The proposed action would merely remove from the orders obsolete language. It does not imply that economic formulas, if found to be appropriate, could not be employed in the future in establishing Class I prices in the Northeast * * *.

The Pennmarva Dairymen's Cooperative Federation, Inc., the member cooperatives of which have primary membership among producers associated with the Delaware Valley, Upper Chesapeake Bay, and Washington, D.C., markets testified at the June 1969 hearing in support of its proposal (for such markets only), to implement the intent of the proponent committee's proposal through a bracketing scheme whereby the specified Class I prices would be adjusted in 20-cent increments to reflect increases in the Minnesota-Wisconsin pay price above \$4.33.

The basis, in part, for denying the bracketing scheme as set forth in the August 1969 decision (and equally pertinent with respect to the Oct. 30, 1969, reopened hearing proceeding) was stated as follows:

* * * While Pennmarva Federation proposed that any price increases be accomplished through a bracketing scheme, such a procedure cannot accommodate the end here sought. The level of the Minnesota-Wisconsin pay price cannot at this time be reliably forecast either with respect to its ultimate level or on a month-to-month basis. We know of no method of bracketing which could achieve the objective of providing the same increase each month in the Northeast as applies in other markets.

* * * The order prices in all markets outside the Northeast adjust each month to reflect the precise change in the Minnesota-Wisconsin pay price above \$4.33. If interregional price alignment is to be maintained, the same procedure appropriately must apply under the northeastern orders. The purpose

of the price change in northeastern markets is not different from that in other regulated markets over the nation. It is intended that producers in all markets receive similar treatment in consideration of the overall objective and the method adopted is best designed to achieve this objective. The proposal for the adoption of a bracketing scheme at this time therefore is denied * * *.

The matters relating to a bracketed system of Class I pricing considered at the October 30, 1969, reopened hearing are directly related to the matters considered at the June 1969 six-market hearing. However, at the time that the Department was petitioned for opportunity for parties to be heard further on the matter of Class I price bracketing, the six-market proceeding initiated in June 1969 was closed. Thus it was not possible to reopen that proceeding for the purpose of taking any additional evidence on the matter. At the time of the petition, a proceeding relating to a proposed merger of the Delaware Valley, Upper Chesapeake Bay and Washington, D.C., order markets was underway. In order that the petition could be given consideration, it was necessary to reopen the August 1969 hearing proceeding so that any action which might result thereby could be carried over to a merged order, in the event the record supported such action.

Witnesses at the October 1969 reopened hearing generally supported a bracketing of the Class I price and contended that such a pricing scheme would not cause intermarket price alignment problems. Notwithstanding, the reasons stated in the Acting Secretary's decision of August 20, 1969, in denying bracketing on that record for these markets, are equally applicable at this time. Accordingly, the request for bracketing must be and is hereby denied.

If bracketing is a desirable pricing feature it appropriately should be considered, and is included as an issue, in connection with the hearing covering all Federal orders scheduled to convene at St. Louis Mo., on January 20, 1970 (34 F.R. 19078).

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. 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 orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

Signed at Washington, D.C., on December 18, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-15205; Filed, Dec. 22, 1969; 8:46 a.m.]

[7 CFR Parts 1006, 1012, 1013]

[Dockets Nos. AO 356-A4, AO 347-A8, AO 286-A16]

MILK IN UPPER FLORIDA, TAMPA BAY, AND SOUTHEASTERN FLORIDA MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and opportunity to file exceptions thereto are issued 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).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Orlando, Fla., on April 9-10, 1968, pursuant to notice thereof which was issued March 21, 1968 (33 F.R. 4995).

The material issues on the record of the hearing relate to:

1. Class I prices; and
2. Revision of classification provisions. This decision deals with issue No. 2 only. Issue No. 1 was dealt with in an earlier decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2. *Revision of classification provisions.* The three Florida orders should be amended to combine present Class II and Class I uses into a single Class I

and to add certain uses now Class III or the Class I category. The Class I price should be adjusted to offset the effect of the increased Class I utilization resulting from the proposed change.

The Tampa Bay and Upper Florida orders now provide for three classes of utilization; the Southeastern Florida order has four classes, Classes I, II, and III in the three orders are basically the same. The Southeastern Florida Class IV classification applies only to milk, the skim milk portion of which is (1) disposed of for fertilizer or livestock feed, or (2) "dumped" by the handler after such prior notification as the market administrator may require.

Class I now includes all skim milk and butterfat that is either disposed of in the form of a fluid milk product or is not accounted for in another class. Fluid milk product has been defined to mean milk, flavored milk, and skim milk. The three Florida orders were amended, effective January 1, 1970, to include filled milk in the fluid milk product definition.

Class II milk is the skim milk and butterfat that is either disposed of in the form of a Class II product (cream, sour cream, half and half, acidophilus milk, and chocolate drink) or is in a handler's inventory of fluid milk products, both packaged or in bulk at the end of the month.

Class III includes the skim milk and butterfat used to produce any product other than a fluid milk product or Class II product. Such Class III products are: Frozen desserts (e.g., ice cream, ice cream mix), eggnog, yogurt, aerated cream products, milkshake mix, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry butter-milk and sterilized products in hermetically sealed containers.

Other dispositions included in the present Class III are: (1) Skim milk and butterfat in fluid milk products and in Class II products disposed of for livestock feed or dumped by a handler (except such dispositions classified in Class IV in the Southeastern Florida order); (2) skim milk represented by the non-fat solids added to a fluid milk product or Class II product which is in excess of an equivalent volume of such product prior to the addition, and (3) skim milk and butterfat (within certain limits) in shrinkage at a handler's plant. These dispositions would be included in the newly designated Class II by this decision. There were no proposals at the hearing to include them in a higher priced classification.

Cooperatives representing more than 75 percent of the producers under the three orders proposed that Class I milk be defined in the same manner under the three orders and that it include all uses now in Class I milk and Class II milk of the three orders as well as some uses that are now Class III milk under the respective orders. Eggnog, yogurt, aerated cream products and milkshake mix, which are now in Class III, also

would be classified in Class I under the producer proposal.

The basic reasons advanced by producers for combining the present Class I and Class II classification into one class (Class I) are: (1) The Florida Dairy Products Law has been revised to require that each of the products now proposed to be included in Class I milk be produced from milk and milk products of Grade A quality; and (2) the proposed expanded coverage of Class I is necessary and desirable to bring the Class I classification provisions in the Florida orders in conformity with comparable provisions of other Federal orders.

In connection therewith, producers further proposed that the Class I differential be reduced to offset the effect of the increased Class I utilization resulting from the change. This amount was estimated at 15 cents per hundredweight and, as proposed by producers, would be reflected in a reduction of 15 cents in the Class I price differential.

Handlers opposed combining the present Class I and Class II classifications into one class. It was their position that such classifications appropriately reflect conditions in these Florida areas and that there have been no changes in marketing conditions to warrant the changes requested by producers.

Producer-handlers opposed changing the classification provisions of the order because an expanded category of Class I uses might require some producer-handlers to increase their production to maintain producer-handler status. This is because producer-handlers may now purchase Class II products from pool plants but may not purchase Class I products from such sources and retain producer-handler status. Classifying milk for some of the present Class II products in Class I would result in an increase in the Class I sales of a producer-handler who currently may depend on outside sources for his Class II products.

Insofar as it is practicable, the classification provisions of the three Florida orders should be identical and as comparable as possible with the classification provisions in other Federal orders. There is a significant overlapping of the sales and production areas of the three Florida markets. In addition, milk and milk products for fluid use are imported into the Florida markets from other order markets.

Class I milk in each market should include the skim milk and butterfat in "fluid milk products" disposed of for fluid consumption, except dispositions for specified uses that are designated Class II (and Class III, in Southeastern Florida). In addition to whole milk, "fluid milk product" would be defined to mean skim milk, buttermilk, flavored milk and flavored milk drinks including eggnog and milkshake mix, filled milk, concentrated milk, sweet cream and mixtures of cream and milk or skim milk. The form and the purpose for which these products are used generally are the same as the form and purpose of use for whole milk. Just as whole milk, they are disposed of in fluid form. Also, they are

marketed by handlers in the same types of packages and in the same trade channels as the whole milk they market, and are intended primarily for consumption in their fluid form.

Handlers stated that buttermilk, chocolate drink, eggnog, and similar products should not be included in Class I because the State of Florida permits the reconstitution of such products from nonfluid milk products (e.g., nonfat dry milk).

To accept the handlers' position in this regard would be contrary, however, to the decision resulting from the hearing completed in Memphis, Tenn., on May 24, 1968, that considered the classification of the skim milk and butterfat in filled milk, the treatment of reconstituted skim milk in filled milk, and related issues under all Federal orders. Amendments were made to 62 orders, including the three Florida orders, effective January 1, 1970, on the basis of the record of that hearing.

The October 13, 1969, decision (34 F.R. 16881) resulting from that hearing provides for classifying in Class I the skim milk (including the skim milk in reconstituted skim milk) and butterfat used to produce filled milk. The findings in that decision relative to the classification in Class I of the skim milk and butterfat (including that in nonfat dry milk and similar nonfluid products) used to produce filled milk are equally applicable with respect to skim milk and butterfat used to produce the other milk products to be included in Class I and are adopted in full herein.

The orders should continue to classify in Class I any skim milk and butterfat that is not accounted for as a disposition in another class. This will be best accomplished by stating explicitly in the orders the dispositions which are other than Class I.

Month-end inventories or packaged fluid milk products (now in Class II) should also be classified in Class I. The proposed classification, which usually conforms with the ultimate utilization of packaged fluid milk products in inventory, will result in no actual increase in handlers' costs. Moreover, it will result in fewer audit adjustments in classification and handlers' obligations than if classified in Class II, as herein proposed for bulk fluid milk products.

A handler who operates a plant that varies between nonpool and pool status from month to month would be required to allocate first to a lower priced class the fluid milk products in inventory at the beginning of each month that he changes from nonpool to pool status. This requirement and the classification of month-end inventories of packaged fluid milk products in Class I provide sufficient safeguards to prevent the exploitation of the pool (by varying his month-end inventory) by the operator of a plant that may be a pool plant and nonpool plant in successive months.

Month-end inventories of bulk fluid milk products should be classified in Class II. In the following month they would be subtracted under the allocation procedures from any available Class

II milk. The higher use value of such fluid milk products allocated to Class I would be reflected in returns to producers in the following month.

Although packaged fluid milk products in inventory are items which have been prepared specifically for Class I disposition, the ultimate utilization of bulk fluid milk products in inventory may differ substantially between plants and even from month to month at the same plant. Under these circumstances, continuing to classify and price month-end inventories of bulk fluid milk products in a lower-priced class, as now provided in the orders, will facilitate the accounting procedure in the handling of such month-end inventories.

The order should specify that all fluid milk products on hand at the beginning of the month at a plant which was a nonpool plant in the preceding month should be allocated to any available Class II utilization of the plant during the month. This procedure will preserve the priority of assignment to current receipts of producer milk to the current Class I utilization at the plant.

Class II milk would include the skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), yogurt, aerated cream and aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, or a product which contains 6 percent or more nonmilk fat (or oil), and sterilized products in hermetically sealed containers. Producers further suggested the reclassification of sour cream, sour cream mixtures, yogurt, aerated cream and aerated cream products to Class I milk. Under the conditions in these Florida markets, the basis for reclassifying and pricing these items moved to Class I does not have equal application in the case of yogurt and the sour cream and aerated cream products. Consequently, these latter products remain in Class II.

The present Class IV classification under the Southeastern Florida order would be designated Class III.

Combining the present Class I and Class II classifications into one class, as provided by this decision, will not increase the total amount paid by handlers for producer milk in the newly designated Class I and will not increase the returns to producers for milk now sold in these classes. As corollary changes the Class I price is reduced 15 cents and the newly designated Class II will be priced at the present Class III price (the Minnesota-Wisconsin manufacturing milk price plus 15 cents). On the basis of recent utilization experience in these markets, this should return to producers in each market approximately the same amount of money as is now obtained under the present pricing schemes in the respective orders.

Exemption from the pricing and pooling provisions of the Florida orders is now accorded a distributor who depends entirely on his own-farm production for his

Class I needs (except for nonfat solids used to fortify Class I products) and handles his own surplus. Producer-handlers argued that if the proposed Class I definition is revised to include some utilizations now in Class II, the producer-handler exemption should continue to be based on their production of milk for those needs now included in Class I rather than for the total requirements included in the revised definition of Class I milk.

The present basis for the exemption of a producer-handler from the pricing and pooling provisions in any of the Florida orders has been determined, on the basis of the record evidence presented at public hearings, to be appropriate for marketing conditions in Florida. It was determined that he must produce his own Class I needs and necessary reserves. Under these conditions, it was concluded that a producer-handler would not have a significant advantage over regulated handlers in the fluid market, which is his principal outlet. It was further indicated that a person with own-herd production who did not meet these qualifications would have an unwarranted advantage over fully regulated handlers in the Florida markets.

To keep the producer-handler qualifications on the basis they proposed, in conjunction with the change in uses included in the Class I classification, would have the effect of changing the fundamental basis for exempting producer-handlers from the pricing and pooling provisions of these Florida orders.

The proposed expanded Class I classification would be fully applicable in pricing milk to regulated handlers. Thus, additional fluid products are raised to the highest-valued class, increasing their cost to regulated handlers. To require such adjustments from regulated handlers, but keeping the producer-handler exemption on its present basis, would result in having the proposed classification change applicable to the regulated handlers but ignored in determining the exempt status of competing producer-handlers. The effect would be to ease the basis of exempting producer-handlers in relation to the obligations placed by the order on other handlers. There is no basis in the evidence to warrant such action.

Also, there was no indication on the record that those persons who have attained producer-handler status under the Florida orders will be unable to realize and maintain such status because of the proposed changes in the classification provisions of the orders.

The proposal to revise the producer-handled definition therefore is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions

are denied for the reasons previously stated in this decision.

General findings. 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 orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) 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 marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be 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; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following orders amending the orders, as amended, regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

1. Section 1006.7 is revised as follows:

§ 1006.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk and flavored milk drinks (including eggnog and milkshake mix), filled milk, concentrated milk, sweet cream, and mixtures of sweet cream and milk or skim milk.

2. In § 1006.17, paragraphs (a) and (b) are revised as follows:

§ 1006.17 Other source milk.

(a) Fluid milk products from any source except:

- (1) Producer milk;
- (2) Fluid milk products from pool plants; and
- (3) Fluid milk products in inventory at the beginning of the month;
- (b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

§ 1006.19 [Revoked]

- 3. Section 1006.19 is revoked.
- 4. Section 1006.22(j) (2) is revised as follows:

§ 1006.22 Duties.

- (j) * * *
- (2) The 5th day of each month the Class II price and the Class II butterfat differential, both for the preceding month; and

§ 1006.30 [Amended]

- 5. In § 1006.30(a) (2) and (5), "and Class II products" is deleted.
- 6. Section 1006.41 is revised as follows:

§ 1006.41 Classes of utilization.

Subject to the conditions set forth in § 1006.43, the classes of utilization shall be as follows:

- (a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

- (1) Disposed of in the form of a fluid milk product except as provided in paragraph (b) of this section;
- (2) In packaged fluid milk products in inventory at the end of the month; and

- (3) Not accounted for as Class II milk.
- (b) *Class II milk.* Class II milk shall be:

- (1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), yogurt, aerated cream and aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, a product which contains 6 percent or more nonmilk fat (or oil), and sterilized products in hermetically sealed containers;
- (2) Skim milk and butterfat in fluid milk products disposed of by a handler for livestock feed;
- (3) Skim milk and butterfat in fluid milk products dumped by a handler after notification to, and opportunity for verification by, the market administrator;
- (4) Skim milk and butterfat in inventory of bulk fluid milk products at the end of the month;
- (5) Skim milk represented by the nonfat solids added to a fluid milk product which is in excess of an equivalent volume of such product prior to the addition;
- (6) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool

plant pursuant to § 1006.16) but not in excess of:

- (i) 2 percent of producer milk (except that received from a handler pursuant to § 1006.13(d));

- (ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1006.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

- (iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

- (iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

- (v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II utilization was requested by the handler;

- (vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

- (7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1006.42(b) (2).

- 7. Section 1006.42 is revised as follows:

§ 1006.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

- (a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and
- (b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

- (1) The net quantity of producer milk and other fluid milk products specified in § 1006.41(b) (6)
- (2) Other source milk exclusive of that specified in § 1006.41(b) (6)

- 8. Section 1006.43 is revised as follows:

§ 1006.43 Transfers.

Skim milk or butterfat shall be classified:

- (a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product from a pool plant to the pool plant of another handler, subject to the following conditions:

- (1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1006.45 (a) (9) and the corresponding step of § 1006.45(b);

- (2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1006.45(a) (3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

- (3) If the transferor handler received during the month other source milk to

be allocated pursuant to § 1006.45(a) (8) or (9) and the corresponding steps of § 1006.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

- (b) As Class I milk, if transferred or diverted in the form of fluid milk product to a nonpool plant that is not an other order plant, a producer-handler plant or an exempt distributing plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

- (1) The transferring or diverting handler claims classification in Class II in his report submitted pursuant to § 1006.30;

- (2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

- (3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

- (i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to such receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

- (ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to the skim milk and butterfat in receipts of fluid milk products transferred or diverted from plants fully regulated by such order, next pro rata to such receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

- (iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

- (iv) To the extent that Class I utilization is not so assigned to it, the skim

milk and butterfat so transferred shall be classified as Class II milk.

(c) As follows, if transferred in the form of a fluid milk product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than 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 allocations to other classes shall be classified in a comparable classification as Class II milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1006.41.

(d) As Class I milk if transferred or diverted in the form of a fluid milk product, from a pool plant to an exempt distributing plant.

9. Section 1006.45(a) is revised as follows:

§ 1006.45 Allocation of skim milk and butterfat classified.

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

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1006.41(b) (6);

(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) (vi) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and clas-

sified as Class II pursuant to § 1006.41(b) (5) plus 2 percent of the remainder 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 II, 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 in this or any other Federal order;

(iv) Receipts of fluid milk products from an exempt distributing plant;

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

(vi) 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 milk is allocated to Class I at the transferor plant;

(4) Subtract from the remaining pounds of skim milk in Class I the pounds of skim milk in inventory of packaged fluid milk products at the beginning of the month: *Provided*, That this subparagraph shall not be applicable to a pool plant in any month immediately following a month in which such plant was not fully subject to the pooling and pricing provisions of this order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3) (v) of this paragraph;

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (3) (vi) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3) (vi) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products at the beginning of the month that were not subtracted pursuant to subparagraph (4) of this paragraph;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) 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 that were not subtracted pursuant to subparagraphs (3) (v) and (5) (i) of this paragraph;

(9) 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 other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3) (vi) and (5) (ii) of this paragraph;

(10) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1006.23(l) or the percentage that Class II 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;

(11) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and received from pool plants of other handlers according to the classification of such products pursuant to § 1006.43(a); and

(12) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

10. Section 1006.51 is revised as follows:

§ 1006.51 Class prices.

Subject to the provisions of §§ 1006.52 and 1006.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus \$2.65.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 15 cents.

11. Section 1006.52 is revised as follows:

§ 1006.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1006.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I price, 7.5 cents; and

(b) Class II price, 0.115 times the Chicago butter price for the month.

12. Section 1006.60 is revised as follows:

§ 1006.60 Computation of the net pool obligation of each handler.

The net pool obligation of each handler pursuant to § 1006.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1006.45(c) by the applicable class price;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1006.45(a)(11) and the corresponding step of § 1006.45(b) by the applicable class price;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(6) and the corresponding step of § 1006.45(b);

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(4) and the corresponding step of § 1006.45(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result would be a minus amount;

(e) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(3) and the corresponding step of § 1006.45(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1006.45(a)(3) (v) and (vi) and the corresponding step of § 1006.45(b) the Class I price shall be adjusted to the location of the transferor plant; and

(f) Add the value at the class I price adjusted for location of the nearest non-pool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(8) and the corresponding step of § 1006.45(b).

13. Section 1006.61(f) (2) is revised as follows:

§ 1006.61 Computation of uniform price.

(2) The total hundredweight for which a value is computed pursuant to § 1006.60(f); and

§ 1006.62 [Amended]

14. In § 1006.62(a)(1), "or Class III" is deleted, the reference "§ 1006.60(e)" is changed to "§ 1006.60(f)", and "Class III price" is changed to "Class II price" in the two places it appears in such subparagraph.

14a. In § 1006.62(b)(5), "Class III price" is changed to "Class II price" in the two places it appears in such subparagraph.

§ 1006.63 [Amended]

15. In § 1006.63(b), "Class III price" is changed to "Class II price".

16. Section 1006.74(b) (2) is revised as follows:

§ 1006.74 Payments to the producer-settlement fund.

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) of other source milk for which a value is computed pursuant to § 1006.60(f).

§ 1006.77 [Amended]

17. In § 1006.77, the reference to "§ 1006.45(a) (3) and (9)" is changed to "§ 1006.45(a) (3) and (8)".

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

1. Section 1012.7 is revised as follows:

§ 1012.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk, and flavored milk drinks (including eggnog and milkshake mix), filled milk, concentrated milk, sweet cream, and mixtures of sweet cream and milk or skim milk.

2. In § 1012.17, paragraphs (a) and (b) are revised as follows:

§ 1012.17 Other source milk.

(a) Fluid milk products from any source except:

- (1) Producer milk;
- (2) Fluid milk products from pool plants; and
- (3) Fluid milk products in inventory at the beginning of the month;

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

§ 1012.19 [Revoked]

3. Section 1012.19 is revoked.

4. Section 1012.22(j) (2) is revised as follows:

§ 1012.22 Duties.

(2) The 5th day of each month the Class II price and the Class II butterfat differential, both for the preceding month; and

§ 1012.30 [Amended]

5. In § 1012.30(a) (2) and (5), "and Class II products" is deleted.

6. Section 1012.41 is revised as follows:

§ 1012.41 Classes of utilization.

Subject to the conditions set forth in § 1012.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraph (b) of this section;

(2) In packaged fluid milk products in inventory at the end of the month; and

(3) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), yogurt, aerated cream and aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, a product which contains 6 percent or more nonmilk fat (or oil), and sterilized products in hermetically sealed containers;

(2) Skim milk and butterfat in fluid milk products disposed of by a handler for livestock feed;

(3) Skim milk and butterfat in fluid milk products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk and butterfat in inventory of bulk fluid milk products at the end of the month;

(5) Skim milk represented by the non-fat solids added to a fluid milk product which is in excess of an equivalent volume of such product prior to the addition;

(6) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1012.18) but not in excess of:

(i) Two percent of producer milk (including that received from a handler pursuant to § 1012.13(d)) if the handler receiving such milk files notice with the market administrator that he is purchasing it on the basis of farm weights. Otherwise, the applicable percentage pursuant to this subdivision shall be 1.5 percent;

(ii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iii) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants exclusive of the quantity for which Class II utilization was requested by the handler; and

(v) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1012.42(b) (2).

7. Section 1012.42 is revised as follows:

§ 1012.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1012.41(b) (6); and

(2) Other source milk exclusive of that specified in § 1012.41(b) (6).

8. Section 1012.43 is revised as follows:

§ 1012.43 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1012.45(a) (9) and the corresponding step of § 1012.45 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1012.45(a) (3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1012.45(a) (8) or (9) and the corresponding steps of § 1012.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant that is not an other order plant, a producer-handler plant or an exempt distributing plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II in his report submitted pursuant to § 1012.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to such receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of an other order issued pursuant to the Act shall be first assigned to the skim milk and butterfat in receipts of fluid milk products transferred or diverted from plants fully regulated by such order, next pro rata to such receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk.

(c) As follows, if transferred in the form of a fluid milk product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than 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 allocations to other classes shall be classified in a comparable classification as Class II milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1012.41.

9. Section 1012.45(a) is revised as follows:

§ 1012.45 Allocation of skim milk and butterfat classified.

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

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1012.41(b) (6);

(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 subparagraphs (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1012.41(b) (5) plus 2 percent of the remainder 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 II, 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 milk is allocated to Class I at the transferor plant;

(4) Subtract from the remaining pounds of skim milk in Class I the pounds of skim milk in inventory of packaged fluid milk products at the beginning of the month: *Provided*, That this subparagraph shall not be applicable to a pool plant in any month immediately following a month in which such plant was not fully subject to the pooling and pricing provisions of this order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph;

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products 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 II utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products at the beginning of the month that were not subtracted pursuant to subparagraph (4) of this paragraph;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) 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 that were not subtracted pursuant to subparagraphs (3) (iv) and (5) (i) of this paragraph;

(9) 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 other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3) (v) and (5) (ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1012.22(i) or the percentage that Class II 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;

(10) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and received from pool plants of other handlers according to the classification of such products pursuant to § 1012.43(a); and

(11) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

10. Section 1012.51 is revised as follows:

§ 1012.51 Class prices.

Subject to the provisions of §§ 1012.52 and 1012.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus \$2.75.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 15 cents.

11. Section 1012.52 is revised as follows:

§ 1012.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1012.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I price, 7.5 cents; and
(b) Class II price, 0.115 times the Chicago butter price for the month.

12. Section 1012.60 is revised as follows:

§ 1012.60 Computation of the net pool obligation of each handler.

The net pool obligation of each handler pursuant to § 1012.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1012.45(c) by the applicable class price;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1012.45(a) (11) and the corresponding step of § 1012.45 (b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1012.45(a) (6) and the corresponding step of § 1012.45(b).

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1012.45(a) (4) and the corresponding step of § 1012.45(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result would be a minus amount;

(e) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from class I pursuant to § 1012.45(a) (3) and the corresponding step of § 1012.45(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1012.45(a) (3) (iv) and (v) and the corresponding step of § 1012.45(b) the Class I price shall be adjusted to the location of the transferor plant; and

(f) Add the value at the Class I price adjusted for location of the nearest non-pool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1012.45(a) (8) and the corresponding step of § 1012.45(b).

13. Section 1012.61(e) (2) is revised as follows:

§ 1012.61 Computation of uniform price.

(e) * * *
(2) The total hundredweight for which a value is computed pursuant to § 1012.60 (f); and

§ 1012.62 [Amended]

14. In § 1012.62(a) (1), "or Class III" is deleted, the reference "§ 1012.60(e)" is changed to "§ 1012.60(f)", and "Class III price" is changed to "Class II price" in the two places it appears in such subparagraph.

14a. In § 1012.62(b) (5), "Class III price" is changed to "Class II price" in the two places it appears in such subparagraph.

§ 1012.63 [Amended]

15. In § 1012.63(b), "Class III price" is changed to "Class II price".

16. Section 1012.74(b) (2) is revised as follows:

§ 1012.74 Payments to the producer-settlement fund.

(b) * * *
(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) of other source milk for which a value is computed pursuant to § 1012.60(f).

§ 1012.77 [Amended]

17. In § 1012.77, the reference to "§ 1012.45(a) (3) and (9)" is changed to "§ 1012.45(a) (3) and (8)".

PART 1013—MILK IN THE SOUTH-EASTERN FLORIDA MARKETING AREA

1. Section 1013.7 is revised as follows:

§ 1013.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk and flavored milk drinks (including eggnog and milkshake mix), filled milk, concentrated milk, sweet cream, and mixtures of sweet cream and milk or skim milk.

2. In § 1013.17, paragraphs (a) and (b) are revised as follows:

§ 1013.17 Other source milk.

(a) Fluid milk products from any source except:

(1) Producer milk;
(2) Fluid milk products from pool plants; and

(3) Fluid milk products in inventory at the beginning of the month;
 (b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

§ 1013.19 [Revoked]

3. Section 1013.19 is revoked.
 4. Section 1013.27(j) (1) is revised as follows:

§ 1013.27 Duties.

(j) * * *
 (1) The 5th day of each month the Class I price and Class I butterfat differential, both for the current month, and the Class II and Class III prices and butterfat differentials, for the preceding month; and

§ 1013.30 [Amended]

5. In § 1013.30(a) (2) and (5), "and Class II products" is deleted.

6. Section 1013.41 is revised as follows:

§ 1013.41 Classes of utilization.

Subject to the conditions set forth in § 1013.42 through 1013.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraphs (b) and (c) of this section;

(2) In packaged fluid milk products in inventory at the end of the month; and

(3) Not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), yogurt, aerated cream and aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, a product which contains 6 percent or more nonmilk fat (or oil), and sterilized products in hermetically sealed containers;

(2) Except as provided in paragraph (c) of this section, skim milk and butterfat in fluid milk products disposed of by a handler for livestock feed;

(3) Except as provided in paragraph (c) of this section, skim milk and butterfat in fluid milk products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk and butterfat in inventory of bulk fluid milk products at the end of the month;

(5) Skim milk represented by the nonfat solids added to a fluid milk product which is in excess of an equivalent volume of such product prior to the addition;

(6) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1013.16) but not in excess of:

(i) Two percent of producer milk (including that received from a handler pursuant to § 1013.13(d)) if the handler receiving such milk files notice with the market administrator that he is purchasing it on the basis of farm weights. Otherwise, the applicable percentage pursuant to this subdivision shall be 1.5 percent;

(ii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iii) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants exclusive of the quantity for which Class II utilization was requested by the handler; and

(v) Less 1.5 percent of bulk fluid milk products transferred to other plants; and
 (7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1013.42(b) (2).

(c) *Class III milk.* Class III milk shall be all milk, the skim milk portion of which is:

(1) Disposed of for fertilizer or livestock feed; or

(2) Dumped after such prior notification as the market administrator may require.

7. Section 1013.42 is revised as follows:

§ 1013.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1013.41(b) (6).

(2) Other source milk exclusive of that specified in § 1013.41(b) (6).

8. Section 1013.44 is revised as follows:

§ 1013.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1013.46(a) (10) and the corresponding step of § 1013.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1013.46(a) (3)

and (4), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1013.46(a) (9) or (10) and the corresponding steps of § 1013.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 500 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach.

(c) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant that is neither an other order plant nor a producer-handler plant located not more than 500 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted to the market administrator pursuant to § 1013.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to such receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to the skim milk and butterfat in receipts of fluid milk products transferred or diverted from plants fully regulated by such order, next pro rata to such receipts from pool

plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk.

(d) As follows, if transferred in the form of a fluid milk product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than 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 allocations to other classes shall be classified in a comparable classification as Class II milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1013.41.

9. Section 1013.46(a) is revised as follows:

§ 1013.46 Allocation of skim milk and butterfat classified.

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

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1013.41(b)(6);

(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 (4)(iv) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1013.41(b)(5) plus 2 percent of the remainder of such receipts; and

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

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk as specified in § 1013.17(b);

(4) 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) 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;

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

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

(iv) 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 milk is allocated to Class I at the transferor plant;

(5) Subtract from the remaining pounds of skim milk in Class I the pounds of skim milk in inventory of packaged fluid milk products at the beginning of the month; *Provided*, That this subparagraph shall not be applicable to a pool plant in any month immediately following a month in which such plant was not fully subject to the pooling and pricing provisions of this order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers that were not subtracted pursuant to subparagraph (4) of this paragraph;

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products

from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products at the beginning of the month that were not subtracted pursuant to subparagraph (5) of this paragraph;

(8) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(9) 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 that were not subtracted pursuant to subparagraphs (4) and (6)(i) of this paragraph;

(10) 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 other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4)(iv) and (6)(ii) of this paragraph;

(i) In series beginning with Class III and thereafter from Class II, 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 § 1013.27(d) 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;

(11) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and received from pool plants of other handlers according to the classification of such products pursuant to § 1013.44(a); and

(12) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

10. Section 1013.51 is revised as follows:

§ 1013.51 Class prices.

Subject to the provisions of §§ 1013.52 and 1013.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus \$2.95.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 15 cents.

(c) *Class III price.* The Class III price shall be computed as follows: Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 3.5.

11. Section 1013.52 is revised as follows:

§ 1013.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1013.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I price, 7.5 cents; and
(b) Class II and Class III prices, 0.115 times the Chicago butter price for the month.

§ 1013.61 [Amended]

12. In § 1013.61(d)(2), "Class III price" is changed to "Class II price".

§ 1013.62 [Amended]

13. In § 1013.62(a)(1), "or Class III" is deleted, the reference "§ 1013.70(e)" is changed to "§ 1013.70(f)", and "Class III price" is changed to "Class II price" in the two places it appears in such subparagraph.

13a. In § 1013.62(b)(5), "Class III price" is changed to "Class II price" in the two places it appears in such subparagraph.

14. Section 1013.70 is revised as follows:

§ 1013.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler pursuant to § 1013.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1013.46(c), by the applicable class price;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1013.46(a)(12) and the corresponding step of § 1013.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding accounting period and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(7) and the corresponding step of § 1013.46(b);

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(5) and the corresponding step of § 1013.46(b). If the Class I price for the current month is less than the Class I price for the pre-

ceding month, the result would be a minus amount;

(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 II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1013.46(a)(3) and (4) and the corresponding steps of § 1013.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1013.46(a)(4) (iii) and (iv) and the corresponding step of § 1013.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

(f) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(9) and the corresponding step of § 1013.46(b).

15. Section 1013.71(e)(2) is revised as follows:

§ 1013.71 Computation of uniform price.

(e) * * *
(2) The total hundredweight for which a value is computed pursuant to § 1013.70(f); and

16. Section 1013.82(b)(2) is revised as follows:

§ 1013.82 Payments to the producer-settlement fund.

(b) * * *
(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class I price) of other source milk for which a value is computed pursuant to § 1013.70(f).

§ 1013.86 [Amended]

17. In § 1013.86(a), the reference to "§ 1013.46(a)(3), (4), and (10)" is changed to "§ 1013.46(a)(3), (4), and (9)".

Signed at Washington, D.C., on December 18, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-15195; Filed, Dec. 22, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 69-137]

NIAGARA RIVER, YOUNGSTOWN,
N.Y.

Special Anchorage Area

1. Notice is hereby given that the Commandant, U.S. Coast Guard under

authority of Rule 9, 28 Stat. 647, as amended (33 U.S.C. 258), section 6(g) (1)(C) of the Department of Transportation Act (80 Stat. 937), 49 U.S.C. 1655(g)(1)(C) and 49 CFR 1.4(a)(3) (iii), is considering an amendment to § 110.85 of Part 110, Subpart A of Title 33, Code of Federal Regulations.

2. The proposed amendment would enlarge the Special Anchorage Area presently established on the Niagara River at Youngstown, N.Y.

3. It is proposed to revise § 110.85 to read as follows:

§ 110.85 Niagara River, Youngstown, N.Y.

Beginning at the intersection of the north line of Jackson Street extended with the east shoreline of the Niagara River; thence westerly along the north line of Jackson Street extended 480 feet; thence southerly along a line parallel to Main Street approximately 3,770 feet to the south line of Swain Street extended; thence easterly along the south line of Swain Street extended 400 feet; thence northerly along a line parallel to Main Street 1,596 feet; to the south line of Church Street extended; thence easterly along the south line of Church Street extended approximately 200 feet to the east shoreline of the Niagara River; thence northerly along the shoreline approximately 1,910 feet to the north line of William Street extended; thence northerly along a line parallel to Main Street approximately 390 feet to the point of beginning, excepting therefrom a rectangular area 300 feet long and extending 150 feet riverward of the east shoreline bordering on the property of the village of Youngstown approximately midway between Church and Lockport Streets extended. This area is designated as a special anchorage area subject to the condition that such buoys as may be prescribed by the U.S. Coast Guard to mark the area shall be provided and maintained by and at the expense of local interests.

4. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before January 14, 1970. All submissions should be made in writing to the Commander, 9th Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

5. To expedite the handling of submissions regarding this proposal, it is requested that each submission be submitted in triplicate and state the subject to which it is directed; the specific wording recommended; the reason for the recommended change, and the name, address and firm or organization, if any, of the person making the submission.

6. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, 9th Coast Guard District,

1240 East Ninth Street, Cleveland, Ohio 44199.

7. After all interested persons have expressed their views, the Commander, 9th Coast Guard District will forward the record, including the original of all written submissions, and his recommendations with respect to the proposals and submissions received to the Commandant (OLE), U.S. Coast Guard, Washington, D.C. 20591.

Dated: December 17, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[P.R. Doc. 69-15197; Filed, Dec. 22, 1969;
8:46 a.m.]

Federal Aviation Administration

[14 CFR Part 13]

[Docket No. 10032; Notice 69-54]

ELIMINATION OF FORMAL HEARINGS IN FAA CERTIFICATE PROCEEDINGS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 13 of the Federal Aviation Regulations to eliminate formal hearings in FAA certificate proceedings taken by the Administrator pursuant to section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429).

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 February 23, 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.

Under section 609 of the Act, the Administrator may, from time to time, reinspect any civil aircraft, aircraft engine, propeller, appliance, air navigation facility, or air agency, and may reexamine any civil airman. If, as the result of such a reinspection, reexamination, or other investigation, the Administrator determines that the public interest and safety in air commerce requires it, he may issue an order amending, suspending, or revoking, all or part of any type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate, or air agency certificate.

Section 13.19(e) provides that before issuing an order amending, suspending, or revoking a certificate, the General

Counsel or the Regional Counsel concerned advises the certificate holder of the charges or other reasons upon which the Administrator bases the proposed action and, except in an emergency, allows the holder to answer any charges and to be heard as to why the action should not be taken. The holder may elect to: (1) Admit the charges and surrender his certificate; (2) answer the charges in writing; (3) request an opportunity to be heard in an informal conference with the FAA counsel; or (4) request a formal hearing. If the certificate holder has requested an informal conference with the FAA counsel, he may after that conference also request a formal hearing, in writing. Subpart D of Part 13 provides the procedural rules for a full evidentiary hearing before an FAA Hearing Officer.

Section 13.19(d) provides that any person whose certificate is affected by an order issued under that section may appeal to the National Transportation Safety Board (NTSB). If that person files an appeal, the Administrator's order is stayed unless he advises the Board that an emergency exists and that safety in air commerce requires that an order become effective immediately. Under NTSB rules, this is an evidentiary hearing de novo of the matter before the NTSB hearing examiner (14 CFR 421.32).

It is clear from the legislative history of the Federal Aviation Act of 1958 that the Congress, when enacting section 609 of the Act, contemplated only one adversary hearing in the CAB (now the NTSB). The action to be taken by the Administrator before the entry of an order was described as "an opportunity to informally present" the certificate holder's defenses to the Administrator. (See H. Rept. 2360, 85th Cong. second session, at p. 8 (1958); S. Rept. 1811, 85th Cong. second session, at p. 11 (1958)). This opportunity to be heard was intended to be given only in an informal hearing. But this system became the subject of widespread criticism, notwithstanding the statutory availability of the full, due process de novo hearing before the CAB (now NTSB). This criticism was one reason for the action by the Administrator on 1961 in convening the Project Tightrope study that culminated in the recommendation for formal hearings in the FAA, that were adopted in 1962 in Part 408.

The provision made in 1962 for a formal hearing in section 609 certificate actions was made pursuant to the recommendations of an independent advisory group of five prominent attorneys, appointed by the Administrator, that on November 21, 1961, reported to the Administrator on FAA Rule Making and Enforcement Procedures (Project Tightrope). The report recommended that in section 609 certificate actions, "for those who request it," the FAA "should conduct a trial type hearing before an independent hearing examiner prior to suspending or revoking a certificate," subject to the Administrator's review where a severe punishment, such as revocation, is im-

posed. The report acknowledged that in any event, under section 609 of the Act, the Administrator's order is stayed on appeal to the CAB (NTSB) except in cases of emergency. However, the report stated that "apart from its effect on substantive justice in particular cases, we believe that a procedure open to characterization as 'punishment first, trial later' destroys the appearance of fairness that is so vital to public acceptance of any governmental regulation and enforcement system."

On February 7, 1962, in a revision of Part 408 of the regulations of the Administrator, the FAA provided for a formal hearing in section 609 certificate actions. This revision was later recodified as Part 13 of the Federal Aviation Regulations.

The preamble to the 1962 revision of Part 408 stated that:

It is the expectation of the Agency that hearings will be so fairly conducted by the assigned FAA Hearing Officer and the facts and other relevant evidence so fully developed in the course of the hearing before him that in most cases this record will be satisfactory to the certificate holder * * * and that appeals will thus be taken on the record without the necessity of completely new hearings before the Civil Aeronautics Board (27 F.R. 1110 (1962)).

The expectation that a hearing before a CAB Hearing Examiner would usually be on the record compiled before the FAA Hearing Officer has not so developed in practice. Hearings before the NTSB, that take place in a substantial number of cases heard by FAA Hearing Officers, continue to be evidentiary hearings de novo, with a case in which the appeal is determined on the FAA Hearing Officer record the exception.

The Administrative Conference of the United States, on October 21-22, 1969, adopted the following recommendation, that comments on the present procedures:

The Federal Aviation Administrator has authority to revoke or suspend the licenses of aviation personnel and training facilities, airworthiness certificates, and other permits related to the operation of aircraft. Present procedures contemplate a full trial-type hearing, if one is desired by the respondent, before the Administrator issues an order of suspension or revocation. If an appeal is taken from that order, a second full hearing is afforded by the National Transportation Safety Board. This is wasteful of time and personnel, and is unnecessary as a protection of affected parties.

In order to expedite proceedings bearing directly on public safety, without sacrificing the interests of individual respondents, the Federal Aviation Administrator should discontinue providing hearings in the nature of trials in "certificate actions." This will not result in "punishment before trial," since the effective date of a certificate action order is invariably postponed, except in emergency situations, pending the outcome of proceedings before the National Transportation Safety Board. Recommendation No. 13, "Elimination of Duplicative Hearings in FAA Safety De-certification Cases", Recommendations Adopted by the Administrative Conference of the United States At Its Third Plenary Session (October 21-22, 1969; Washington, D.C.), 115 Cong. Rec. S15191 at S15192 (Daily ed.; Dec. 1, 1969).

A report, prepared by staff members of the Conference, that preceded the action of the Conference, stated, among other things:

A pilot who is confronted with proposed certificate action enjoys a procedural option which fairly invites inquiry. In brief, the pilot may elect to go to trial upon the decidedly favorable principle, "Heads I win, tails we flip again." To take advantage of this opportunity, the pilot must request the "formal hearing" proffered by the Administrator's Notice of Proposed Certificate Action. This hearing will be conducted before an FAA "hearing officer" under procedural rules which provide for the essential trappings of a trial. Accordingly, the burden of proof will be on the Administrator rather than the pilot.

If the airman prevails at the FAA trial, the action is terminated. His adversary, the agency enforcement staff, has no recourse, because the Administrator has granted the hearing officers the power to decide certificate action cases in his name and stead. But the pilot, on the other hand, is in no respect bound by an adverse decision of the FAA hearing officer. He may "appeal" his case to the National Transportation Safety Board and there receive a trial de novo before one of the Board's APA hearing examiners. As before, the FAA staff will carry the burden of proof.

The second trial in a certificate action case is usually a trial de novo in the literal sense of that term. That is, the findings of the FAA hearing officer and the record compiled before him are simply ignored in the second proceeding. In a few cases, the respondent has entered into a stipulation permitting all or part of the FAA record to be introduced into evidence before the NTSB examiner, but such action is not at all common. Thus, from the perspective of parties who are retrying a certificate case before a Board examiner, the FAA trial was a trial in name only; in retrospect, it was more a combination dress rehearsal and deposition session.

[A] respectable amount of governmental energy is dissipated by reason of the two-trial feature of the certificate action process. The question, of course, is whether it is not avoidable. It is certainly a basic assumption of our legal system that a defendant can be accorded "justice" in an adjudicatory system based on but one trial.

Before the adoption of the FAA hearing procedure in section 609 certificate proceedings, such a hearing did not exist before the agency primarily responsible for air safety. A formal hearing was afforded only before another independent agency, the Civil Aeronautics Board. Under the Department of Transportation Act (80 Stat. 931), FAA safety functions and the CAB functions formerly exercised under Title VI of the Federal Aviation Act of 1958 are exercised within the same Department, and there are now two formal evidentiary hearings in certificate actions within the Department responsible for air safety. According to the Staff Report mentioned above, the best way to eliminate the two-trial problem in the certificate action process is to eliminate the FAA trial, something that can be done simply by amending the FAA's rules of procedure. This would leave the matter in the hands of the NTSB which is independent of all other units of the Department of Transportation.

Therefore, in view of the FAA's experience with the formal hearing proceedings of Part 13, and in the light of the findings of the staff report and the recommendation of the Administrative Conference of the United States, it is proposed to eliminate those hearings in FAA certificate proceedings.

A notice of proposed rule making, Notice 69-37, that also involves Part 13, was issued on August 28, 1969, and published in the FEDERAL REGISTER on September 5, 1969 (34 F.R. 14079). In that notice, it was proposed to specifically include in Part 13 procedures for suspending or revoking an issued certificate of aircraft registration for any cause that renders the aircraft ineligible for registration. Those procedures would extend to such cases the opportunity for a formal hearing before an FAA hearing officer. The hearing would not be appealable to the National Transportation Safety Board, since the Federal Aviation Act of 1958 provides such an appeal only in certificate actions under title VI of the Act. In the event that Notice 69-37 is implemented by a final rule that includes the addition of formal hearings in aircraft registration enforcement matters, any final rule issued pursuant to this notice will reflect that action by preserving, so far as may be necessary for the purpose, Subpart D and the other relevant provisions of Part 13.

In consideration of the foregoing, it is proposed to amend Part 13 of the Federal Aviation Regulations as follows:

1. By amending paragraph (c) of § 13.19 to read as follows:

§ 13.19 Certificate action.

(c) Before issuing an order under paragraph (b) of this section, the General Counsel or the Regional Counsel concerned advises the certificate holder of the charges or other reasons upon which the Administrator bases the proposed action and, except in an emergency, allows the holder to answer any charges and to be heard as to why the certificate should not be amended, suspended, or revoked. The holder may, by checking the appropriate box on the form that is sent to him with the Notice of Proposed Certificate Action, elect to—

- (1) Admit the charges and surrender his certificate;
- (2) Answer the charges in writing; or
- (3) Request an opportunity to be heard in an informal conference with the FAA counsel.

Unless the holder returns the form and, where required, an answer with a postmark of not later than 15 days after the date he received the notice, the order of the Administrator is issued as proposed. After considering any information submitted by the holder, the General Counsel or the Regional Counsel concerned issues the order of the Administrator.

2. By striking out Subpart D.

These amendments are proposed under the authority of sections 313(a), 601, and 609, of the Federal Aviation Act of 1958

(49 U.S.C. 1354(a), 1421, 1429); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 1.4(b) (1) of the regulations of the Office of the Secretary of Transportation.

Issued in Washington, D.C., on December 17, 1969.

NATHANIEL H. GOODRICH,
General Counsel.

[F.R. Doc. 69-15192; Filed, Dec. 22, 1969;
8:46 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

TRUTH IN LENDING

Exemption of Certain State Regulated Transactions; Retention of Access to Federal Civil Remedies

Pursuant to the authority contained in the Consumer Credit Protection Act (15 U.S.C. 1604), the Board of Governors is considering amending Part 226 in the following respects.

Section 226.12 would be amended by revising paragraph (b) and by adding a new paragraph (c). As amended, § 226.12 would read as follows:

§ 226.12 Exemption of certain State regulated transactions.

(a) *Exemption for State regulated transactions.* In accordance with the provisions of Supplement II to Regulation Z (§ 226.12—Supplement), any State may make application to the Board for exemption of any class of transactions within that State from the requirements of Chapter 2 of the Act and the corresponding provisions of this part: *Provided, That*

(1) Under the law of that State, that class of transactions is subject to requirements substantially similar to those imposed under Chapter 2 of the Act and the corresponding provisions of this part; and

(2) There is adequate provision for enforcement.

(b) *Procedures and criteria.* The procedures and criteria under which any State may apply for the determination provided for in paragraph (a) of this section are set forth in Supplement II to Regulation Z (§ 226.12—Supplement).

(c) *Civil liability.* In order to assure that the concurrent jurisdiction of Federal and State courts created in section 130(e) of the Act shall continue to have substantive provisions to which such jurisdiction shall apply, and generally to aid in implementing the Act with respect to any class of transactions exempted pursuant to paragraph (a) of this section, the Board pursuant to sections 105 and 123 hereby prescribes that:

(1) No such exemption shall be deemed to extend to the civil liability provisions of sections 130 and 131; and

(2) After an exemption has been granted, the disclosure requirements of

the applicable State law shall be the disclosure requirements of this Act, and information required under such State law shall, accordingly, be the "information required under this chapter" (Chapter 2 of the Act) for the purposes of section 130(a).

The Board of Governors is required under section 123 of the Consumer Credit Protection Act (15 U.S.C. 1633) to exempt from the disclosure and rescission requirements of the Act (Chapter 2 of Title I of the Act; 15 U.S.C. 1631-41) credit transactions subject to State law if it determines that that law is substantially similar to that of the Act and that there is adequate provision for enforcement.

The proposed addition of paragraph (c) to § 226.12 is designed to preserve the right of a customer to maintain an action under sections 130 and 131 of the Act (15 U.S.C. 1640-41) for violations of disclosure provisions after the Board of Governors has exempted the class transactions as being subject to State regulation.

If the proposal is adopted, criminal and administrative responsibility would be under State control with respect to such exempted transactions.

Sections 130 and 131 provide civil remedies for violations of the disclosure requirements of the Act. After an exemption based upon State law has been granted, that law will provide the applicable disclosure requirements, and violations of such requirements would be actionable under sections 130 and 131. The customer would, therefore, retain the right granted by subsection (e) of section 130 to seek redress for violations of such State law in either Federal or State court and to avail himself of the respective State or Federal court procedural rules.

Paragraph (b) of § 226.12 would also be revised to indicate that Supplement II (§ 226.12-Supplement) has been published, and to eliminate an obsolete reference to the date of the proposed publication.

This notice is published pursuant to section 553(b) of title 5, United States

Code, and § 226.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 22, 1970. Under the Board's rules regarding availability of information (12 CFR Part 261), such materials will be available for inspection and copying unless the person submitting the material requests that it be considered confidential.

By order of the Board of Governors,
December 15, 1969.

[SEAL]

ROBERT P. FORRESTAL,
Assistant Secretary.

[P.R. Doc. 69-15199; Filed, Dec. 22, 1969.
8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 14289]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 12, 1969.

The Bureau of Sport Fisheries and Wildlife of the Fish and Wildlife Service filed an application, serial No. M 14289, for the withdrawal of lands described below. The withdrawal is from all forms of appropriation under the public land laws including the mining laws, but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for the management of migratory birds and other wildlife as a part of the Sheridan County Waterfowl Production Area.

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 231.1-3(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 minimum 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 Bureau of Sport Fisheries and Wildlife.

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.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 31 N., R. 55 E.,
Sec. 21, lots 1 and 2.

T. 32 N., R. 58 E.,
Sec. 3, lots 1, 6, and 7.
T. 37 N., R. 58 E.,
Sec. 5, lot 15.

The above-described lands aggregate 39.1 acres located in Sheridan County, Mont.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 69-15200; Filed, Dec. 22, 1969;
8:46 a.m.]

[OR 5430(Wash.)]

WASHINGTON

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

DECEMBER 16, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands described below for transfer out of Federal ownership. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from all forms of disposal under the public land laws, including the mining laws except as to the forms of disposal for which the lands are classified. Applications for exchange will not be accepted until such time as prospective exchange proponents have been furnished a statement that proposals are feasible in accordance with 43 CFR 2244.1-2(b)(1). However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than the mining laws.

3. It is proposed to classify the following public lands for disposal by exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g), or sale under the Public Land Sale Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1421-27):

WILLAMETTE MERIDIAN

BENTON COUNTY

T. 5 N., R. 25 E.,
Sec. 12, all of SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying north of the southerly right-of-way line of Highway 8E;
Sec. 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and all of NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying north of southerly right-of-way line of Highway 8E;
Sec. 22, all of NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying north of southerly right-of-way line of Highway 8E.
T. 9 N., R. 26 E.,
Sec. 22, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 10 N., R. 26 E.,
Sec. 26, E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 9 N., R. 27 E.,
Sec. 8, lot 3;
Sec. 12, E $\frac{1}{2}$;
Sec. 20, lot 3;
Sec. 22, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 10 N., R. 27 E.,
Sec. 12, lots 5 to 8, inclusive, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 8 N., R. 28 E.,
Sec. 2, W $\frac{1}{2}$;
Sec. 10, SW $\frac{1}{4}$.
T. 9 N., R. 28 E.,
Sec. 6, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 34, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$.
T. 10 N., R. 28 E.,
Sec. 18, lots 1, 2, 3, 4, and 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and SE $\frac{1}{4}$;
Sec. 20, N $\frac{1}{2}$ and SE $\frac{1}{4}$;
Sec. 28.
T. 6 N., R. 29 E.,
Sec. 18, N $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 8 N., R. 29 E.,
Sec. 6, lots 1 to 5, inclusive, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 24, S $\frac{1}{2}$ SW $\frac{1}{4}$.

The public lands described above aggregate approximately 4,710.21 acres.

4. It is proposed to classify the following described lands for exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g) or public sale under R.S. 2455 Revised Statutes (43 U.S.C. 1171):

WILLAMETTE MERIDIAN

BENTON COUNTY

T. 8 N., R. 24 E.,
Sec. 18, lot 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 8 N., R. 30 E.,
Sec. 32, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The public lands described above aggregate approximately 192.35 acres.

5. It is proposed to classify the following described lands for lease or sale under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741), as amended and supplemented (43 U.S.C. 369, 869-1 to 869-4):

WILLAMETTE MERIDIAN

BENTON COUNTY

T. 9 N., R. 28 E.,
Sec. 6, lots 12, 18, 53, 55 to 59, inclusive, 64, 65, 66, 77, 83, 89, 107, 137, 141, 145, 146, 152, 155, 163, 173, 174, 178, 180, 181, 202, 206, 207, and 223.
Sec. 8, lots 86, 140, 142, 143, 168, 175, 176, 183, 185, 187, 199, 200, 212, 215, 217, 235, 236, 239, 240, 244, and 247.

The public lands described above aggregate approximately 126.28 acres.

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections, in connection with this proposed classification, may present their views in writing to the District Manager, Bureau of Land Management, Room 551, U.S. Courthouse, Spokane, Wash. 99201.

7. If circumstances warrant it, a public hearing will be held at a convenient time

and place which will be announced. After having considered comments received as a result of this publication and any hearing held, the undersigned officer will classify the above-described lands, which classification shall be published in the FEDERAL REGISTER.

For the State Director.

IRVING W. ANDERSON,
Land Office Manager.

[P.R. Doc. 69-15187; Filed, Dec. 22, 1969;
8:45 a.m.]

[OR 5431 (Wash.)]

WASHINGTON

Notice of Proposed Classification of Public Lands for Multiple-Use Management

DECEMBER 16, 1969.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands described below.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation. As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934 as amended, which are not otherwise withdrawn or reserved for a federal use or purpose.

3. The lands are located in Benton County and are described as follows:

WILLAMETTE MERIDIAN

- T. 5 N., R. 24 E.,
Sec. 24, S $\frac{1}{2}$;
Sec. 32, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,
and N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, and
N $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 9 N., R. 26 E.,
Sec. 12, lot 3;
Sec. 24, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$,
and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 10 N., R. 26 E.,
Sec. 10, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 8 N., R. 27 E.,
Sec. 4, lots 1, 2, 3, and 4;
Sec. 12, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$.
T. 9 N., R. 27 E.,
Sec. 30, lots 1, 2, 3, and 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 32, N $\frac{1}{2}$ and SE $\frac{1}{4}$;
Sec. 34, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$.
T. 10 N., R. 27 E.,
Sec. 8, S $\frac{1}{2}$;
Sec. 18, lots 1, 2, 3, and 4, E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 20, lot 2;
Sec. 30, lot 2.
T. 5 N., R. 28 E.,
Sec. 2, lots 1, 2, 3, and 4;
Sec. 4, lots 1, 2, and 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

- T. 8 N., R. 28 E.,
Sec. 18, lots 1 and 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 5 N., R. 29 E.,
Sec. 4, SW $\frac{1}{4}$.
T. 5 N., R. 30 E.,
Sec. 6, lots 2, 3, and 4, and SW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 6 N., R. 30 E.,
Sec. 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The lands described above aggregate approximately 4,768 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with this proposed classification, may present their views in writing to the District Manager, Bureau of Land Management, Room 551, U.S. Courthouse, Spokane, Wash. 99201.

5. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced. After having considered comments received as a result of this publication and any hearing held, the undersigned officer will classify the above-described lands, which classification shall be published in the FEDERAL REGISTER.

For the State Director.

IRVING W. ANDERSON,
Land Office Manager.

[P.R. Doc. 69-15188; Filed, Dec. 22, 1969;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 21626, 21682]

BAHAMAS AIRWAYS, LTD.

Notice of Prehearing Conference and Hearing

Docket 21626, amendment of its foreign air carrier permit to engage in air transportation between terminal points in the Bahamas and the terminal point of New York.

Docket 21682, amendment of its foreign air carrier permit to engage in air transportation between the terminal point Cayman Islands, the intermediate points Merida, Cozumel, Chetumal, Jamaica (ii) and the terminal point Miami.

Notice is hereby given that a prehearing conference on the above-entitled applications is assigned to be held on January 12, 1970, at 10 a.m., e.s.t., in Room 911, University Building, 1825 Connecticut Avenue N.W., Washington, D.C., before Examiner E. Robert Seaver.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., December 17, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[P.R. Doc. 69-15206; Filed, Dec. 22, 1969;
8:46 a.m.]

[Docket No. 20993; Order 69-12-76]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 16, 1969.

By Order 69-11-115, dated November 25, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-11-115 will herein be made final.

Accordingly, it is ordered, That: Agreement CAB 21380, R-1, be, and it hereby is, approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[P.R. Doc. 69-15208; Filed, Dec. 22, 1969;
8:46 a.m.]

[Docket No. 20993; Order 69-12-77]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 16, 1969.

By Order 69-11-124, dated November 26, 1969, action was deferred with a view toward eventual approval, on an agreement embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA) and adopted by the 8th Meeting of the Joint Specific Commodity Rates Board. Basically, the agreement, as it applies in air transportation, extends for a further period of effectiveness certain specific commodity rates, under current or amended descriptions, adopted since the last meeting of the Rates Board. The agreement also names a number of rates to added points under existing commodity descriptions, makes a limited number of adjustments to existing rates, and proposes reduced rates under a few new commodity descriptions.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 69-11-124 will herein be made final.

Accordingly, it is ordered, That: Agreement CAB 21380 be and it hereby is approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL McCART,
Acting Secretary.

[P.R. Doc. 69-15209; Filed, Dec. 22, 1969;
8:47 a.m.]

[Docket No. 20993; Order 69-12-75]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 16, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated December 9, 1969, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-4:
Commodity Item 4450—Electrical Household Appliances and Utensils, 24 cents per kg., minimum weight 1,000 kgs., Miami to Panama City.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That: Action on Agreement CAB 21379, R-4, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL McCART,
Acting Secretary.

[P.R. Doc. 69-15210; Filed, Dec. 22, 1969;
8:47 a.m.]

[Docket No. 20993; Order 69-12-74]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 16, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated December 9, 1969, names additional specific commodity rates, as set forth in the attachment hereto,¹ which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That: Action on Agreement CAB 21380, R-9 through R-12, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL McCART,
Acting Secretary.

[P.R. Doc. 69-15211; Filed, Dec. 22, 1969;
8:47 a.m.]

[Docket No. 20993; Order 69-12-82]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 18, 1969.

By Order 69-11-54, dated November 14, 1969, action was deferred on an agreement embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA) and adopted by the 25th Meeting of the Traffic Conference 1 Specific Commodity

¹ Filed as part of the original document.

Rates Board. Basically, the agreement, as it applies in air transportation, extends for a further period of effectiveness certain specific commodity rates, under current descriptions, adopted since the last meeting of the Rates Board. We proposed to approve the agreement, except insofar as it would establish certain specific commodity rates for household goods and personal effects to/from or between Miami and a number of points within Central and South America at levels higher than the Board-approved IATA general cargo rates.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. A petition has been received protesting approval of the extension of a commodity rate for floral and nursery stock from Merida to New Orleans. We will further defer action on this aspect of the agreement, but will otherwise make final the tentative conclusions in Order 69-11-54.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That approval shall be subject to the following conditions:

(a) Approval shall not extend to the specific commodity rates listed in the attachment hereto;¹

(b) Approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; and

(c) Action on the extension of the following rate shall be further deferred:

Commodity Item 1400—Floral and/or Nursery Stock and Bulbs, Flowers, Seeds, and Tubers, N.E.S., 17 cents per kg., minimum weight 200 kgs., Merida to New Orleans.

Accordingly, it is ordered, That: Agreement CAB 21379 be and hereby is approved: *Provided*, That such approval is subject to the conditions set forth in the finding paragraph above.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL McCART,
Acting Secretary.

[P.R. Doc. 69-15212; Filed, Dec. 22, 1969;
8:47 a.m.]

[Dockets Nos. 21639, 21655]

KLM ROYAL DUTCH AIRLINES

Notice of Prehearing Conference and Hearing

Docket 21639, Willemstad, Curacao, and Oranjestad, Aruba, Netherlands Antilles, and Miami, Fla.

Docket 21655, The Netherlands and New York, Chicago and Houston, and between The Netherlands Antilles and New York.

Notice is hereby given that a prehearing conference on the above-entitled applications is assigned to be held on December 30, 1969, at 10 a.m., e.s.t., in Room

¹ Filed as part of the original document.

726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Harry H. Schneider.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., December 17, 1969.

[SEAL] THOMAS L. WHEEN,
Chief Examiner.

[P.R. Doc. 69-15207; Filed, Dec. 22, 1969;
8:46 a.m.]

[Docket No. 21334 etc.; Order 69-12-73]

NORTHEAST AIRLINES, INC., ET AL. **Order Approving Agreements, Granting Temporary Suspensions and Temporary Exemption and Setting Applications for Hearing**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of December 1969.

Joint application of Northeast Airlines, Inc., Mohawk Airlines, Inc., Docket 21334, CAB Agreement 21260, for approval of an agreement, Mohawk Airlines, Inc., Executive Airlines, Inc., CAB Agreement 21266. Applications of Northeast Airlines, Inc., Mohawk Airlines, Inc., Dockets 21328, 21329, 21330, 21331, 21332, and 21333, for temporary suspensions, for a temporary exemption, and for amendments of their certificates.

Northeast Airlines, Inc. (Northeast), and Mohawk Airlines, Inc. (Mohawk),

¹ Northeast states that Mohawk will provide service with FH-227 aircraft, the same type of aircraft that Northeast has used. The existing level of round-trip service and the proposed level of replacement service are as follows:

Market	Existing service	Stops	Proposed service	Stops
New York:				
Worcester.....	4½ (NE)	0	5 (MO)	0
Lebanon.....	3 (NE)	1	4 (MO)	1
Keene.....	3 (NE)	0	4 (MO)	0
Manchester.....	2½ (NE)	0	1½ (MO)	0
	1½ (NE)	1	3½ (MO)	1
Boston:				
Burlington.....	3½ (NE)	0	3 (MO)	0
	½ (NE)	1		
	1 (NE)	2		
	½ (NE)	3		

In the Boston-Burlington market. Executive has also proposed to provide three two-stop round trips and one one-stop round trip.

² Executive would provide replacement service with 15- to 20-seat de Havilland Twin Otter and Beech 99 aircraft. The existing level of round-trip service and the proposed level of replacement service are as follows:

Market	Existing service	Stops	Proposed service	Stops
Boston:				
Lebanon.....	2 (NE)	0	6 (Exec)	0
	1 (NE)	1		
	4 (Exec)	0		
Montpelier.....	1½ (NE)	1	1 (Exec)	0
	½ (NE)	2	4 (Exec)	1
	4 (Exec)	1		

³ Northeast presently provides three and one-half nonstop round trips in this market. Although Cape and Islands has not proposed a specific level of service in this market, Northeast has stated that Cape and Islands will initiate service and, as discussed hereinafter, we shall require a minimum level of three nonstop round trips as a condition to Northeast's temporary suspension.

have filed a series of applications proposing a realignment of certificated air service in a number of short-haul markets in New England. The applicants seek approval for the proposed realignment on both a temporary and a permanent basis.

Pursuant to the proposed realignment, Northeast would temporarily suspend service at Worcester, Lebanon-White River Junction (Lebanon), Keene, Montpelier-Barre (Montpelier), Burlington, and Manchester on its north/south segments. Northeast's temporary suspension would be contingent on the provision of adequate replacement service by Mohawk and two commuter airlines, Executive Airlines, Inc. (Executive), and Cape and Islands Flight Services, Inc. (Cape and Islands). Mohawk would provide replacement service, pursuant to a temporary exemption, in the Boston-Burlington market and between Manchester, Worcester, Lebanon, and Keene, on the one hand, and New York, on the other hand.⁴ Executive would provide replacement service between Boston, on the one hand, and Lebanon and Montpelier, on the other hand.⁵ Cape and Islands would provide service in the Boston-Manchester market.⁶

A further proposal contemplates that Mohawk would temporarily suspend east/west services at Worcester and Keene⁷ contingent upon Executive furnishing an adequate level of replacement service. Executive would provide replacement service between Boston and Albany, on the one hand, and Worcester and Keene, on the other hand.

In addition, Northeast seeks to transfer to Mohawk any residual obligations of Northeast to resume service at Laconia,

Berlin,⁸ Newport,⁹ Portsmouth,¹⁰ Lebanon, and Montpelier.¹¹ Finally, Northeast and Mohawk have submitted a joint services agreement¹² and various certificate amendment applications. The latter request approval of the proposed realignment on a permanent basis.¹³

In support of these applications for approval of the joint agreements, temporary suspensions, and the temporary exemption, Northeast and Mohawk allege, inter alia, that the substitution of Mohawk and Executive will provide these regional New England communities with

⁴ Docket 21330. Mohawk presently serves Worcester and Keene on segment 3, an east/west segment from Boston to Albany and beyond. Executive will provide replacement service with de Havilland Twin Otter and Beech 99 aircraft. The existing level of service, the proposed level of service, and the number of stops, if any, are as follows:

Market	Existing service	Stops	Proposed service	Stops
Boston:				
Worcester.....	2 (MO)	0	6 (Exec)	0
	1 (NE)	0		
	1 (NE)	1		
Keene.....	2 (MO)	1	1 (Exec)	0
		4	4 (Exec)	1
Albany:				
Worcester.....	2 (MO)	1	2 (Exec)	1
Keene.....	2 (MO)	0	2 (Exec)	0

⁵ By Order 69-6-51, dated June 11, 1969, the Board granted Northeast a temporary suspension of its seasonal authority at Berlin and Laconia, contingent upon the provision by Cape and Islands and Winnepesaukee Aviation, Inc., of at least two or three round trips in the Laconia/Berlin-Boston markets.

⁶ By Order 69-6-57, dated June 12, 1969, the Board granted Northeast a temporary suspension of its seasonal authority at Newport, contingent upon the provision by S. T. Griswold and Co., Inc., d/b/a. Northern Airways Division, of at least two round trips in the Newport-Burlington market.

⁷ By Order E-6756, dated Sept. 2, 1962, the Board granted Northeast a suspension at Portsmouth because of airport inadequacy.

⁸ Northeast has herein requested a temporary suspension at, inter alia, Lebanon and Montpelier.

⁹ The joint services agreement, Docket 21334, CAB Agreement 21260, provides, inter alia, that Mohawk and Northeast undertake to request approval for the various temporary suspensions, the temporary exemption, and the certificate amendments. The agreement further provides that Mohawk will furnish ground services for Northeast at Burlington, that Northeast will furnish ground services for Mohawk at Manchester, that Northeast will provide hangar facilities for Mohawk at Boston, and that Northeast shall transfer 21 of its slots at LaGuardia Airport to Mohawk. Mohawk also agrees to offer employment to various Northeast station personnel.

In addition, Mohawk and Executive have submitted an agreement, CAB Agreement 21266, which provides that Mohawk will furnish ground services for Executive at Worcester, Keene, Lebanon, Albany, and Burlington.

¹⁰ Northeast also requests deletion of Whitefield, at which it presently is suspended; the imposition of restrictions on Northeast's remaining authority at Burlington and Manchester; and simplification of its certificate for Route 27-F.

a superior level of service in their major commuter markets, Boston and New York; that the phasing out of Northeast's FH-227 operations will enable Northeast to avoid an annual operating loss of in excess of \$1 million annually; that Mohawk will experience an operating profit approximating \$765,000 for the first year of operations¹¹ and will increase the average stage length of its FH-227 operations, and that Executive will also experience a substantial operating profit as a result of its replacement operations¹² which should insure that Executive has the incentive to provide its proposed level of replacement service; and that, in any event, both Mohawk and Northeast are willing to accept, as a condition to their temporary suspensions, a requirement that an adequate level of replacement service be provided by Mohawk or Executive.¹³

The Department of Transportation, Executive, and numerous civic, governmental, and other parties¹⁴ have filed answers in support of the above applications. Numerous civic, governmental, and other parties¹⁵ have filed answers variously stating that they do not object to the grant of the above applications provided that conditions are imposed requir-

¹¹ Mohawk estimates that, as a result of the revenues generated from its replacement services and of its suspension at Keene and Worcester, the carrier should for the first year of operations achieve all but \$43,000 of its estimated return on investment and tax allowance for the first year of operations.

¹² Executive estimates that its replacement services at Worcester, Keene, Lebanon, and Montpelier would generate an operating profit of \$185,000.

¹³ It appears, however, that Mohawk, unlike Northeast, does object to the imposition of a condition requiring a specified minimum number of frequencies as opposed to a condition requiring only an adequate level of service. Nevertheless, as hereinafter discussed, we will impose a condition requiring a specified minimum number of round trips, at least 5 days a week, to allay any uncertainty and to assure that these communities will receive an adequate level of service. We will not, however, specify whether the replacement service should be nonstop or one-stop in order to give the replacement carriers flexibility to experiment with a quality of service commensurate with the needs of the markets. Nevertheless, we assume that the replacement carriers will provide nonstop service where the traffic warrants.

¹⁴ Answers in support of the above applications have been filed by the Burlington Airport Commission, the New England Council, the Norton Co., the City of Worcester, the Worcester Area Chamber of Commerce, the Worcester Telegram & Gazette, Inc., and the Wyman-Gordon Co.

¹⁵ Dartmouth College, the Town of Hanover, the Chamber of Commerce of Hanover, the Mary Hitchcock Memorial Hospital (the Dartmouth-Hanover Parties), the City of Keene, the State of New Hampshire, the State of Vermont, the Commonwealth of Massachusetts Aeronautics Commission, the Town of Hartford, the Manchester Airport Authority and Greater Manchester Chamber of Commerce, and the Lebanon Regional Airport Authority.

ing that the replacement carrier provide a minimum number of frequencies with specified equipment in the respective markets; that the replacement carrier offer the same discount fares as the suspended carrier; that Northeast transfer a sufficient number of slots at LaGuardia to Mohawk; and that Executive and Mohawk provide through-ticketing and baggage service comparable to that offered by Northeast. Answers in opposition to the application have been filed by the Town of Berlin,¹⁶ and the Barre Town Republican Committee. Mohawk and Executive have moved for leave to file unauthorized replies to the answers of various parties.¹⁷

The Dartmouth-Hanover Parties have filed a motion for leave to file an unauthorized response requesting a hearing on the above matters¹⁸ and the City of Keene has requested a hearing. A motion to file an unauthorized answer to the Dartmouth-Hanover Parties' request for a hearing has been filed jointly by Northeast, Mohawk, and Executive.

The Airline Pilots Association, International (ALPA), has filed an answer requesting that the above applications be consolidated with various enforcement complaints filed by ALPA or, alternatively, that consideration of the above applications be deferred pending the final disposition of ALPA's complaints. Northeast and Mohawk have filed answers in opposition to ALPA's motion to consolidate or to defer.¹⁹

Upon consideration of the foregoing pleadings and other relevant facts, we have decided to set the certificate amendment applications of Northeast and Mohawk, in Dockets 21331, 21332, and 21333, for hearing. We have further decided to authorize pendente lite Northeast to temporarily suspend service at

¹⁶ The Town of Berlin objects only to the proposed transfer of Northeast's seasonal residual authority to Mohawk.

¹⁷ We will grant the motions of Mohawk and Executive for leave to file an unauthorized reply.

¹⁸ The Dartmouth-Hanover Parties have requested a hearing with respect to both the temporary suspension and exemption applications and the certificate amendment applications. We will grant the motion of the Dartmouth-Hanover Parties for leave to file its motion for a hearing as well as the joint motion of Northeast, Mohawk, and Executive for leave to file an answer. However, we will deny the motion of the Dartmouth-Hanover Parties for a hearing on the temporary suspension and exemption applications. The Board ordinarily grants temporary suspensions and exemptions without a hearing and the Dartmouth-Hanover Parties have not established that a different procedure should be followed in this case. Moreover, we are setting the applications for permanent deletions and authorizations for hearing, and this will afford the Dartmouth-Hanover Parties an early opportunity for a hearing on the proposed replacement service.

¹⁹ ALPA has also filed a motion requesting a hearing to explore the need for the imposition of labor protective provisions. Both Northeast and Mohawk have filed answers in opposition to ALPA's motion for a hearing.

Worcester, Lebanon,²⁰ Keene, Montpelier, and Manchester on segments 1 and 3 of route 27, and Burlington on segments 3 and 4 of route 27²¹ and to authorize Mohawk to temporarily suspend service pendente lite at Worcester and Keene on segment 3 of route 94. The suspensions will be subject to a condition requiring a specified minimum number of frequencies in the respective markets with FH-227, de Havilland Twin Otter, Beech 99, or other comparable aircraft as described in the appendix.²² To permit Mohawk to provide replacement service, we will grant Mohawk a temporary exemption pendente lite to provide service between Boston and Burlington and between New York, on the one hand, and Worcester, Lebanon, Keene, and Manchester, on the other hand.²³ We have also decided to approve pendente lite the Northeast/Mohawk services agreement and the Mohawk/Executive services agreement.

²⁰ However, we are not suspending Northeast at Lebanon on segment 6, its newly awarded segment in the Northern New England-Great Lakes Service Investigation, Order 68-11-17, dated Nov. 4, 1968. The carrier has made no showing warranting a suspension of this service.

²¹ Northeast asserts that no suspension is needed at Manchester and Burlington because Northeast's service to Manchester and Burlington on its Chicago segment would also satisfy its service obligation at Manchester on segments 1 and 3 and at Burlington on segments 3 and 4. Without resolving this question, we will, on our own initiative, temporarily suspend Northeast at Manchester on segments 1 and 3 and at Burlington on segments 3 and 4.

²² In imposing the condition requiring a minimum number of frequencies which must be provided at least 5 days a week by a replacement carrier, we generally set the minimum level to coincide with the number of round trips proposed by the replacement carrier. In the Manchester-Boston market, in which the replacement carrier has not proposed a specified number of round trips, we will require a minimum number of three round trips which corresponds to the level of service Northeast has provided in this market and the level of service requested by the State of New Hampshire. In the Boston-Worcester market, in which Executive proposes an unusually large volume of replacement service, we have decided to impose three round trips as a minimum level. We wish to emphasize that these required levels of service are minimums and that, should the traffic develop, we would expect the replacement carriers to increase the level of service.

²³ However, we shall deny Mohawk's request that the revenue growth adjustment portion of the class-rate subsidy formula not apply to the revenues which accrue to Mohawk by reason of its replacement service. Mohawk estimates that it will achieve all but \$43,000 of its estimated return on investment and tax allowance. The Board has on numerous occasions awarded new authority to a local service carrier when the carrier would not achieve a full return on its investment during the first year of operations. However, the Board has never exempted the carrier from the application of the revenue growth adjustment, and we find that such unique and extraordinary relief is not warranted in the present case.

We have also decided to deny Mohawk's request for an exemption insofar as Mohawk has requested to assume Northeast's "residual" authority at various points.

Our temporary approval of the proposed realignment of air service in New England is predicated on our belief that this proposal holds promise of economic benefit to all the carriers involved, without any significant adverse impact on other carriers or the traveling public. We further believe that in the long run the proposed new pattern of air service may result in substantially improved service for the public. The temporary authorizations awarded herein will permit a period of experimentation establishing the effects of the new pattern of service on the carriers and on the traveling public.

Turning to the applications now before us, we first find that it is in the public interest to permit Northeast to temporarily suspend service at Lebanon,²⁴ Keene, Worcester, Montpelier, Manchester, and Burlington.²⁵ In its application Northeast alleges that its services at these points are unprofitable, and that the replacement carriers will provide service which is generally as good as or better than the service provided by Northeast.²⁶ We believe that Northeast has made a sufficient showing to warrant the proposed suspensions, which will be on a temporary basis, *pendente lite*, and subject to termination if replacement service falls below a prescribed level.²⁷

We find further that the suspension of Mohawk at Worcester and Keene on segment 3 is in the public interest. Mohawk has experienced only a limited traffic response at these points, and Mohawk has made a sufficient showing, for present purposes, that it would experience an operating loss if required to continue service at Worcester and Keene. Moreover, the replacement service proposed by Executive in these markets, which must be continued if Mohawk is to remain suspended, will result in service as good or better, in terms of frequencies, than that now provided by Mohawk.²⁸

We further find that it is in the public interest to grant a temporary exemption, *pendente lite*, authorizing Mohawk to

provide replacement service between Boston and Burlington and between Worcester, Lebanon, Keene, and Manchester, on the one hand, and New York, on the other hand. This authorization holds promise of strengthening Mohawk. Mohawk already serves most of the stations involved and will not have to incur substantial capital expenditures in opening several new stations. Moreover, the grant of this authority should increase Mohawk's average annual utilization and average length of hop for its PH-227 aircraft. Significantly, no carrier has alleged that it would suffer any diversion or other adverse effect by reason of the grant of the relief requested by Mohawk and we find that none would occur.

The factors set forth above and the temporary nature of the relief granted herein establish that the grant of an exemption, *pendente lite*, to Mohawk is in the public interest. In view of these considerations, we find that it would be an undue burden on Mohawk to deprive the carrier of the revenues, savings, and increased operational efficiencies which will accrue as a result of the replacement services we are authorizing herein.

We will also approve the Northeast/Mohawk and the Mohawk/Executive services agreements since it does not appear that approval of these agreements would be adverse to the public interest. Implementation of the Northeast/Mohawk services agreement will save Mohawk the expense of opening new stations at all but one of the points we are authorizing it to serve. Approval of the Mohawk/Executive services agreement, which obligates Mohawk to furnish ground services for Executive, will lessen Executive's capital expenditure and further the carrier's ability to provide the replacement service it proposes.

It should be emphasized that our approval, *pendente lite*, of the applications now before us is in no way intended to preclude us from a different result following an evidentiary hearing on permanent authorizations. Our decision on permanent authorization will be based on the evidentiary record developed. We therefore caution Northeast and Mohawk not to place undue reliance on our temporary approvals and particularly to refrain from taking any steps which would preclude them from reinstating operations which they are now being permitted to suspend.

We have decided to deny Mohawk's request for an exemption to permit it to assume Northeast's "residual" authority at various points at which Northeast is, or will be, suspended. Mohawk has made no showing which would warrant the transfer of Northeast's residual obligations in these markets prior to a final determination in the formal proceeding instituted herein. Mohawk would not be strengthened by the assumption of Northeast's residual authority, and we find no basis for finding that the absence of this authority constitutes an undue burden on Mohawk within the meaning of section 416(b) of the Act.

There are several matters raised by the numerous parties filing answers to

the above applications which warrant comment. Several parties have suggested that our approval of these various replacement services should be conditioned on the submission of a formal agreement between Mohawk and Executive which would require that Mohawk financially guarantee Executive's proposed replacement operations so as to assure that an adequate level of service is provided.²⁹ While we agree that the New England communities should be assured of an adequate level of replacement service, we also feel that this same end may be accomplished by the imposition of a condition requiring that the suspended carrier reinstate service if the replacement carrier fails to provide a minimum number of frequencies in a market. We believe that this condition will furnish sufficient protection to the traveling public during the interim period of temporary approval.

Several parties have requested that the grant of any temporary authority be conditioned on a requirement that Mohawk and Executive establish fares comparable to those charged by Northeast, including Northeast's 50 percent youth standby fare and 66½ percent youth reservation fare. Mohawk does not offer any youth discount fares, and Executive's youth fares offer less of a discount than do Northeast's. We have decided against imposing any conditions pertaining to fares at this time. In the first place, the differential between the basic fares presently charged by the carriers to be suspended and those proposed by the replacement carriers amounts to no more than \$2. A condition requiring the replacement carriers to establish youth fares would raise serious problems. As Mohawk points out, if this condition was imposed with respect to Mohawk's replacement service, Mohawk might be compelled to establish similar fares on its entire system. Moreover, Mohawk unlike Northeast has unlimited fares which offer substantial discounts, and Executive's youth fare, while somewhat less attractive than Northeast's does offer a 30 percent reduction. In these circumstances we have decided against imposing any conditions pertaining to fares.³⁰

We recognize that Executive will operate its replacement service under the Board's air taxi exemption, and that for

²⁴ See p. 6, note 20 *supra*.

²⁵ See p. 6, note 21 *supra*.

²⁶ The replacement service covers all markets in which Northeast provides single-plane service and which generated more than one daily passenger in 1968. An exception is the Montpelier-New York market (5,236 on-line O&D passengers in 1968), which will lose the single-plane service which it now enjoys, one two-stop round trip. Passengers in this market will have connecting services available at either Lebanon or Boston, or they may travel the short distance via surface transportation to Burlington where Mohawk provides direct New York service.

²⁷ These and other findings in this order are based on the data now before us, and do not preclude different findings on the basis of evidence submitted at a hearing.

²⁸ The replacement service covers all markets which generated more than two passengers a day and now receive single-plane service from Mohawk.

²⁹ Replacement agreements between certificated carriers and air taxis may have other provisions benefiting the traveling public, such as provisions on the level of fares or provisions requiring the replacement carrier to maintain liability insurance. As discussed in the text below, we do not anticipate that Executive will raise its fares during the period of interim approval. With respect to insurance, Executive's \$100,000 per passenger liability insurance exceeds that required by Part 298 of the Board's Regulations. Moreover, Executive has also signed a counterpart to CAB Agreement 18900, thereby accepting liability limitations higher than those imposed by the Warsaw Convention.

³⁰ We also note that the recent fare increase has reduced the discount for youth standby fares from 50 percent to 40 percent and for youth reservation fares from 33½ percent to 20 percent.

this reason the Board will not regulate Executive's fares. However, we do not believe that there is a need to impose a condition governing Executive's fares. Our approval of the proposal under which Executive will replace certificated air service is predicated on our assumption that Executive will provide the replacement service at the level of fares it presently charges. We are retaining the power to amend or revoke any of the temporary authorizations awarded herein, and we believe that this retention of jurisdiction obviates the need for detailed restrictions pertaining to Executive's fares.²²

Several parties have requested that the grant of any temporary authority to Mohawk be conditioned on the transfer from Northeast to Mohawk of a sufficient number of "slots" at LaGuardia. We note that Mohawk's proposed winter New York schedules involve 21 arrivals and departures and that Northeast, pursuant to the services agreement approved herein, has agreed to yield 21 slots, which would appear sufficient for the proposed winter schedules.²³ Moreover, we are conditioning Northeast's suspension upon the provision of a specified minimum number of flights in New York-New England markets. This condition will help protect the New England communities if Mohawk is unable to obtain slots to provide the proposed replacement service.

We will deny ALPA's motion for an immediate hearing to consider the imposition of labor protective provisions. We are awarding Mohawk and Northeast only temporary authority pendente lite and ALPA has not demonstrated that the grant of such temporary authority will have a "general and system-wide impact on employees." See Order 69-8-56, dated June 12, 1969. Significantly, we note that Northeast has stated that the above-described replacement operations would not result in the discharge or furlough of pilots and that, pursuant to a collective bargaining agreement, Northeast will pay any moving expenses occasioned by a relocation of personnel. These problems can be further explored in the proceeding instituted herein to consider permanent approval of the proposed realignment.²⁴

²²With respect to the requests concerning the imposition of a condition requiring comparable through-ticketing and baggage services by Mohawk and Executive, such a condition is unnecessary since both Mohawk and Executive are parties to the IATA and ATO agreement governing these matters.

²³It would not be possible at this time for Northeast to transfer slots to Mohawk for schedules after Dec. 31, 1969, since the present intercarrier agreement concerning the allocation of slots expires on that date.

²⁴With respect to ALPA's motion to consolidate or to defer the above applications with several allegedly mutually exclusive complaints filed by ALPA, in Dockets 20445, 21423, 21424, and 20638, we reject ALPA's contention that the grant of temporary authority for the replacement services described herein would preclude full consideration of ALPA's complaints. Therefore, we will

Finally, we have decided to set for hearing the applications requesting permanent certificate authority for the proposed realignment of air service. The applications set for hearing are: Northeast's application, in Docket 21331, as amended, which requests the deletion of Worcester, Lebanon,²⁵ Keene, Montpelier, Laconia, Newport, Portsmouth, Berlin, and Whitefield;²⁶ Northeast's application, in Docket 21332, which requests adjustments in Northeast's authority to operate between various points in New England, on the one hand, and Montreal and Moncton, on the other hand, primarily to take account of the deletions requested in Northeast's domestic authority; and Mohawk's application, in Docket 21333, which requests the certification of Mohawk at Burlington, Newport, Montpelier, Lebanon, Berlin, Laconia, Portsmouth, and Manchester.

A hearing on these applications will enable the Board to determine, on the basis of a fully developed evidentiary record, whether the proposed realignment of service to these regional New England communities is required by the public convenience and necessity on a permanent basis. Moreover, a hearing will afford all civic, governmental, and other parties an opportunity to express their views on the efficacy of the proposed realignment after evaluating the replacement services in actual operation.

Accordingly, it is ordered, That:

deny ALPA's motion to consolidate. We also reject ALPA's contentions that ALPA's complaints and various matters raised in its answer demonstrate that Mohawk and Northeast are so lacking in compliance disposition that they cannot be granted an exemption or suspension. Any alleged violations which may have occurred could more appropriately be considered in an enforcement proceeding. We also note that the Bureau of Enforcement has advised ALPA that it is not in the public interest to docket a petition for enforcement in Docket 20445 and, also with respect to certain matters in Docket 20638.

We further reject ALPA's contention that Executive would lack authority to provide the proposed replacement service. Executive would have authority to provide the proposed service under the Board's air taxi exemption set forth in Part 298 of the Board's Regulations. ALPA does not set forth any matters which persuade us that Part 298 would be inapplicable to Executive's proposed service with small aircraft.

²⁵Northeast, pursuant to an amendment of its application, does not seek to have Lebanon deleted from segment 6, its east/west segment to Chicago. Thus, only the deletion of Lebanon on segments 3 and 5 will be at issue.

²⁶Northeast's application also requests the deletion of segments 3 and 4 in their entirety. In addition to some of the points mentioned above, segments 3 and 4 include Boston, Manchester, Portland, Lewiston, and Burlington. Northeast has authority to serve these points on other segments.

Northeast's application also contemplates the deletion of Whitefield, at which Northeast has been suspended since 1959 because of airport inadequacy. In view of the duration of the suspension and the continued inadequacy of the airport, we will consider the deletion of Northeast at Whitefield in the formal proceeding.

1. The motions of the Dartmouth-Hanover Parties, Executive, Mohawk, and Northeast for leave to file unauthorized documents be and they hereby are granted;

2. CAB Agreement 21260, in Docket 21334, and CAB Agreement 21266 be and they are hereby approved;

3. Northeast be and it hereby is authorized to temporarily suspend service at Worcester, Lebanon (on segments 3 and 5), Keene, Montpelier, Manchester (on segments 1 and 3), and Burlington (on segments 3 and 4), subject to the condition that Northeast's authority to suspend service in any of the markets listed in the attached appendix²⁷ shall terminate immediately if the number of round trips provided by a replacement carrier in that market should fall below the minimum level specified in the appendix attached hereto;

4. The application of Northeast in Docket 21328, to the extent not granted herein, be and it hereby is denied;

5. Mohawk be and it hereby is authorized to temporarily suspend service at Worcester and Keene on segment 3, subject to the condition that Mohawk's authority to suspend service in any of the markets listed in the attached appendix shall terminate immediately if the number of round trips provided by a replacement carrier in that market should fall below the minimum level specified in the appendix attached hereto;

6. Mohawk be and it hereby is exempted from section 401 of the Act and the terms, conditions, and limitations of its certificate insofar as the enforcement of section 401 of the Act and the terms, conditions, and limitations of its certificate would preclude the carrier from providing service between Boston and Burlington and between New York, on the one hand, and Worcester, Lebanon, Keene, and Manchester, on the other hand, subject to the condition that Mohawk's exemption to serve any of the foregoing markets shall terminate if there is a termination of the authority of Northeast Airlines to suspend service in said market;

7. The application of Mohawk in Docket 21329, to the extent not granted herein, be and it hereby is denied;

8. The application of Northeast in Docket 21331, as amended, be and it hereby is set for hearing at a time and place to be hereafter designated;

9. The application of Northeast in Docket 21332, and the application of Mohawk in Docket 21333, be and they hereby are consolidated for hearing with the application of Northeast in Docket 21331, as amended;

10. The authority granted herein, unless sooner terminated, shall expire 90 days after final Board order on the above certificate applications; and

11. This order shall be served on the parties served with the foregoing applications.

²⁷Filed as part of the original document.

This order will be published in the
FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 69-15213; Filed, Dec. 22, 1969;
8:47 a.m.]

FEDERAL MARITIME COMMISSION

CONCORDIA LINE A/S AND NIAGARA LINE A/S

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 the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Thomas K. Roche, Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement No. 9832 between Concordia Line A/S and Niagara Line A/S is an arrangement for the apportionment of operating results, scheduling of sailings and the setting of rates for the transportation of freight in the trade between ports of the Great Lakes of the United States and Canada, the St. Lawrence River and Seaway, Newfoundland, and the Canadian Maritimes on the one hand, and ports of the Mediterranean and adjacent seas (including Gibraltar and Black Sea Ports) and Atlantic ports of Portugal, Spain, and Morocco, on the other hand.

Dated: December 18, 1969.

By order of the Federal Maritime
Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15214; Filed, Dec. 22, 1969;
8:47 a.m.]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFER- ENCE ET AL.

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 the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Continental North Atlantic Westbound Freight Conference, French North Atlantic Westbound Freight Conference, Marseilles/North Atlantic U.S.A. Freight Conference, and West Coast of Italy, Sicilian & Adriatic Ports/North Atlantic Range Conference.

Notice of agreement filed by:

Mrs. M. Lambert, General Secretary, Agreement No. 8020, as amended, 85, Rue de la Republique—D-4, 92—Meudon, France.

Agreement No. 8020-2, between the member lines of the Conferences which are parties thereto, amends the Preamble of the basic agreement to delete therefrom the parenthetical reference excepting cargo originating within the scope of the Swiss/North Atlantic Freight Conference from its purview.

Dated: December 18, 1969.

By order of the Federal Maritime
Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15216; Filed, Dec. 22, 1969;
8:47 a.m.]

FJELL-NORWEGIAN AMERICA LINE ET AL.

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 the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Fjell-Norwegian America Line, Swedish Chicago Line, and Swedish Atlantic Line.

Notice of agreement Filed by:

Mr. Thomas K. Roche, Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement No. 9691-1 amends (1) the Preamble of the basic agreement between Fjell-Oranje Line, a joint service operating under Agreement No. 8067, as amended, and Norwegian America Line, as the first party, Swedish Chicago Line, a joint service operating under Agreement No. 8036, as the second party, and Swedish Atlantic Line, the third party, to delete Oranje Line as a party to the agreement due to the cancellation of Agreement No. 8067, as amended, effective January 1, 1970, and to provide that the amendment will have effect as of January 1, 1970, (2) Article 7 to eliminate the limitation on the duration of

the basic agreement, December 31, 1969, and the option to automatically renew the agreement thereafter for succeeding 1-year periods, (3) Article 9 to provide that the agreement will cover liner trade to and from ports in the St. Lawrence River, Nova Scotia, Newfoundland, and New Brunswick during the off season, and (4) Article 15 by deleting the provisions as to the effective date of the basic agreement and subsequent revisions thereof, and to provide that the agreement as amended will have effect from January 1, 1970.

Dated: December 18, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15215; Filed, Dec. 22, 1969;
8:47 a.m.]

NORWEGIAN AMERICA LINE AND FJELL LINE

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 the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the *Federal Register*. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Thomas K. Roche, Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement No. 8357-1 amends and restates the basic agreement between Fjell Line, The Norwegian America Line and Oranje Lijn (1) to eliminate Oranje Lijn and all references thereto from the preamble and Articles 2 and 3, (2) to delete the present provisions of Article 5 and

substitute in lieu thereof a new provision that notice of withdrawal by any one party before April 30th of any given year will terminate the agreement at the end of that year, (3) to add to Article 7 a provision that the agreement will cover liner trade to and from ports in St. Lawrence River, Nova Scotia, Newfoundland, and New Brunswick during the off season, and (4) to add a final paragraph to Article 10 which provides that the agreement will have effect from January 1, 1970.

Dated: December 18, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15217; Filed, Dec. 22, 1969;
8:47 a.m.]

FEDERAL TRADE COMMISSION

DIRECTOR, BUREAU OF RESTRAINT OF TRADE, ET AL.

Delegation of Authority

Pursuant to the authority provided by Reorganization Plan No. 4 of 1961 (26 F.R. 6191), the Federal Trade Commission on October 7, 1969, amended its delegation of authority of August 12, 1969 (34 F.R. 13063), "In re: The issuance of investigational subpoenas and extensions of time prescribed for compliance with demands for access, subpoenas, or orders issued during the investigation of any matter," and made the following delegation of authority:

In regard: The issuance of investigational subpoenas and extensions of time prescribed (a) for compliance with demands for access, subpoenas, or orders issued during the investigation of any matter and (b) for the filing of motions to limit or quash such subpoenas, demands for access, or orders. The Commission delegates to the Director and Assistant Director, Bureau of Restraint of Trade; the Director and Assistant Director, Bureau of Deceptive Practices; the Director and Assistant Director, Bureau of Textiles and Furs; the Director and Assistant Director, Bureau of Industry Guidance; and the Director and Assistant Director, Bureau of Economics, severally and without power of redelegation, the authority to issue investigational subpoenas; the authority for good cause shown, to extend the time prescribed for compliance with any investigational subpoenas, demands for access, or orders issued during the investigation of any matter; and the authority to rule upon motions for extensions of time within which to file motions to limit or quash any such investigational subpoenas, demands for access, or orders.

Issued: December 17, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-15202; Filed, Dec. 22, 1969;
8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

LIQUID OPTICS CORP.

Order Suspending Trading

DECEMBER 16, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Liquid Optics Corp. (a New York corporation) and all other securities of Liquid Optics Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange to be summarily suspended, this order to be effective for the period December 17, 1969, through December 26, 1969, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-15189; Filed, Dec. 22, 1969;
8:45 a.m.]

[812-2661]

PENN SQUARE MUTUAL FUND

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Securities at Other Than Public Offering Prices

DECEMBER 16, 1969.

Notice is hereby given that Penn Square Mutual Fund ("Applicant"), c/o Ralph H. Clover, Esq., Drinker Biddle & Reath, 1100 Philadelphia National Bank Building, Philadelphia, Pa. 19107, a Pennsylvania common law trust registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act and of Rule 22c-1 under the Act, a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all the assets of JCM, Inc. ("JCM") on the basis of the value, at the close of business on the business day preceding the date of such issue, of the assets to be transferred and the shares to be delivered, adjusted as provided in the agreement hereinafter referred to. JCM, a Delaware corporation, is a personal holding company all of whose shares are held by not more than 45 persons and is not making and does not propose to make a public offering. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Pursuant to an agreement negotiated but not yet executed and delivered by Applicant and JCM, the assets of JCM

with a value of \$3,889,219.93 as of October 31, 1969 and virtually all of which consist of common stock and preferred stock and debt securities, will be transferred to Applicant in exchange for shares of its capital stock. The number of shares of capital stock of Applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of JCM to be transferred to Applicant by the per share net asset value of Applicant's stock, both to be determined as of the close of business on the business day preceding the "closing date", December 30, 1969. If the valuation under the agreement had taken place on October 31, 1969, JCM would have received 440,872 shares of Applicant's capital stock.

When received by JCM, the shares of Applicant, which are registered under the Securities Act of 1933, are to be distributed to the JCM stockholders upon the liquidation of JCM. The Applicant represents that it has been informed that neither JCM nor its stockholders have any present intention of redeeming the shares of the Applicant to be received.

The application states that there is no affiliation between Applicant and JCM and that the proposed transaction was arrived at by arms-length bargaining.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. The current public offering price of the shares (redeemable) of Applicant as described in Applicant's prospectus is net asset and said prospectus does not provide for other than a cash payment of the public offering price. Thus, section 22(d) may prohibit the proposed sale of Applicant's shares at net asset value in exchange for the securities constituting JCM's assets.

Rule 22c-1 under the Act provides that no registered investment company issuing redeemable securities may sell any such security except at a price based on the current net asset value of such security which is next computed after receipt of an order to purchase such security. Under the proposed agreement between Applicant and JCM, the net asset value of the shares of the Applicant to be issued to JCM is to be determined as of the close of business on the business day preceding the date of the issuance of Applicant's shares. Rule 22c-1 may therefore prohibit the proposed sale of Applicant's shares at net asset value so determined.

Section 6(c) permits the Commission, upon application, to exempt any person or transaction from any provision of the Investment Company Act of 1940 or of any rule or regulation thereunder, if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than De-

cember 29, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereof. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above and proof of such service (by affidavit or in case of any attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-15190; Filed, Dec. 22, 1969;
8:45 a.m.]

TARIFF COMMISSION

[AA1921-61]

AMINOACETIC ACID FROM FRANCE

Hearing Rescheduled

Having received advice from the Treasury Department on November 17, 1969, that Aminoacetic Acid (Glycine) from France is being, and is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

In the notice of the investigation appearing in the FEDERAL REGISTER of November 22, 1969 (34 F.R. 18775), a public hearing was scheduled to begin on January 6, 1970. However, in response to a request dated December 16, 1969, from the attorney for the exporter, and with the assent of the attorney for the complaining firm, the public hearing has been rescheduled to begin at 10 a.m., e.s.t., on January 13, 1970.

The hearing will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: December 18, 1969.

By order of the Commission.

[SEAL]

KENNETH R. MASON,
Secretary.

[F.R. Doc. 69-15223; Filed, Dec. 22, 1969;
8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-A, Amdt. 1]

REGIONAL DIRECTOR, PACIFIC COASTAL REGION

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30-A (34 F.R. 18836), published November 25, 1969, is hereby amended by deleting the double asterisk following Items I.D.1 and I.D.2., and by revising Item II. to read as follows:

II. The specific authority in the subsections may be redelegated.

Effective date: November 4, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-15191; Filed, Dec. 22, 1969;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 18, 1969.

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

LONG-AND-SHORT HAUL

FSA No. 41829—Chlorine from Evans City, Ala. Filed by O. W. South, Jr., agent (No. A6145), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Evans City, Ala., to Roanoke Rapids, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 193 to Southern Freight Association, agent, tariff ICC 5-600.

By the Commission.

(SEAL) H. NEIL GARSON,
Secretary.

[P.R. Doc. 69-15218; Filed, Dec. 22, 1969;
8:47 a.m.]

[Notice 963]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 18, 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 107295 (Sub-No. 252 TA) (Correction), filed November 25, 1969, and published in the FEDERAL REGISTER issue of December 9, 1969, and republished in part, this issue. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. NOTE: The purpose of this partial republication is to include the State of Missouri as a destination State, which was inadvertently omitted, in previous publication. The rest of the application remains as published.

No. MC 107295 (Sub-No. 254 TA) (Correction), filed November 25, 1969, published in the FEDERAL REGISTER issue of December 9, 1969, and republished as corrected this issue. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe, cable, conduit, and fittings therefor*, from Glendale, W. Va., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming; restricted against the transportation of oilfield and pipeline commodities as defined by the Commission in MC-74595

Sub-No. 15, T. E. Mercer and G. E. Mercer Extension—Oilfield Commodities 74 M.C.C. 459, for 180 days. NOTE: The purpose of this republication is to include the commodity restriction. Supporting shipper: Triangle Conduit & Cable Co., Inc., New Brunswick, N.J. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 265 TA), filed December 9, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, pulpboard, and accessories thereto*, from plantsite of Homasote Co., Trenton, N.J., to points in Ohio, Indiana, Michigan, Illinois, Missouri, Kentucky, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Homasote Co., Trenton, N.J. 08603. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, Land of Lincoln Building, Springfield, Ill. 62704.

No. MC 108053 (Sub-No. 91 TA) (Correction), filed November 24, 1969, published in the FEDERAL REGISTER issue of December 5, 1969 and republished as corrected this issue. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., 1520 West 23d Street, Fremont, Nebr. 68025. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A, C, and D of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk in tank vehicles and except hides, from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to Arizona, California, Oregon, Utah, and Washington, for 180 days. NOTE: The purpose of this republication is to include a part of the commodity description, which was incomplete in previous publication. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa 51501 (Raymond C. Burk, Vice President). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 113843 (Sub-No. 155 TA), filed December 8, 1969. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A, C, and D of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk),

from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and District of Columbia, for 180 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa. Send protests to: Richard D. Mansfield, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 115092 (Sub-No. 10 TA), filed December 9, 1969. Applicant: WEISS TRUCKING, INC., Post Office Box O, Vernal, Utah 84078. Applicant's representative: William R. Richards, Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Uintah County, Utah, to points in Arizona, California, Colorado, Illinois, Indiana, Iowa, Missouri, Nevada, New Mexico, Utah, and Wisconsin, for 180 days. Supporting shipper: J. E. Crofts & Sons, Box 667, Vernal, Utah 84078. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 116077 (Sub-No. 281 TA), filed December 11, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aqua ammonia*, in bulk, in tank vehicles, from Garland, Tex., to Cambridge, Ohio, and return spent *Aqua ammonia*, from Cambridge, Ohio, to Garland, Tex., for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Southern California Chemical Co., Inc., 1000 Profit Drive, Garland, Tex. 75040. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 134152 TA (Correction), filed November 18, 1969, published in the FEDERAL REGISTER issue of November 26, 1969, and December 6, 1969, and republished in part, as corrected, this issue. Applicant: BARTON TRUCK LINE, INC., 455 West Fourth South Street, Salt Lake City, Utah 84101. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. NOTE: The purpose of this partial republication is to include Twin Falls, Idaho, as a destination point, which was inadvertently omitted in previous publication. The rest of the application remains as previously published.

No. MC 134191 TA, filed December 8, 1969. Applicant: VINCENT GANDUGLIA TRUCKING, 4746 East Florence Avenue, Fresno, Calif. 93725. Applicant's representative: William H. Kessler, 638 Divisadero Street, Fresno, Calif. 93721.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizing compounds (manufactured fertilizers), dry from Brea, Nitroshell, Shell Point (Pittsburg), Vernon, Edison, Fresno, Lathrop, and Ontario, Calif., to points in Cochise, Graham, Maricopa, Pima, Pinal, and Yuma Counties, Ariz., for 180 days. Supporting shippers: Shell Chemical Co., a division of Shell Oil Co., 1008 West Sixth Street, Los Angeles, Calif., 90054; Monsanto Co., Post Office Box 120, Santa Clara, Calif. 95052; and Occidental Chemical Co., Division of Occidental Petroleum Corp., Lathrop, Calif. 95330. Send protests to: District Supervisor Claude W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 134207 TA, filed December 12, 1969. Applicant: ASSOCIATED FOOD STORES, INC., 1810 South Empire Road, Salt Lake City, Utah 84104. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Wearing apparel and materials used in the manufacture of wearing apparel; (1) between Monroe, Circleville, and Panguitch, Utah, and Buckeye, Ariz.; (2) between Monroe, Circleville, and Panguitch, Utah, and Los Angeles, Calif.; (3) between Monroe, Circleville, and Panguitch, Utah, and San Francisco, Calif., for 180 days. Supporting shipper: Utah Apparel Industries, Inc., Circleville, Utah 84723. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-15219; Filed, Dec. 22, 1969;
8:47 a.m.]

[Notice 465]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 19, 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-71695. By order of December 16, 1969, the Motor Carrier Board

approved the transfer to Keith Emhoff, doing business as Emhoff Trucking, Sheffield, Iowa; of permit in No. MC-128115 (Sub-No. 1), issued April 6, 1967, to Andrew G. Philipp and Roland A. Philipp, a partnership, Osage, Iowa; authorizing the transportation of: Dry animal feed and dry poultry feed, from Minneapolis, Minn.; to points in a specified part of Iowa. Clayton L. Wornson, 824 Brick & Tile Building, Mason City, Iowa 50401, attorney for applicants.

No. MC-FC-71750. By order of December 17, 1969, the Motor Carrier Board approved the transfer to C.B.L. Trucking & Leasing, Inc., Pennsauken, N.J., of that portion of the operating rights in certificate No. MC-21248 issued December 26, 1941, to Gratale Brothers, Inc., Clifton, N.J., authorizing the transportation of general commodities, except those of unusual value and except dangerous explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between New York, N.Y., and points in Essex, Union, Hudson, Bergen, Passaic, Morris, and Middlesex Counties, N.J., on the one hand, and, on the other, Wilmington, Del., and points in a described portion of southeastern Pennsylvania, and paper cartons between New York, N.Y., and the above New Jersey counties, on the one hand, and, on the other, points in approximately the western half of Connecticut. V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109, attorney for transferee. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, attorney for transferor.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-15220; Filed, Dec. 22, 1969;
8:47 a.m.]

[S.O. 1002; Car Distribution Direction 75,
Amdt. 2]

BOSTON AND MAINE CORP. AND MAINE CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 75, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 75 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 11, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 21, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 18, 1969.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15221; Filed, Dec. 22, 1969;
8:47 a.m.]

[S.O. 1002; Car Distribution Direction 76,
Amdt. 2]

PENN CENTRAL CO. ET AL.

Car Distribution

Penn Central Co., Boston and Maine Corp., and Maine Central Railroad Co. Upon further consideration of Car Distribution Direction No. 76, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 76 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 11, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 21, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 18, 1969.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 69-15222; Filed, Dec. 22, 1969;
8:47 a.m.]

[Notice 963]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 17, 1969.

The following are notices of filing of applications for temporary authority under section 210(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. 99 TA), filed December 9, 1969. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 7184, Omaha, Nebr. 68107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Greeley, Colo., to points in Wisconsin and Illinois, for 180 days. Supporting shipper: Monfort Packing Company, Post Office Box G, Greeley, Colo. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 82861 (Sub-No. 15 TA), filed December 9, 1969. Applicant: BROOKS TRUCK LINE, INC., Post Office Box 40, Puyallup, Wash. 98371. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Clay*, from points in Latah County, Idaho, to Ports of Entry at or near Blaine and Sumas, Wash., on international boundary, between United States and Canada, for 150 days. Supporting shipper: Canadian Refractories, Ltd., Western Division, 1685 Boundary Road, Vancouver, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 107295 (Sub-No. 260 TA), filed December 4, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum products; composition boards; insulating materials; roofing and roofing materials; urethane and urethane products; and related materials, supplies and accessories incidental thereto* (restricted against the transportation of commodities in bulk), (1) from Fairfield, Ala., to points in Arkansas, Colorado, Connecticut, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, North Dakota, Oklahoma, Texas, Vermont, Wisconsin, Wyoming, and District of Columbia; (2) from the plantsite and facilities of The Celotex Corp., located at Fairfield, Ala., to points in Alabama, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and West Virginia;

(3) from Marrero, La., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, except Alabama, Arkansas, Florida, Georgia, Kansas, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, and Texas; (4) from San Antonio, Tex., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico; and (5) from Hamlin, Tex., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, except Arkansas, Colorado, Kansas, Louisiana, Mississippi, Oklahoma, Tennessee, and New Mexico, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 263 TA), filed December 9, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from the plantsite of Custom Sheeting Corp., Livingston, Ala.; to points in North Carolina, Maryland, New York, Missouri, Ohio, New Jersey, Indiana, Michigan, Wisconsin, Illinois, Tennessee, Kentucky, Texas, Arkansas, Kansas, and Georgia, for 180 days. Supporting shipper: Custom Sheeting Corp., Post Office Box EG, Livingston, Ala. 35470. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, Land of Lincoln Building, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 264 TA), filed December 9, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrought steel conduit, flexible steel conduit, and fittings therefor*, from the plantsite of Clifton Conduit Co., Baltimore, Md., to points in Indiana, Michigan, Missouri, and Tennessee, for 180 days. Supporting shipper: Clifton Conduit Co., a Division of General Cable Corp., 730 Third Avenue, New York, N.Y. 10017. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, Land of Lincoln Building, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 113678 (Sub-No. 371 TA), filed December 8, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards, Station, Denver, Colo. 80216. Applicant's representative: Minnie Mandel (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 except com-

modities in bulk and except hides, from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone, to points in Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Lower Michigan, Missouri, Montana, Nevada, New Mexico, New York, New Hampshire, New Jersey, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, for 180 days. Supporting shippers: American Beef Packers, Inc., 25 and Z Streets, Omaha, Nebr.; Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa. Send protests to: District Supervisor, Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 124027 (Sub-No. 4 TA), filed December 9, 1969. Applicant: MIDWEST BULK, INCORPORATED, 1100 Winnebago Avenue, Neenah, Wis. 54956. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foundry coke*, from Appleton, Wis., to Waupaca, Wis., returned or rejected shipments on return movements, for 150 days. Supporting shipper: Koppers Co., Inc., Organic Materials Division, St. Paul, Minn. 55104 (W. J. Goodlet, Sales Representative). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 125844 (Sub-No. 16 TA), filed December 3, 1969. Applicant: BIO-MED-HU, INC., 8803 Preston Highway, Louisville, Ky. 40219. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (a) *Blood, derivatives of blood, subderivatives of derivatives of blood and cells, and/or tissue cultures*; (1) from points in Illinois, Maryland, New York, and Virginia to points in Florida and Michigan; (2) from points in Maryland, New York, and Virginia, to points in Illinois; (3) from points in Florida, to points in California; (4) from points in Virginia, Illinois, and New York, to points in New York; (5) from points in California, to points in Maryland; (6) from Rockville, Md., to points in the United States, and (7) from points in New York, Maryland, and Virginia, to points in New Jersey; (b) *blood and serum*, from points in Texas, to points in California and Florida, for 180 days. Supporting shipper: Charles F. Neilson, Ph. D., Vice President, Research and Development, North American Biologicals, Inc., 639 South Andrews Avenue, Fort Lauderdale, Fla. 33301. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 133357 (Sub-No. 3 TA), filed December 9, 1969. Applicant: THOMAS VINCENT MILLER, 9024 Branch Avenue, Clinton, Md. 20735. Applicant's representative: S. Harrison Kahn, Investment Building, Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, from

points in Calvert and Charles Counties, Md., to points in Pennsylvania, New Jersey, New York, and Delaware, for 180 days. Supporting shippers: Hughesville Hardwood Corp., Hughesville, Md.; Thompson Lumber Co., Huntingtown, Md. 20639. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Op-

erations, Room 2218, 12th and Constitution Avenue, NW., Washington, D.C. 20423.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-15177; Filed, Dec. 19, 1969;
8:49 a.m.]

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FEDERAL REGISTER

VOLUME 34 • NUMBER 245

Tuesday, December 23, 1969 • Washington, D.C.

PART II

DEPARTMENT OF TRANSPORTATION

COAST GUARD

•

Documentation and Measurement of Vessels

Transfer of Regulations



Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER G—DOCUMENTATION AND MEASUREMENT OF VESSELS

[CGFR 69-138]

TRANSFER OF REGULATIONS

Pursuant to authority vested in him by law, including Reorganization Plan No. 26 of 1950 and section 301, title 5, United States Code, the Secretary of the Treasury by Treasury Department Order No. 167-81 (32 F.R. 2463), effective February 24, 1967, transferred to the Commandant, U.S. Coast Guard certain functions performed by the Commissioner of Customs pertaining to: (a) Admeasurement of vessels; (b) documentation of vessels and preparation and publication of merchant vessel registers; (c) registration of stack insignia; and (d) port security. By a notice dated March 15, 1967, and published in the FEDERAL REGISTER of March 22, 1967 (32 F.R. 4365), the Commandant, U.S. Coast Guard pursuant to the authority delegated to him adopted and affirmed with respect to these functions all orders, rules, regulations, directives, requirements, standards, policies, procedures, permits, and other actions which were issued, granted, or allowed to become effective prior to February 24, 1967.

On April 1, 1967, the Department of Transportation Act, Public Law 89-670 (49 U.S.C. 1651-1659) became effective in accordance with the terms of Executive Order No. 11340 (32 F.R. 5453), and the U.S. Coast Guard was transferred to that Department. Under the provisions of section 6(b)(1) of the Act, the functions enumerated in the four categories above were transferred to the Secretary of Transportation. By a rule contained in 49 CFR 1.4(a)(2) the Secretary of Transportation delegated the authority to exercise these functions to the Commandant, U.S. Coast Guard. Pursuant to this delegation of authority from the Secretary of Transportation, the Commandant, U.S. Coast Guard by a notice dated March 31, 1967, and published in the FEDERAL REGISTER of April 5, 1967 (32 F.R. 5611), adopted and affirmed with respect to these functions all orders, rules, regulations, directives, requirements, standards, policies, procedures, permits, and other actions which were issued, granted, or allowed to become effective prior to April 1, 1967.

By Reorganization Plan No. 1 of 1967 (32 F.R. 7049), effective May 9, 1967, the President of the United States transferred to the Secretary of Transportation the functions then vested in the Secretary of Commerce relating to the approval of the surrender of documents of a vessel pursuant to subsections B(4) and O(a) of the Ship Mortgage Act, 1920, as amended (46 U.S.C. 911(4) and 961(a)). By a rule contained in 49 CFR 1.4(a)(4) the Secretary of Transportation delegated responsibility for the performance of the transferred functions

to the Commandant, U.S. Coast Guard. Pursuant to this delegation of authority, the Commandant by a notice effective on May 9, 1967, and published in the FEDERAL REGISTER of June 23, 1967 (32 F.R. 8980), established temporary rules, regulations, and instructions.

The rules and regulations of the Bureau of Customs are contained in 19 CFR Chapter I. Part 1 contains regulations of general application; Part 2, the regulations pertaining to the measurement of vessels; Part 3, the regulations pertaining to the documentation of vessels, and Part 4, the regulations pertaining to customs financial and accounting procedure. The regulations in this document, namely 46 CFR Parts 66, 67, and 69 are based, in the main, on pertinent sections of Parts 2 and 3 of the aforementioned regulations of the Bureau of Customs. In addition, the substance of 19 CFR 1.2(c), 4.98(a)(g)(k) and 24.12(a)(4) have been incorporated in these new regulations. The following table shows the derivation of the sections in Parts 66, 67, and 69 from the existing sections of the Bureau of Customs' regulations.

DERIVATIVE REFERENCE TABLE

Current section in 46 CFR Chapter I	Comparable section in 19 CFR Chapter I
66.01-1	None.
66.01-3	None.
66.03-1	None.
66.03-3	None.
66.03-5	3.1(a).
66.03-7	3.1(b).
66.03-9	3.1(c).
66.03-11	3.1(d).
66.03-13	3.1(e).
66.03-15	3.1(f).
66.03-17	3.1(h).
66.03-19	3.1(i).
66.05-1	1.2(c) (Ports of Documentation).
67.01-1(a)	3.2(a).
67.01-1(b)	3.2(b).
67.01-3	3.4.
67.01-5	3.2(c); footnote 2.
67.01-7(a)	3.2(d).
67.01-7(b)	3.2(e).
67.01-9	3.2(f).
67.01-11(a)	3.5(a).
67.01-11(b)	3.5(c).
67.01-13	3.5(b).
67.03-1	3.19(a)(1).
67.03-3(a)	3.19(a)(2).
67.03-3(b)	3.19(d).
67.03-5(a)	3.19(a)(3).
67.03-5(b)	3.19(b).
67.03-5(c)	3.19(c).
67.03-7(a)	3.19(a)(4).
67.03-7(b)	3.1(e).
67.03-9	3.20(a).
67.03-11	3.20(b); footnotes 12, 13.
67.05-1(a)	3.3(a); footnote 4.
67.05-1(b)	3.3(g).
67.05-3	3.3(b).
67.05-5	3.3(c).
67.05-7	3.3(d); footnote 4.
67.05-9	3.3(e).
67.05-11	3.3(f).
67.07-1	3.6(a); footnotes 5, 5a.
67.07-3(a)	3.6(b).
67.07-3(b)	3.6(c).

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67.07-7	3.8.
67.07-9	3.9.
67.07-11	3.10.
67.07-13	3.11.
67.09-1	3.12(a).
67.09-3	3.12(b).
67.09-5	3.12(c).
67.11-1(a)	3.13(a).
67.11-1(b)	3.13(b).
67.11-1(c)	3.13(c).
67.11-3(a)	3.13(d).
67.11-3(b)	3.13(e).
67.11-5	3.13(f).
67.13-1	3.16(a).
67.13-3	3.16(b).
67.13-5	3.16(c).
67.13-7	3.16(d).
67.13-9	3.16(e).
67.15-1	3.14(a).
67.15-3	3.14(b).
67.17-1	3.15(a).
67.17-3	3.15(b).
67.19-1	3.17(a).
67.19-3(a)	3.17(b).
67.19-3(b)	3.17(c).
67.19-5	3.17(d).
67.19-7	3.17(e).
67.19-9	3.17(f).
67.19-11(a)	3.17(g).
67.19-11(b)	3.17(h).
67.19-13	3.17(i).
67.21-1	3.18(a).
67.21-3	3.18(b).
67.21-5	3.18(c).
67.21-7	3.18(d).
67.23-1	3.21(a).
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67.23-5	3.21(c).
67.23-7(a)	3.21(f).
67.23-7(b)	3.21(g).
67.23-7(c)	3.21(h).
67.23-7(d)	3.21(i).
67.23-7(e)	3.21(j).
67.23-9	3.21a.
67.23-11	3.21(d).
67.23-13	3.21(e).
67.25-1	3.22(a).
67.25-3	3.22(b).
67.25-5	3.22(c).
67.25-7	3.22(d).
67.25-9	3.22(e).
67.25-11	3.22(f).
67.27-1	3.23(a).
67.27-3	3.23(b).
67.29-1	3.55.
67.29-3(a)	3.24(a).
67.29-3(b)	3.24(b).
67.29-5(a)	3.24(c).
67.29-5(b)	3.24(d).
67.29-7	3.24(e).
67.29-9	3.24(f).
67.29-11	3.24(g).
67.29-13	Footnote 14.
67.31-1(a)	3.25(a).
67.31-1(b)	3.25(b).
67.31-3	3.25(d).
67.31-5	3.25(e).
67.31-7	3.25(f).
67.33-1	3.26(a).
67.33-3	3.26(b).
67.33-5	3.26(c).
67.33-7	3.26(d).
67.33-9	3.26(e).
67.33-11	Footnote 7.
67.35-1	3.27(a); footnote 16.
67.35-3(a)	3.27(b).
67.35-3(b)	3.27(c).
67.35-5	3.27(d).
67.37-1	3.28(a).
67.37-3	3.28(b).
67.37-5	3.28(b).
67.37-7	3.28(b).

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67.37-9	3.28(b).
67.37-11	3.28(c).
67.37-13	3.28(d).
67.39-1	3.29(a).
67.39-3(a)	3.29(b).
67.39-3(b)	Footnote 18.
67.41-1	3.30(a).
67.41-3	Footnote 19.
67.41-5	3.30(b).
67.41-7	3.30(c).
67.41-9	3.30(d).
67.43-1	3.31.
67.43-3	3.31; footnote 20.
67.45-1	3.32(a).
67.45-3	3.32(b).
67.45-5	3.32(c).
67.45-7(a)	3.32(d).
67.45-7(b)	3.32(e).
67.45-9	3.32(f).
67.45-11	3.32(g).
67.45-13	3.32(h).
67.45-15(a)	3.32(i).
67.45-15(b)	3.32(j).
67.47-1	3.33(a).
67.47-3	3.33(b).
67.47-5	3.33(b).
67.47-7	3.33(b).
67.47-9	3.33(c).
67.47-11	3.33(d).
67.47-13	3.33(d).
67.47-15(a)	3.33(e).
67.47-15(b)	3.33(f).
67.47-17	3.33(g).
67.47-19	3.33(h).
67.47-21	3.33(i).
67.47-23	3.33(i).
67.47-25	3.33(k).
67.47-27(a)	3.33(l).
67.47-27(b)	3.33(n).
67.47-29	3.33(m).
67.47-31(a)	3.33(o).
67.47-31(b)	3.33(p).
67.49-1(a)	3.37(a).
67.49-1(b)	3.37(b); footnote 24a.
67.49-3	3.37(c).
67.49-5	3.37(d).
67.49-7(a)	3.38(a).
67.49-7(b)	Footnote 25.
67.49-9	3.38(b); footnotes 26, 27.
67.49-11	3.38(c); footnote 28.
67.49-13	3.38(d).
67.49-15	3.38(e); footnote 29.
67.49-17	3.38(f).
67.49-19(a)	3.38(g).
67.49-19(b)	3.38(h).
67.49-21	3.38(i); footnote 31.
67.51-1	4.98(a).
67.51-3	4.98(a).
67.51-5	4.98(a); 4.98(k).
67.51-7	4.98(g); 4.98(h).
67.53-1	3.34(a).
67.53-3	3.34(b).
67.53-5	3.34(c).
67.53-7	3.34(d).
67.53-9	3.34(e).
67.55-1	3.35(a).
67.55-3	3.35(b).
67.57-1	Footnote 21.
67.57-3	3.36(a).
67.57-5	3.36(b).
67.59-1	3.39; footnote 32.
67.59-3	4.98(a).
67.61-1	3.40(a); footnote 33.
67.61-3	3.40(b).
67.61-5	3.40(c).
67.61-7	3.40(d).
67.61-9	3.41(a).
67.61-11	3.41(b).

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67.63-1	3.42(a).
67.63-3	3.42(b); footnote 35.
67.63-5	3.52(c).
67.63-7	3.42(d).
67.63-9(a)	3.42(e).
67.63-9(b)	3.42(f).
67.63-9(c)	3.42(g).
67.65-1	3.43(a).
67.65-3	3.43(b).
67.65-5	3.43(c).
67.65-7	3.43(d).
67.65-9	3.43(e).
67.65-11	3.43(f).
67.67-1	3.44.
67.67-3	3.45; footnote 36.
67.69-1	3.47(a).
67.69-3	3.47(b).
67.69-5	3.47(c).
67.69-7	3.48.
67.69-9	3.46.
67.71-1	3.49.
67.73-1	3.50; footnote 37.
67.75-1	3.51(a); footnote 38.
67.75-3	3.51(b).
67.75-5	3.51(c); footnote 38a.
67.75-7	3.51(d).
67.75-9	3.51(e).
67.75-11(a)	3.51(f).
67.75-11(b)	3.51(g).
67.75-13	3.51(i).
67.75-15	3.51(j).
67.75-17(a)	3.51(k).
67.75-17(b)	3.51(l).
67.75-17(c)	Note of 3.51(l).
67.75-19(a)	3.52; footnote 38b.
67.75-19(b)	3.51(h).
67.77-1	3.53(a).
67.77-3(a)	3.53(b).
67.77-3(b)	3.53(c).
67.79-1	3.54.
67.81-1	3.55(a); footnote 40.
67.81-3	3.56(b).
67.83-1	3.57.
67.85-1	24.12(a) (4).
67.87-1	3.80(a).
67.87-3	3.80(b).
67.87-5	3.81(a).
67.87-7	3.81(b).
67.87-9	3.81(c).
67.87-11	3.82.
67.90-1	3.80(a).
67.90-3	3.60(b).
67.90-5	3.60(c).
67.90-7	3.61.
67.90-9	3.62.
67.90-11	3.63.
67.90-13	3.64.
67.90-15	3.65.
67.90-17	3.66.
67.90-19	3.67.
67.90-21	3.68.
67.90-23	Footnote 41.
67.90-25	Footnote 41.
67.90-27	Footnote 41.
67.90-29	3.69.
67.90-31(a)	Footnote 42.
67.90-31(b)	3.70(a).
67.90-31(c)	3.70(b).
67.90-33	3.71.
67.90-35	3.72.
67.90-37	3.73.
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69.01-1	2.1(c).
69.01-3	2.2.
69.01-5	2.3.
69.01-7	2.72.
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69.01-11	2.5.

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69.01-15	2.7.
69.01-17	2.8.
69.01-19	2.9.
69.01-21	2.10.
69.03-1	2.11.
69.03-3	2.13.
69.03-5	2.14.
69.03-7	2.15.
69.03-9	2.16.
69.03-11	2.17.
69.03-13	2.18.
69.03-15	2.19.
69.03-17	2.20.
69.03-19	2.21.
69.03-21	2.22.
69.03-23	2.23.
69.03-25	2.24.
69.03-27	2.25.
69.03-29	2.26.
69.03-31	2.27.
69.03-33	2.28.
69.03-35	2.29.
69.03-37	2.30.
69.03-39	2.31.
69.03-41	2.32.
69.03-43	2.33.
69.03-45	2.34.
69.03-47	2.35.
69.03-49	2.36.
69.03-51	2.37.
69.03-53	2.38.
69.03-55	2.39.
69.03-57	2.40.
69.03-59	2.41.
69.03-61	2.42.
69.03-63	2.43.
69.03-65	2.44.
69.03-67	2.45.
69.03-69	2.46.
69.03-71	2.47.
69.03-73	2.48.
69.03-75	2.49.
69.03-77	2.50.
69.03-79	2.51.
69.03-81	2.52.
69.03-83	2.53.
69.03-85	2.54.
69.03-87	2.55.
69.03-89	2.56.
69.03-91	2.57.
69.03-93	2.58.
69.03-95	2.59.
69.03-97	2.60.
69.05-1	2.60a.
69.05-3	2.61.
69.05-5	2.62.
69.05-7	2.63.
69.05-9	2.64.
69.07-1	2.65.
69.07-3	2.66(a).
69.07-5	2.66(a).
69.07-7	2.66(b).
69.07-9	2.67.
69.07-11	2.68.
69.09-1 through 69.09-21	2.69.
69.11-1 through 69.11-15	2.70.
69.13-1 through 69.13-157	2.71.
69.15-1	2.88.
69.15-3	2.80.
69.15-5	2.81.
69.15-7	2.82.
69.15-9	2.83.
69.15-11	2.84.
69.15-13	2.85.
69.15-15	2.86.
69.15-17	2.87.
69.15-19	2.89.
69.15-21	2.90.
69.15-23	2.91.
69.15-25	2.92.
69.15-27	2.93.
69.15-29	2.94.
69.15-31	2.95.
69.15-33	2.96.

DERIVATIVE REFERENCE TABLE—Continued

Current section in 46CFR Chapter I	Comparable section in 19 CFR Chapter I
69.15-35	2.97.
69.15-37	2.98.
69.15-39	2.99.
69.15-41	2.100.
69.17-1	2.102.
69.17-3	2.101.
69.17-5	2.103.
69.17-7	2.104.
69.17-9	2.105.

No substantive changes in the existing regulations of the Bureau of Customs are made. The only changes are editorial in nature to reflect the transfer of functions to the Coast Guard and to reorganize the contents to conform to the format of the regulations in Title 46, Code of Federal Regulations. It is therefore, found that it is unnecessary to comply with the provisions of the Administrative Procedure Act relating to notice of proposed rule making and public procedure thereon, since these regulations are exempted from these requirements by the provisions of 5 U.S.C. 553. Future changes of substance to the regulations hereby enacted are contemplated. However, these changes will be made only after notice of proposed rule making in accordance with the provisions of the Administrative Procedure Act.

Accordingly, Chapter I of Title 46, Code of Federal Regulations, is amended by adding Subchapter G, consisting of Parts 66, 67, 68, and 69 to read as follows:

PART 66—GENERAL PROVISIONS

Subpart 66.01—Authority and Purpose

Sec.	
66.01-1	Purpose of regulations.
66.01-3	Assignment of functions.

Subpart 66.03—Definitions of Terms Used in This Subchapter

66.03-1	Commandant.
66.03-3	Officer in Charge, Marine Inspection (OCMI).
66.03-5	Vessel.
66.03-7	Vessel of the United States.
66.03-9	Documented.
66.03-11	Marine Document.
66.03-13	Port of documentation.
66.03-15	Mortgagee.
66.03-17	Parent corporation.
66.03-19	Subsidiary corporation.

Subpart 66.05—Ports of Documentation

66.05-1	Ports of documentation.
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AUTHORITY: The provisions of this Part 66 issued under secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 3, 70 Stat. 544, sec. 30, subsec. W, 41 Stat. 1006, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 2, 3, 883b, 983, 49 U.S.C. 1655(b) (1); 49 CFR 1.4 (a) (2), (4).

Subpart 66.01—Authority and Purpose

§ 66.01-1 Purpose of regulations.

The purpose of the regulations in this subchapter is to provide for:

(a) Documentation of vessels under the laws of the United States.

(b) Recordation of bills of sale and conveyances, preferred mortgages related instruments, ordinary mortgages,

leases, satisfactions, assignments, hypothecations, and similar instruments concerning vessel transactions.

(c) Registration of private signals, funnel marks, and house flags.

(d) Measurement of vessels.

§ 66.01-3 Assignment of functions.

(a) The Secretary of the Treasury by an order dated January 30, 1967, and effective February 24, 1967 (32 F.R. 2463), delegated to the Commandant, U.S. Coast Guard, certain functions that the Commissioner of Customs had been authorized to perform under prior delegations of authority and included those functions pertaining to admeasurement of vessels, documentation of vessels, preparation and publication of the register of merchant vessels of the United States, and registration of stack insignia.

(b) The Commandant, U.S. Coast Guard, in a notice dated March 15, 1967 (32 F.R. 4365) approved the continuation of all orders, determinations, rules, regulations, directives, requirements, standards, statements of policy, notices, interpretations, procedures, documents, registers, licenses, enrollments, certifications, permits, privileges, exemptions, waivers, and all other actions which had been issued, made, granted, or allowed to become effective prior to February 24, 1967, and provided that they should continue in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority.

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

(d) By a rule in 49 CFR 1.4(a) (2) the Secretary of Transportation, among other things, delegated to the Commandant, U.S. Coast Guard the authority to exercise the functions, powers and duties pertaining to the admeasurement and documentation of vessels, the preparation and publication of merchant vessel registers, and the registration of stack insignia.

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

(f) By Reorganization Plan No. 1 of 1967 (32 F.R. 7049), effective May 9, 1967, the functions vested in the Secretary of Commerce relating to the approval of the surrender of the documents of a vessel pursuant to subsections B(4) and O(a) of the Ship Mortgage Act, 1920, as amended (46 U.S.C. 911(4) and 961(a)), were transferred to the Secretary of Transportation.

(g) By a rule in 49 CFR 1.4(a) (4) the Secretary of Transportation delegated to the Commandant, U.S. Coast Guard, authority to exercise certain functions, powers, and duties as set forth in Reorganization Plan No. 1 of 1967.

(h) The Commandant, U.S. Coast Guard, in a notice dated June 16, 1967, and effective as of May 9, 1967 (32 F.R. 8980), adopted and affirmed, except as modified, terminated, or superseded by such notice, all orders, determinations, rules, regulations, directives, requirements, standards, statements of policy, notices, interpretations, procedures, documents, certifications, privileges, and exemptions which had been issued, made, granted, or allowed prior to May 9, 1967.

Subpart 66.03—Definitions of Terms Used in This Subchapter

§ 66.03-1 Commandant.

This term means the Commandant of the U.S. Coast Guard.

§ 66.03-3 Officer in Charge, Marine Inspection (OCMI).

This term means any person from the civilian or military branch of the Coast Guard designated as the Officer in Charge of a Marine Inspection Zone by the Commandant.

§ 66.03-5 Vessel.

This term includes every description of watercraft or other contrivance used or capable of being used as a means of transportation on water, but does not include aircraft.

(61 Stat. 633, sec. 401, 46 Stat. 708, as amended, sec. 1109, 72 Stat. 799, as amended; 1 U.S.C. 3, 19 U.S.C. 1401, 49 U.S.C. 1509)

§ 66.03-7 Vessel of the United States.

This term means any vessel documented under the laws of the United States.

(Sec. 30, subsec. B, 41 Stat. 1000, as amended; 46 U.S.C. 911)

§ 66.03-9 Documented.

This term means registered, enrolled and licensed, or licensed under the laws of the United States, whether permanently or temporarily.

§ 66.03-11 Marine documents.

This term includes registry, enrollment and license, and license.

§ 66.03-13 Port of documentation.

This term means the home port of a vessel. It does not include a port in which a temporary document is issued.

(R.S. 4141, sec. 30, subsec. B, 41 Stat. 1000, as amended, sec. 4, 43 Stat. 948; 46 U.S.C. 17, 911, 1011)

§ 66.03-15 Mortgagee.

This term, in the case of a mortgage involving a trust deed and a bond issue thereunder, means the trustee designated in such deed.

(Sec. 30, subsec. B, 41 Stat. 1000, as amended; 46 U.S.C. 911)

§ 66.03-17 Parent corporation.

This term means a corporation incorporated under the laws of the United States, or any State, Territory, District,

or possession thereof, which controls, directly or indirectly, at least 50 percent of the voting stock of a corporation which is a citizen of the United States as defined in § 67.03-7(a) of this chapter and for which there is on file with the proper Officer in Charge a valid and current certificate under oath as required by § 67.23-13 of this chapter.

(Sec. 27A, 72 Stat. 1736; 46 U.S.C. 883-1)

§ 66.03-19 Subsidiary corporation.

This term means a corporation incorporated under the laws of the United States, or any State, Territory, District, or possession thereof, not less than 50 percent of the voting stock of which is controlled, directly or indirectly, by a corporation which is a citizen of the United States as defined in § 67.03-7(a) of this chapter or by its parent and for which there is on file with the proper Officer in Charge a valid and current certificate under oath as required by § 67.23-13 of this chapter.

(Sec. 27A, 72 Stat. 1736; 46 U.S.C. 883-1)

Subpart 66.05—Ports of Documentation

§ 66.05-1 Ports of documentation.

The following is a list of Coast Guard Districts and Marine Inspection Zones indicating the ports of documentation within each District and Zone. The territorial limits of Coast Guard Districts and Marine Inspection Zones are defined in 33 CFR Part 3.

Coast Guard districts	Marine inspection zones	Ports of documentation
First.....	Boston.....	Boston, Mass. Gloucester, Mass. Plymouth, Mass. Salem, Mass. Bangor, Maine. Bar Harbor, Maine. Bath, Maine. Belfast, Maine. Calais, Maine. Eastport, Maine. Jonesport, Maine. Portland, Maine. Portsmouth, N.H. Rockland, Maine. Providence.....
	Portland, Maine.	Fall River, Mass. New Bedford, Mass. Newport, R.I. Providence, R.I. Peoria, Ill.
Second.....	St. Louis.....	St. Louis, Mo. Cincinnati.....
	Cincinnati.....	Cincinnati, Ohio. Dubuque.....
	Dubuque.....	Minneapolis, Minn. Louisville.....
	Louisville.....	Evansville, Ind. Louisville, Ky. Memphis.....
	Memphis.....	Greenville, Miss. Memphis, Tenn. Nashville.....
	Nashville.....	Nashville, Tenn. Pittsburgh.....
	Pittsburgh.....	Pittsburgh, Pa. Third.....
	New York.....	Bridgeport, Conn. Hartford, Conn. New Haven, Conn. New London, Conn. New York, N.Y. Perth Amboy, N.J. Albany.....
	Albany.....	Albany, N.Y. Philadelphia.....
	Philadelphia.....	Philadelphia, Pa. Wilmington, Del. Fifth.....
	Portsmouth.....	Cape Charles, Va. Elizabeth City, N.C. Newport News, Va. Norfolk, Va. Reedville, Va. Baltimore.....
	Baltimore.....	Alexandria, Va. Annapolis, Md. Baltimore, Md. Cambridge, Md. Crisfield, Md. Washington, D.C. Beaufort-Morehead City, N.C. Wilmington.....
	Wilmington.....	Washington, N.C. Wilmington, N.C.

Coast Guard districts	Marine inspection zones	Ports of documentation
Seventh.....	Miami.....	Key West, Fla. Miami, Fla. West Palm Beach, Fla. Charleston.....
	Charleston.....	Charleston, S.C. Georgetown, S.C. Jacksonville.....
	Jacksonville.....	Fernandina Beach, Fla. Jacksonville, Fla. Charlotte Amalie, St. Thomas, V.I. San Juan.....
	San Juan.....	San Juan, P.R. Brunswick, Ga. Savannah.....
	Savannah.....	Savannah, Ga. Tampa.....
	Tampa.....	Tampa, Fla. Eighth.....
	New Orleans.....	Baton Rouge, La. Houma, La. Morgan City, La. New Orleans, La. Brownsville, Tex. Corpus Christi, Tex. Galveston.....
	Corpus Christi.....	Corpus Christi, Tex. Galveston, Tex. Houston.....
	Galveston.....	Houston, Tex. Mobile.....
	Houston.....	Apalachicola, Fla. Biloxi, Miss. Gulfport, Miss. Mobile, Ala. Pascagoula, Miss. Pensacola, Fla. Port Arthur.....
	Mobile.....	Lake Charles, La. Port Arthur, Tex. Ninth.....
	Cleveland.....	Cleveland, Ohio. Buffalo.....
	Buffalo.....	Buffalo, N.Y. Rye, Pa. Rochester, N.Y. Chicago.....
	Chicago.....	Chicago, Ill. Detroit.....
	Detroit.....	Detroit, Mich. Port Huron, Mich. Duluth.....
	Duluth.....	Duluth, Minn. Ludington.....
	Ludington.....	Muskegon, Mich. Milwaukee.....
	Milwaukee.....	Milwaukee, Wis. Cape Vincent, N.Y. Oswego.....
	Oswego.....	Ogdensburg, N.Y. Oswego, N.Y. St. Ignace.....
	St. Ignace.....	Sault Ste. Marie, Mich. Toledo.....
	Toledo.....	Sandusky, Ohio. Toledo, Ohio. Eleventh.....
	Los Angeles-Long Beach.....	Los Angeles-Long Beach, Calif. San Diego.....
	San Diego.....	San Diego, Calif. Eureka, Calif. Twelfth.....
	San Francisco.....	San Francisco, Calif. Aberdeen, Wash. Bellingham, Wash. Thirteenth.....
	Seattle.....	Port Angeles, Wash. Port Townsend, Wash. Seattle, Wash. Tacoma, Wash. Astoria, Oreg. Cooz Bay, Oreg. Portland, Oreg. Honolulu.....
	Portland, Oreg.	Honolulu, Hawaii. Guam.....
	Honolulu.....	Guam. Seventeenth.....
	Guam.....	Juneau, Alaska. Ketchikan, Alaska. Sitka, Alaska. Wrangell, Alaska.

PART 67—DOCUMENTATION OF VESSELS

Subpart 67.01—Vessels Entitled to, Exempt From, and Subject to Documentation

Sec.	
67.01-1	Vessels entitled to marine documents.
67.01-3	Yachts entitled to marine documents.
67.01-5	Classes of vessels entitled to marine documents.
67.01-7	Notation on the marine document of a vessel owned by a corporation.
67.01-9	Loss of coastwise privileges; notation on marine document.
67.01-11	Vessels exempt from documentation.
67.01-13	Vessels subject to documentation.
Subpart 67.03—Citizenship	
67.03-1	Individual.
67.03-3	Partnership, unincorporated company, or association.
67.03-5	Corporation.
67.03-7	Corporation qualifying under the Act of September 2, 1958.
67.03-9	Evidence of citizenship; when required.
67.03-11	Acceptable evidence of citizenship.

Subpart 67.05—Provisional Registers

Sec.	
67.05-1	Applicability.
67.05-3	Privileges.
67.05-5	Presentation of bill of sale to an American Consular Officer.
67.05-7	Presentation of bill of sale to the captains of the ports of Cristobal and Balboa.
67.05-9	Presentation of bills of sale to an Officer in Charge.
67.05-11	Forwarding of duplicate certificate to Commandant.

Subpart 67.07—Marine Documents

67.07-1	Permanent and temporary.
67.07-3	Validity.
67.07-5	Execution.
67.07-7	Issuance of new marine document in lieu of one surrendered.
67.07-9	Dimensions and tonnage.
67.07-11	Registers.
67.07-13	Enrollment and license; coasting trade and fisheries.

Subpart 67.09—Builder's Certificates

67.09-1	Applicability.
67.09-3	Waiver.
67.09-5	Place and time of build.

Subpart 67.11—Official Number and Signal Letters

67.11-1	Application for official number.
67.11-3	Signal letters.
67.11-5	Cancellation of signal letters.

Subpart 67.13—Marking of Name and Hailing Port on Documented Vessel

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Appendix.

AUTHORITY: The provisions of this Part 67 issued under reas. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 1, 38 Stat. 1193, as amended, R.S. 4166, as amended, R.S. 4177, as amended, sec. 2, 41 Stat. 437, as amended, R.S. 4150, as amended, R.S. 4153, as amended, R.S. 4214, as amended, R.S. 4215, sec. 1, 34 Stat. 136, as amended, R.S. 4336, as amended, sec. 3, 70 Stat. 544, sec. 30, subsec. W, 41 Stat. 1006, as amended, sec. 6(b)(1), 80 Stat. 937, sec. 3, 68 Stat. 675; 46 U.S.C. 2, 3, 12, 35, 45, 52, 74, 77, 103, 109, 260, 277, 883b, 983, 49 U.S.C. 1655(b)(1), 50 U.S.C. 198; 49 CFR 1.4 (a)(2), (a)(4).

Subpart 67.01—Vessels Entitled to, Exempt From, and Subject to Documentation

§ 67.01-1 Vessels entitled to marine documents.

(a) A vessel of 20 net tons or more may be registered or enrolled and licensed. A vessel of 5 net tons or more but less than 20 net tons may be licensed (except vessels subject to the provisions of paragraph (b) of this section) or registered.

(b) Any vessel of 5 net tons or more which is to be documented for navigating the waters of the northern, northeastern, or northwestern frontiers otherwise than by sea shall be granted a frontier enrollment and license, Form CG-1273, except that a vessel used exclusively as a pleasure vessel on those waters may be granted an enrollment and license as a yacht, Form CG-1290, if entitled to be so documented in accordance with the provisions of § 67.01-3. (See Subpart 67.61.)

§ 67.01-3 Yachts entitled to marine documents.

(a) Any vessel, other than one navigating the waters of the northern, northeastern, or northwestern frontiers otherwise than by sea, may be licensed as a yacht if under 20 but not under 5 net tons and used exclusively as a pleasure vessel, and if otherwise entitled to be documented.

(b) Any vessel may be enrolled and licensed as a yacht if used exclusively as a pleasure vessel and otherwise entitled to be documented, provided it is of 5 net tons or over in the case of a vessel navigating the waters of the northern, northeastern, or northwestern frontiers other-

wise than by sea, or 20 net tons or over in any other case.

(R.S. 4214, as amended; 46 U.S.C. 103)

§ 67.01-5 Classes of vessels entitled to marine documents.

The following classes of vessels are entitled to receive marine documents under existing laws:

(a) **Class 1.** Any vessel built in the United States and wholly owned by a citizen (for the meaning of the word "citizen" in this section, see subpart 67.03). A vessel of this class owned by a corporation which is qualified as a citizen of the United States under the definition contained in § 67.03-7(a) may be documented for use in the coastwise trade within the limitations specified in the Act of September 2, 1958 (46 U.S.C. 883-1), if it is a non-self-propelled vessel or a self-propelled vessel of less than 500 gross tons (see also § 67.03-7(b)).

(b) **Class 2.** Any vessel purchased from the Maritime Administration or War Shipping Administration by a citizen. (See § 67.63-9(c).)

(c) **Class 3.** Any vessel built in the United States in whole or in part for the account of one who is not a citizen and then recorded, which thereafter becomes wholly owned by a citizen and has never before been documented. (See subpart 67.69.)

(d) **Class 4.** Any vessel captured by a citizen in a war to which the United States is a party, which has been lawfully condemned as a prize and is wholly owned by a citizen.

(e) **Class 5.** Any vessel which has been judicially forfeited for a breach of the laws of the United States when wholly owned by a citizen. This includes a foreign-built vessel, but does not include any vessel not otherwise entitled to documents which has been sold under a decree of admiralty for debt or seamen's wages.

(f) **Class 6.** Any vessel built in the United States and sold by the Government to a citizen. A foreign-built vessel bought or chartered by the Government is entitled to documentation if sold to a citizen and the requirements for class 9 are met.

(g) **Class 7.** Any vessel authorized by special act of Congress to be documented.

(h) **Class 8.** Any vessel wrecked on a coast of the United States or its possessions or in adjacent waters when purchased by a citizen and repaired in a shipyard in the United States or its possessions, provided it be proved to the satisfaction of the Commandant, through a board of three appraisers appointed by him if necessary, that the repairs put upon such vessel are equal to three times the appraised salved value of the vessel. The expense of such appraisal shall be borne by the owner of the vessel. If any of the material facts sworn to or represented by the owner, or at his instance, to obtain a marine document for such vessel is not true, the vessel is liable to forfeiture.

(i) **Class 9.** Any seagoing vessel, whether steam or sail, wherever built, wholly owned by a citizen. A foreign-built vessel of this class shall engage only

in trade with foreign countries or the islands of Guam, Tutuila, Wake, Midway, or Kingman Reef. It shall not engage in the coastwise trade, except as specified in sections 18 and 22, Merchant Marine Act, 1920, as amended, nor in the American fisheries. (See subpart 67.63.)

(R.S. 4132, as amended, sec. 22, 41 Stat. 997, R.S. 4136, as amended, R.S. 4214, as amended, sec. 9, 39 Stat. 730, as amended, sec. 27, 41 Stat. 999, as amended, sec. 27A, 72 Stat. 1736, secs. 2, 3, 70 Stat. 544, as amended; 46 U.S.C. 11, 13, 14, 103, 808, 883, 883-1, 883a, 883b)

§ 67.01-7 Notation on the marine document of a vessel owned by a corporation.

(a) The appropriate one of the following notations shall be made on the register of any vessel owned by a corporation which is established as a citizen of the United States under the definition contained in § 67.03-5 (a) or (b), except when such register is required by any other provision of this part to bear an endorsement prohibiting the vessel from engaging in the coastwise trade:

(1) "Less than 75 percent of the interest in the corporation owning this vessel is owned by citizens of the United States. It shall not engage in the coastwise trade"; or

(2) "75 percent of the interest in the corporation owning this vessel is owned by citizens of the United States. It may engage in the coastwise trade so long as so owned and no longer."

(b) The following notation shall be made on the enrollment and license or license of any non-self-propelled vessel or any self-propelled vessel of less than 500 gross tons owned by a corporation which is established as a citizen of the United States under the definition contained in § 67.03-7(a):

As amended by the Act of September 2, 1958 (46 U.S.C. 883-1). This vessel may engage in the coastwise trade, within the limitations specified in the Act, so long as so owned and no longer. It shall not engage in the fisheries and is not authorized to be documented for nor to engage in the foreign trade.

(Sec. 2, 39 Stat. 729, as amended, sec. 3, 70 Stat. 544, sec. 27A, 72 Stat. 1736; 46 U.S.C. 802, 883b, 883-1)

§ 67.01-9 Loss of coastwise privileges; notation on marine document.

(a) No vessel of classes 1 through 8 (§ 67.01-5 (a) through (h)) which has acquired the lawful right to engage in the coastwise trade by virtue of having been built in or documented under the laws of the United States, shall have the right to engage in such trade if it thereafter has been sold or transferred foreign in whole or in part or placed under foreign registry (Subpart 67.65), or, if of more than 500 gross tons, has been rebuilt unless the entire rebuilding, including the construction of any major components of the hull or superstructure of the vessel, was effected within the United States, its territories (not including trust territories), or its possessions. However,

no rebuilt vessel shall be deemed to have lost its coastwise privileges within the meaning of the above merely because it may have been rebuilt within the United States, its Territories (not including trust territories), or its possessions under a contract executed before July 5, 1960, if the work of rebuilding is commenced not later than 24 months after such date (Subpart 67.37).¹

(b) When a vessel has lost its coastwise privileges, no marine document shall be issued for the coastwise trade and any marine document which may be issued to such vessel for any other trade or employment shall bear the following notation:

As amended by section 27 of the Merchant Marine Act of June 5, 1920, as amended. This vessel shall not engage in the coastwise trade.

(Sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544, as amended; 46 U.S.C. 883, 883a, 883b)

§ 67.01-11 Vessels exempt from documentation.

(a) The following classes of vessels are exempt from documentation:

(1) Boats or lighters not masted, or masted but not decked, used in the harbor of any town or city, and not carrying passengers.

(2) Canal boats, barges, or other boats used in whole or in part on canals or on the internal waters of a State, without sail or internal motive power of their own, not engaged in trade with contiguous foreign territory, and not carrying passengers.

(3) Barges or boats without sail or internal motive power of their own plying in whole or in part on inland rivers or lakes of the United States, not engaged in trade with contiguous foreign territory, and not carrying passengers.

(4) Vessels plying upon waters which are wholly within the limits of a State and which have no outlet into a river or lake on which commerce with foreign nations or among the States can be carried on.

(5) Vessels of less than 5 net tons.

(b) No vessel exempt from documentation under the provisions of paragraph (a) (1), (2), (3), or (5) of this section and owned by a corporation which is a citizen of the United States as defined

¹ * * * (Sec. 1) * * * the second proviso of section 27 of the Merchant Marine Act, 1920, as amended (U.S.C., 1958 edition, title 46, sec. 883), is amended to read as follows: "Provided further, That no vessel of more than five hundred gross tons which has acquired the lawful right to engage in the coastwise trade, by virtue of having been built in or documented under the laws of the United States, and which has later been rebuilt, shall have the right thereafter to engage in the coastwise trade, unless the entire rebuilding, including the construction of any major components of the hull or superstructure of the vessel, is effected within the United States, its Territories (not including trust territories), or its possessions: * * * (Sec. 1, Act of July 5, 1960 (74 Stat. 321).)

in § 67.03-7(a) shall be operated in trade on the navigable waters of the United States unless there is on file with the Officer in Charge for the marine inspection zone in which the vessel business of the owner is conducted a valid and current certificate under oath on Form CG-1260 as required by § 67.23-7(a).

(Sec. 7, 24 Stat. 81, as amended, 21 Stat. 44, R.S. 4385, 18 Stat. 31, 72 Stat. 1736; 46 U.S.C. 319, 332, 335, 336, 883-1)

§ 67.01-13 Vessels subject to documentation.

All vessels, except vessels exempt from documentation under the provisions of § 67.01-11, engaged in trade between ports in the United States or engaged in the fisheries, if not registered, shall be enrolled and licensed, or licensed, or will be liable to a penalty of \$30 on every arrival, unless the vessel has not been within a marine inspection zone since the expiration of the license.

(Sec. 7, 24 Stat. 81, as amended; 46 U.S.C. 319)

Subpart 67.03—Citizenship

§ 67.03-1 Individual.

The term "citizen," in the case of an individual, means a native-born, derivative, or naturalized citizen of the United States.

(R.S. 4132, as amended, 4131, as amended, sec. 9, 39 Stat. 730, as amended, sec. 4, 40 Stat. 901, as amended; 46 U.S.C. 11, 221, 808, 835)

§ 67.03-3 Partnership, unincorporated company, or association.

(a) The term "citizen," in the case of a partnership, unincorporated company, or association, means one whose members are all citizens of the United States.

(b) A vessel, although owned by a partnership or association which is a citizen as defined in section 2 of the Shipping Act, 1916, as amended,² shall not be documented as a vessel of the United States unless the owner is also a citizen as defined in paragraph (a) of this section.

(R.S. 4132, as amended, 4131, as amended, sec. 2, 9, 39 Stat. 729, as amended, 730, as amended, sec. 4, 40 Stat. 901, as amended; 46 U.S.C. 11, 221, 802, 808, 835)

§ 67.03-5 Corporation.

(a) The term "citizen," in the case of a corporation, means one which is incorporated under the laws of the United States, or of any State thereof, of which the president or other chief executive officer, and the chairman of the board of directors are citizens of the United States, so long as no more of its directors than a minority of the number necessary to constitute a quorum shall be noncitizens.

(b) A vessel, although owned and documented by a corporation which is a citizen as defined in paragraph (a) of this section, shall not engage in the coastwise trade unless 75 percent of the interest in the corporation is owned by

citizens as specified in section 2 of the Shipping Act, 1916, as amended.¹

(c) A vessel, although owned by a corporation which is not a citizen as defined in section 2 of the Shipping Act, 1916, as amended, may be documented as a vessel of the United States if the sale or transfer to the corporation was not in violation of section 9 or 37 of the Shipping Act, 1916, as amended (46 U.S.C. 808, 835), and if the corporation is a citizen as defined in paragraph (a) of this section.

(R.S. 4132, as amended, 4131, as amended, sec. 2, 9, 39 Stat. 729, as amended, 730, as amended, sec. 4, 40 Stat. 901, as amended; 46 U.S.C. 11, 221, 802, 808, 835)

§ 67.03-7 Corporation qualifying under the Act of September 2, 1958.

(a) The term "citizen," in the case of a corporation owning and operating a non-self-propelled vessel, or a self-propelled vessel of less than 500 gross tons, or in the case of a corporation which seeks to qualify as a citizen under the Act of September 2, 1958 (46 U.S.C.

"(a) Within the meaning of this chapter no corporation, partnership, or association shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president or other chief executive officer and the chairman of its board of directors are citizens of the United States and unless no more of its directors than a minority of the number necessary to constitute a quorum are non-citizens and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof, but in the case of a corporation, association, or partnership operating any vessel in the coastwise trade the amount of interest required to be owned by citizens of the United States shall be 75 per centum.

"(b) The controlling interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to a majority of the stock thereof is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if the majority of the voting power in such corporation is not vested in citizens of the United States; or (c) if through any contract or understanding it is so arranged that the majority of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or, (d) if by any other means whatsoever control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

"(c) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to 75 per centum of its stock is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if 75 per centum of the voting power in such corporation is not vested in citizens of the United States; or (c) if, through any contract or understanding, it is so arranged that more than 25 per centum of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a citizen of the United States." (46 U.S.C. 802.)

883-1), for any purpose under the Act, means one which is incorporated under the laws of the United States, or any State, Territory, District, or possession thereof provided that (1) a majority of the officers and directors of such corporation are citizens of the United States; (2) not less than 90 per cent of the employees of such corporation are residents of the United States; (3) such corporation is engaged primarily in a manufacturing or mineral industry in the United States or any Territory, District, or possession thereof; (4) the aggregate book value of the vessels owned by such corporation does not exceed 10 per cent of the aggregate book value of the assets of such corporation; and (5) such corporation purchases or produces in the United States, its Territories, or possessions not less than 75 per cent of the raw materials used or sold in its operations, and provided further that a certificate under oath on Form CG-1260 as prescribed in Subpart 67.23 is filed with the Officer in Charge concerned as provided therein, if any, or if none, with the Commandant, together with the required certificate as to the organization of the corporation and the names of all officers and directors of the corporation, showing the home address and citizenship of each."

"Notwithstanding any other provision of law, a corporation incorporated under the laws of the United States or any State, Territory, District, or possession thereof, shall be deemed to be a citizen of the United States for the purposes of and within the meaning of that term as used in sections 316, 808, 835 and 883 of this title, and the laws relating to the documentation of vessels, if it is established by a certificate filed with the Secretary of the Treasury [now, Secretary of Transportation] as hereinafter provided, that—

"(a) A majority of the officers and directors of such corporation are citizens of the United States;

"(b) Not less than 90 per centum of the employees of such corporation are residents of the United States;

"(c) Such corporation is engaged primarily in a manufacturing or mineral industry in the United States or any Territory, District, or possession thereof;

"(d) The aggregate book value of the vessels owned by such corporation does not exceed 10 per centum of the aggregate book value of the assets of such corporation; and

"(e) Such corporation purchases or produces in the United States, its Territories, or possessions not less than 75 per centum of the raw materials used or sold in its operations but no vessel owned by any such corporation shall engage in the fisheries or in the transportation of merchandise or passengers for hire between points in the United States, including Territories, Districts, and possessions thereof, embraced within the coastwise laws, except as a service for a parent or subsidiary corporation and except when such vessel is under demise or bareboat charter at prevailing rates for use otherwise than in the domestic noncontiguous trades from any such corporation to a common or contract carrier subject to chapter 12 of Title 49, which otherwise qualifies as a citizen under section 802 of this title, and which is not connected, directly or indirectly, by way of ownership or control with such corporation.

"As used herein (1), the term 'parent' means a corporation which controls, directly or indirectly, at least 50 per centum of the

(b) A corporation which qualifies as a citizen as defined in paragraph (a) of this section is not thereby precluded from qualifying as a citizen under any other applicable definition and vessels which it owns or operates shall be

voting stock of such corporation, and (2), the term 'subsidiary' means a corporation not less than 50 per centum of the voting stock of which is controlled, directly or indirectly, by such corporation or its parent, but no corporation shall be deemed to be a 'parent' or 'subsidiary' hereunder unless it is incorporated under the laws of the United States, or any State, Territory, District, or possession thereof, and there has been filed with the Secretary of the Treasury [now Secretary of Transportation] a certificate as hereinafter provided.

"Vessels built in the United States and owned by a corporation meeting the conditions hereof which are non-self-propelled or which, if self-propelled, are of less than five hundred gross tons shall be entitled to documentation under the laws of the United States, and except as restricted by this section, shall be entitled to engage in the coastwise trade and, together with their owners or masters, shall be entitled to all the other benefits and privileges and shall be subject to the same requirements, penalties, and forfeitures as may be applicable in the case of vessels built in the United States and otherwise documented or exempt from documentation under the laws of the United States.

"A corporation seeking hereunder to document a vessel under the laws of the United States or to operate a vessel exempt from documentation under the laws of the United States shall file with the Secretary of the Treasury of the United States [now Secretary of Transportation] a certificate under oath, in such form and at such times as may be prescribed by him, executed by its duly authorized officer or agent, establishing that such corporation complies with the conditions of this section above set forth. A 'parent' or 'subsidiary' of such corporation shall likewise file with the Secretary of the Treasury [now Secretary of Transportation] a certificate under oath, in such form and at such time as may be prescribed by him, executed by its duly authorized officer or agent, establishing that such 'parent' or 'subsidiary' complies with the conditions of this section above set forth, before such corporation may transport any merchandise or passengers for such parent or subsidiary. If any material matter of fact alleged in any such certificate which, within the knowledge of the party so swearing is not true, there shall be a forfeiture of the vessel (or the value thereof) documented or operated hereunder in respect to which the oath shall have been made. If any vessel shall transport merchandise for hire in violation of this section, such merchandise shall be forfeited to the United States. If any vessel shall transport passengers for hire in violation of this section, such vessel shall be subject to a penalty of \$200 for each passenger so transported. Any penalty or forfeiture incurred under this section may be remitted or mitigated by the Secretary of the Treasury [now Secretary of Transportation] under the provisions of section 7 of this title.

"Any corporation which has filed a certificate with the Secretary of the Treasury [now Secretary of Transportation] as provided for herein shall cease to be qualified under this section if there is any change in its status whereby it no longer meets the conditions above set forth, and any documents theretofore issued to it, pursuant to the provisions of this section, shall be forthwith surrendered by it to the Secretary of the Treasury [now Secretary of Transportation]." (46 U.S.C. 883-1).

entitled to be documented as vessels of the United States under any other provision of this part upon compliance with all applicable requirements.

(Sec. 27A, 72 Stat. 1736; 46 U.S.C. 883-1)

§ 67.03-9 Evidence of citizenship; when required.

In addition to any oath, certificate, or declaration of citizenship specified, the Officer in Charge may require the production of such further evidence as may be necessary to satisfy him that the person is a citizen of the United States. The proper notation of the evidence produced shall be made on the papers retained by the Officer in Charge, such as the number, date, and office of issue of an officer's license, seaman's passport, or citizen's passport, or the same data as to a birth or naturalization certificate, a continuous discharge book, or a certificate of identification, etc. The Officer in Charge shall reject any evidence believed by him to be unauthentic.

§ 67.03-11 Acceptable evidence of citizenship.

As evidence of his citizenship, a naturalized citizen shall be required in every case to present a certificate of his naturalization. A derivative citizen shall be required to present either a certificate of naturalization of either parent through whom he derived his own citizenship, together with a birth certificate or other evidence satisfactorily establishing that he was under 21 years of age at the time of his parent's naturalization, or a certificate of derivative citizenship. The usually acceptable evidence of citizenship for other persons is described below in the order of desirability.

- (a) A birth certificate or certified copy.
- (b) A baptismal certificate or parish record made within 1 year after birth.
- (c) A certificate of a practicing physician that he attended the birth and that he has a record in his possession showing the date on which it occurred.
- (d) A State Department passport.
- (e) An active commission in the U.S. Navy, Marine Corps, Coast Guard, or reserve component thereof.
- (f) An active commission in the U.S. Army or a reserve component thereof issued prior to May 26, 1942.
- (g) A license as master, mate, engineer, or pilot issued by the Coast Guard, or a license as master, mate, engineer, or pilot issued by the former Bureau of Marine Inspection and Navigation when such license shows on the back thereof that satisfactory evidence of citizenship of the holder was produced at the time of the issuance of such license.
- (h) A certificate of registry as staff officer.
- (i) A continuous discharge book or certificate of identification issued by the Coast Guard which shows that the holder is an American citizen, or a continuous discharge book or certificate of identification issued by the former Bureau of Marine Inspection and Navigation which shows the holder is an American citizen, provided the records of that Bureau (now maintained by the Coast Guard) indicate that the holder of such continuous

discharge book or certificate of identification has produced satisfactory evidence of his citizenship.

(j) A delayed certificate of birth. If an applicant claiming to be a citizen of the United States submits a delayed certificate of birth which has been issued in accordance with the procedure outlined in the Manual of Uniform Procedure for the Delayed Registration of Births (issued by the Department of Commerce on July 16, 1941, and filed with the Office of the Federal Register) and recites on its face the evidence of citizenship in the absence of any collateral facts indicating fraud in its procurement. In order to receive consideration as a delayed certificate of birth, the certificate shall have been issued strictly in accordance with the provisions of the manual above referred to. Any delayed birth certificate so issued shall be given consideration but shall not necessarily be considered prima facie evidence of citizenship.

(k) If none of the foregoing requirements can be met by the applicant, he shall make a statement to that effect, and, in an attempt to establish citizenship, he may submit for consideration data of the following character:

(1) Report of the Census Bureau showing the earliest record of age or birth available (Census records are available for the following years: 1860, 1870, 1880, 1900, 1910, 1920, 1930, 1940, and 1950). Request for such information shall be addressed to the Director of the Census, Washington, D.C. 20225. In making such request, definite information must be furnished the Census Bureau as to the place of residence when the first census was taken after birth of the applicant, giving the name of the street and number of the house, or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district, if residing in the country; also the names of parents, or the names of other persons with whom residing on the date specified.

(2) Declarations of fact by parents or relatives; declarations by two or more responsible citizens of the United States stating facts of which they have knowledge tending to establish the applicant's citizenship; school records; immigration records; or insurance policies.

Subpart 67.05—Provisional Registers

§ 67.05-1 Applicability.

(a) Consular officers of the United States and the captains of the ports of Cristobal and Balboa, Canal Zone, are authorized to issue a provisional certificate of registry to any vessel abroad which has been purchased by a citizen, as defined in Subpart 67.03, and which at the time of such purchase is not documented as a vessel of the United States.

(b) No provisional certificate shall be issued to any vessel abroad which at the time of its transfer to a citizen of the United States was documented as a vessel of the United States. Such a vessel may be redocumented at a port in the United States upon compliance with the

requirements outlined in Subpart 67.55 or if not so redocumented while abroad, it shall nevertheless be entitled to all the privileges and benefits of a vessel of the United States up to and for the purpose of its first arrival thereafter within a marine inspection zone.

(Sec. 1, 38 Stat. 1193, as amended, R.S. 4166, as amended; 46 U.S.C. 12, 35; E.O. 10351, P.R. 4517)

§ 67.05-3 Privileges.

A provisional certificate shall entitle the vessel to the privileges of a vessel of the United States in trade with foreign countries or with the islands of Guam and Tutuila until the expiration of 6 months from the date thereof, or until 10 days after the vessel's first arrival in a port of the United States, whichever first happens, and no longer. On arrival at a port of the United States, the vessel shall become subject to the laws relating to officers, inspection, and measurement.

(Sec. 1, 38 Stat. 1193, as amended, R.S. 4166, as amended; 46 U.S.C. 12, 35)

§ 67.05-5 Presentation of bill of sale to an American consular officer.

When a bill of sale covering such transfer is presented to an American consular officer—

(a) Satisfactory evidence shall be produced to establish that the transfer of registry has the approval of the foreign government concerned.

(b) The bill of sale shall be filed with him.

(c) The vendee shall submit a certificate as to the bona fides of the transfer of title and the citizenship of the vendee which the consul shall file with the bill of sale.

(d) If the vendor or his duly authorized representative be present, he shall also sign the certificate.

(e) The consular officer will investigate the circumstances surrounding the sale of the vessel and then communicate by dispatch, or by cable at the expense of the applicant, with the Commandant through the Department of State, setting forth the results of his investigation; pertinent data regarding the vessel, such as its name, former nationality, rig, and gross and net tonnages; that the bill of sale and certificate of bona fides have been filed with him, giving the names of the vendor and vendee; whether the proposal to have the vessel placed under American registry has the approval of the foreign government concerned, or, if such approval is not required, stating that fact; his opinion as to whether the transfer was made in good faith; and whether it is intended that the vessel will be navigated to the United States on a voyage expected to terminate before the expiration date of the provisional register to be issued.

(f) On receipt of such a communication, if the transfer appears to be in good faith and the documentation of the vessel is not contrary to the policy of this Government, the Commandant will award signal letters to the vessel and, through the usual channels, will promptly authorize the State Department to

instruct the consular officer to issue a provisional certificate, Form CG-1266A, to the vessel. The State Department will then cable, at the expense of the parties concerned, instructions and data for the issue of the provisional register.

(Sec. 1, 38 Stat. 1193, as amended; 46 U.S.C. 12)

§ 67.05-7 Presentation of bill of sale to the captains of the ports of Cristobal and Balboa.

When bills of sale covering such transfers are presented to the captains of the ports of Cristobal and Balboa, Canal Zone, the procedure outlined in § 67.05-5 shall be followed. Communications in such cases shall be made through the appropriate departments.

(Sec. 1, 38 Stat. 1193, as amended; 46 U.S.C. 12; E.O. 10851, 17 F.R. 4517)

§ 67.05-9 Presentation of bills of sale to an Officer in Charge.

If bills of sale covering such transfers are presented to an Officer in Charge, the procedure outlined in § 67.05-5 (a) through (e) shall be followed, except that the Officer in Charge shall communicate directly with the Commandant. Thereafter, if the transfer appears to be in good faith and it is not contrary to the policy of this Government, the Commandant will award signal letters to the vessel and, through the usual channels, will promptly request the State Department to authorize the appropriate consular officer to issue a provisional certificate to the vessel. The State Department will then cable, at the expense of the parties concerned, instructions and data for the issue of the provisional register. No provisional certificate of registry shall be issued in any case unless authorized by the Commandant.

(Sec. 1, 38 Stat. 1193, as amended; 46 U.S.C. 12)

§ 67.05-11 Forwarding of duplicate certificate to Commandant.

A duplicate provisional certificate, Form CG-1266A, shall be forwarded as soon as practicable in every case by the issuing officer through the usual channels to the Commandant.

(Sec. 1, 38 Stat. 1193, as amended; 46 U.S.C. 12)

Subpart 67.07—Marine Documents

§ 67.07-1 Permanent and temporary.

Marine documents are of two descriptions, (a) permanent, granted to vessels at their home ports,* and (b) temporary, granted to vessels at ports other than their home ports (the ports at which marine documents may be issued are indicated in § 66.05-1 of this chapter).

§ 67.07-3 Validity.

(a) A register or enrollment shall be valid until a contingency arises requiring

* Under the "Seattle plan," which is in force in a number of marine inspection zones, a vessel having its home port within the marine inspection zone may secure a permanent document at any other port in the same marine inspection zone at which marine documents are issued.

its surrender. (See Subparts 67.33 and 67.35.) A license shall be valid for 1 year only, but may be renewed or changed at any time during the year for which it is granted (with respect to registers, enrollments and licenses, and licenses, issued under the Act of August 9, 1954, see §§ 67.90-9, 67.90-35(b), and 67.90-37). Care shall be taken that only one license, and for one employment, be granted to a vessel for the same period, except that a license may be granted for the "coasting trade and mackerel fisheries."

(b) No enrollment and license or license shall be considered in force longer than the vessel to which it is granted is owned as stated in the document, nor shall it be valid if the description of the vessel is changed, nor if the vessel engages in any business or employment other than that for which the document was granted.

(R.S. 4138, 4191, 4315, as amended, 4324, 4327; 46 U.S.C. 16, 62, 255, 266, 269)

§ 67.07-5 Execution.

All marine documents shall be signed and sealed by the Officer in Charge before being issued.

(R.S. 4157, as amended, 4158, as amended; 46 U.S.C. 27, 28)

§ 67.07-7 Issuance of new marine document in lieu of one surrendered.

When a new marine document is issued in lieu of one surrendered, such new document shall in every case cite the previous document by number, date, and port of issue, carry any notation of the authority for redocumentation or of the existence of an unsatisfied preferred mortgage appearing on the surrendered document, and give the cause of surrender of the old document. A certificate of the builder shall not be required, nor shall a certificate of admeasurement be required unless some change of tonnage has taken place since the time of the previous documentation. (See Subparts 67.33, 67.35, and 67.41.)

§ 67.07-9 Dimensions and tonnage.

(a) The marine document of every vessel except one admeasured under the provisions of Subpart 69.17 of this subchapter shall express the following:

- (1) Length, breadth, and depth;
- (2) If applicable, the depth (D.) and the length (L.) used with the tonnage mark table and the distances to the tonnage mark from the line of the upper deck and from the molded line or equivalent of the second deck;
- (3) The number of decks and masts;
- (4) Capacity under the tonnage deck, that of the between decks, and also separately, permanently enclosed spaces on or above the upper deck to the hull required to be included in the gross tonnage, and the omitted spaces, whether open or closed-in, on, above, or below the upper deck;
- (5) The gross tonnage or tonnages;
- (6) Items of deduction;
- (7) The net tonnage or tonnages; and
- (8) In appropriate cases, the height of the upper deck to the hull above the tonnage deck.

(b) The marine document of every vessel admeasured under the provisions

of Subpart 69.17 of this subchapter shall express her length, breadth, depth, and gross and net tonnages.

(c) Every marine document issued to a vessel admeasured under the provisions of Public Law 89-476 (see Subpart 69.17 of this subchapter) shall bear on its face the following notation: "This vessel has been admeasured under the provisions of Public Law 89-476 and shall be used exclusively as a pleasure vessel until read-measured and redocumented under the appropriate statutes."

§ 67.07-11 Registers.

Vessels of the United States engaged in the foreign trade shall be registered, except as provided for in Subpart 67.61 with respect to vessels on the northern, northeastern, and northwestern frontiers. Vessels engaged in domestic trade only, other than vessels owned by citizens of the United States as defined in § 67.03-7(a) and documented or to be documented under the Act of September 2, 1958 (46 U.S.C. 883-1), may be registered. (See Subpart 67.41.)

(R.S. 4132, as amended, sec. 22, 41 Stat. 997, sec. 27A, 72 Stat. 1736; 46 U.S.C. 11, 13, 883-1)

§ 67.07-13 Enrollment and license; coasting trade and fisheries.

(a) When employed in the coasting trade and fisheries, a vessel of 20 net tons or over shall be enrolled and licensed and a vessel of 5 net tons or over but less than 20 net tons shall be licensed, unless such vessel is registered. (See § 67.07-11.)

(b) A vessel engaged exclusively in the cod fishery shall be licensed for that fishery. A vessel engaged in whaling shall be licensed for the whale fishery. A vessel engaged in taking fish of any other description shall be licensed for the mackerel fishery. A vessel licensed for the fisheries shall not be deemed to be used in an employment for which not licensed solely because it occasionally takes on board on the high seas and transports without a monetary consideration to a port of the United States the catch of another fishing vessel of the United States. A vessel which engages in both the coasting trade and fishing (other than whaling) may be licensed for the "coasting trade and mackerel fishery." A vessel engaged in taking out fishing parties is not a fishing vessel and shall be licensed for the coasting trade unless it intends to proceed to a foreign port, in which case a certificate of registry is required. (See § 67.07-11. See Subpart 67.61 for vessels on the Great Lakes.)

(c) The trade expressed in the body of a document is controlling and may not be limited or expanded by the statement of service in the space provided therefor.

(d) An enrolled and licensed vessel may engage in trade with the Canal Zone or Guantanamo Bay Naval Station.

(R.S. 4311, as amended, 4321, as amended, sec. 7, 24 Stat. 81, as amended, 75 Stat. 410; 46 U.S.C. 261, 263, 319, 404a)

Subpart 67.09—Builder's Certificates

§ 67.09-1 Applicability.

In order to document a vessel of class 1, 2, 6, or 7 (see § 67.01-5), built in the United States and not before documented, the owner shall produce to the

Officer in Charge a certificate on Form CG-1261 from the builder under whose direction the vessel was built that she was so built, stating the place and time of building, the person or persons for whom built, number of decks and masts, length, breadth, depth, tonnage, and such other particulars as are usually descriptive of a vessel. This certificate shall be sufficient to authorize the removal of a new vessel, if in ballast only, from the marine inspection zone where she was built to another marine inspection zone in the same or an adjoining State where the owner or owners actually reside.

(R.S. 4147; 46 U.S.C. 24)

§ 67.09-3 Waiver.

When for any cause it is found impracticable to obtain the certificate of the builder, other competent evidence establishing the particulars and facts required to be certified by him may be accepted with the approval of the Commandant.

§ 67.09-5 Place and time of build.

The place of build is where the hull was built. The time of build is the year of completion. Both shall appear in all marine documents.

Subpart 67.11—Official Number and Signal Letters

§ 67.11-1 Application for official number.

(a) Every documented vessel shall have an official number awarded by the Commandant. Application therefor shall be made on Form CG-1320 by the owner or his agent through the Officer in Charge. When the application is filed with the Officer in Charge at the port designated as the home port of the vessel, the application shall be in triplicate. When the application is filed with the Officer in Charge at any port other than the home port of the vessel, the application shall be in quadruplicate. The name or names of any former owner or owners shall be stated on the application. If there was no former owner, that fact shall be stated. In the case of corporate ownership, the application shall be signed in the corporate name by the president, secretary, or a specially authorized officer of the corporation, or by an authorized agent. In the case of a partnership, the partnership name shall be signed by one of the partners, or by a duly authorized agent; the name of each of the partners shall be stated but the proportionate interest of each in the partnership business shall not be stated.

"The Commissioner of Customs [now Secretary of Transportation] shall have power, under such regulations as he shall prescribe, to establish and provide a system of numbering vessels so registered, enrolled, and licensed; and each vessel so numbered shall have her number deeply carved or otherwise permanently marked on her main beam; and if at anytime she shall cease to be so marked, such vessel shall be liable to a fine of \$30 on every arrival in a port of the United States if she have not her proper official number legally carved or permanently marked." (46 U.S.C. 45)

In the case of individual ownership by two or more persons, the application shall be signed by all the owners, by a duly authorized agent, or by one of the owners as managing owner, provided there is filed with the Officer in Charge a written authorization for him to act in that capacity signed by the owners of a majority interest in the vessel; in every case, the name of each owner shall be stated. In every case the capacity in which the person signs, whether as owner, managing owner, agent, etc., shall be clearly stated below his signature. If a signature is by mark, it shall be witnessed by two persons, or acknowledged. Any acknowledgment valid under the law of the State where made may be accepted. No officer or employee of the Coast Guard is authorized by section 486, Tariff Act of 1930, to take such acknowledgments.

(b) Each application for an official number shall be accompanied by a designation of home port on Form CG-1319.

(c) When an application for an official number is filed with the Officer in Charge at the port designated as the home port of the vessel, the original and one copy of Form CG-1320 shall be forwarded to the Commandant. When an application for an official number is filed with the Officer in Charge at any port other than the home port of the vessel, the original and two copies of the application shall be forwarded to the Commandant. When an official number is awarded, the Commandant will return the original to the Officer in Charge from whom it was received. The Officer in Charge shall make a notation of the official number awarded on the retained copy of the application and shall deliver the original to the applicant. When the application for official number is filed with the Officer in Charge at any port other than the home port of the vessel, and an official number is awarded to the vessel, a copy of the notice of award will also be forwarded by the Commandant to the Officer in Charge at the home port.

(R.S. 4177, as amended; 46 U.S.C. 45)

§ 67.11-3 Signal letters.

(a) Any seagoing vessel of 100 tons or over, in addition to an official number, may have signal letters awarded. Application therefor shall be made by the owner or his agent through an Officer in Charge on the application for official number, Form CG-1320, or, if the application is made subsequent to the filing of an application for an official number, by a letter transmitted through the Officer in Charge. Signal letters will not be awarded to a seagoing vessel of less than 100 tons except upon special authorization by the Commandant.

(b) A new application for the award of signal letters to a vessel of the United States shall not be required by reason of any change in status or ownership of such vessel or by reason of the redocumentation of such vessel after a period during which it has been out of documentation. The award of such letters shall not be canceled except upon special authorization of the Commandant.

§ 67.11-5 Cancellation of signal letters.

Under certain circumstances, the Commandant will give consideration to granting a special authorization for the cancellation of the award of signal letters when the vessel to which such letters are awarded is no longer documented and, in the case of an application relating to a ship station, the vessel has not been so documented for a period of not less than 10 years. Such consideration will be given upon application by or on behalf of a person having a permit issued by the Federal Communications Commission for the construction or operation of a broadcast station or the operation of a ship station or by a person who has applied to the Federal Communications Commission for transfer or assignment of an existing station. In either case, the application must state that the person desires to use the letters in connection with the operation of such station. Such application shall be submitted to the Commandant in writing and shall state:

- The name and address of the permittee or applicant for transfer or assignment;
- The date of granting of such permit or filing of such application for transfer or assignment;
- The type of station involved;
- The letters desired; and
- The name and official number of the vessel to which such letters are awarded, if known to the applicant.

Subpart 67.13—Marking of Name and Hailing Port on Documented Vessel

§ 67.13-1 Marking of name and hailing port.

(a) Except as provided in §§ 67.13-3, 67.13-5, and 67.13-9, the name of every documented vessel shall be marked in full upon each bow and upon the stern, and the hailing port (see § 67.13-7) shall also be marked in full upon the stern.

(b) The name and hailing port of every documented vessel shall be painted, carved, or gilded in Roman letters in a light color on a dark ground, or in a dark color on a light ground, and shall be distinctly visible. The letters shall not be less than 4 inches high. Every steam vessel of the United States shall, in addition, have her name conspicuously placed in distinct, plain letters not less than 6 inches high on each outer side of the pilot house, if it has one, and if the vessel has side wheels, also on the outer side of each wheel house.

(R.S. 4178, as amended, sec. 21, 23 Stat. 58, R.S. 4214, as amended, 4495; 46 U.S.C. 46, 47, 103, 493)

§ 67.13-3 Vessels not affording sufficient space for marking.

On a so-called "double ender" vessel the required names shall be placed on the parts corresponding to the bow and stern. If either the bow or stern, or both, of any such or other vessel does not afford sufficient space for marking the required name or names, or if the name marked in such a place would be obscured or concealed while the vessel is in operation (for example, by a fender),

the names shall be placed on an appropriate adjacent part.

§ 67.13-5 "Scow-built" vessels.

The name of a scow, barge, or other vessel "scow-built" or with square bow may be marked on the bow instead of the side when such marking would be speedily obliterated by chafing against other vessels, piles, or docks.

§ 67.13-7 Hailing port.

The hailing port to be marked on the stern may be either the port where the vessel is permanently documented, or the place in the same marine inspection zone where the vessel was built or where one or more of the owners reside.

(Sec. 21, 23 Stat. 58; 46 U.S.C. 47)

§ 67.13-9 Yachts.

Every documented yacht shall have its name and hailing port placed on some conspicuous part of its hull.

(R.S. 4214, as amended; 46 U.S.C. 103)

Subpart 67.15—Evidence of Marking; Official Number, Net Tonnage, Name and Home Port

§ 67.15-1 Requirement for proper marking.

Except as provided for in § 67.75-17(a), marine documents shall not be issued until proper evidence is produced that the official number and net tonnage have been properly marked upon the vessel's main beam (see § 69.05-1 of this chapter) and that her name and hailing port have been properly marked as provided in Subpart 67.13.

§ 67.15-3 Evidence of marking.

The evidence of proper marking required by § 67.15-1 shall be a certificate by an officer or employee of the Coast Guard on Form CG-1322. If the vessel is at a place not readily accessible to an officer or employee of the Coast Guard, the owner or his agent shall certify as to the proper marking; but as soon as she arrives at a place accessible to an officer or employee of the Coast Guard, a certificate on Form CG-1322 shall be required.

Subpart 67.17—Verification of Over-all Dimensions

§ 67.17-1 Verification.

A marine document issued upon admeasurement under the provisions of Subpart 69.17 of this chapter may, in the discretion of the documentation officer concerned, not be renewed; nor another marine document issued for a vessel documented upon such admeasurement until an officer or employee of the Coast Guard has verified the over-all dimensions stated in the application for such admeasurement.

(R.S. 4150, as amended, 4153, as amended; 46 U.S.C. 74, 77)

§ 67.17-3 Corrections.

Any correction of the stated over-all dimensions of a vessel as the result of

the verification provided for in § 67.17-1 shall be deemed a change in the description of the vessel within the meaning of § 67.07-3(b).

(R.S. 4150, as amended, 4153, as amended; 46 U.S.C. 74, 77)

Subpart 67.19—Home Port

§ 67.19-1 Definition.

A vessel's home port^o is that port where marine documents may be issued to vessels (see § 66.05-1 of this subchapter) which has been fixed and determined by the owner with the approval of the Officer in Charge or documentation officer at the port designated or at the port where a temporary marine document is to be issued to the vessel. It is the port at which a vessel's permanent marine documents are issued.

(R.S. 4141, sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 17, 18)

§ 67.19-3 Designation of home port; when required.

(a) Before a marine document is issued to a vessel never before documented or to a documented or previously documented vessel when there has been some change in ownership in whole or in part or when a change in home port is desired, the owner of the vessel shall submit his designation of home port for the vessel on Form CG-1319, signed as provided for in § 67.11-1(a), to the Officer in Charge for the port designated or the port where a temporary marine document is to be issued. When the designation is filed with the Officer in Charge at the port designated as home port, it shall be filed in duplicate; when filed at a port where a temporary marine document is to be issued, it shall be filed in triplicate. If the home port so designated is different from the last previous home port of the vessel, the owner shall also request the Officer in Charge at the previous home port to forward to the Officer in Charge at the designated port an abstract of title on Form CG-1332 (see § 67.42-27(a)).

(b) If an owner desires that the home port be elsewhere than the port at or nearest the place in the same marine inspection zone where the vessel business of the owner is conducted, he shall submit with his designation of home port a detailed statement setting forth the reasons.

^o "For the purposes of the navigation laws of the United States * * * every vessel of the United States shall have a 'home port' in the United States, including Puerto Rico, which port the owner of such vessel, subject to the approval of the Commissioner of Customs [now Commandant] shall specifically fix and determine, and subject to such approval may from time to time change. Such home port shall be shown in the register, enrollment, and license, or license of such vessel, which documents, respectively, are referred to as the vessel's document. The home port shown in the document of any vessel of the United States in force on February 16, 1925, shall be deemed to have been fixed and determined in accordance with the provisions hereof. * * * (46 U.S.C. 18.)

(R.S. 4141, sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 17, 18)

§ 67.19-5 Examination of instruments of title.

Whenever an owner submits a designation of home port to an Officer in Charge, the Officer in Charge shall examine the instruments transferring title to the vessel and the abstract of title on Form CG-1332 and satisfy himself that the home port has in fact been designated by the owner of the vessel or some person authorized to act for him.

(R.S. 4141, sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 17, 18)

§ 67.19-7 Recommendation by Commandant; when required.

Any designation presented shall be forwarded to the Commandant for recommendation before approval and before the issuance of any document under such designation if:

(a) A port or place is designated which is other than the port at or nearest the place in the same marine inspection zone where the vessel business of the owner is conducted;

(b) The vessel is of foreign build and has not been previously documented as a vessel of the United States;

(c) The vessel has been transferred to an alien in whole or in part or has been placed under foreign registry after having been built in the United States or after having been documented as a vessel of the United States;

(d) Title has passed by operation of law before the first documentation as a vessel of the United States or since the date of acquisition of title by the last owner of record, whether by court order, by appointment of a trustee in bankruptcy, or otherwise;

(e) The vessel is owned by a corporation which is qualified as a citizen of the United States only under the definition contained in section 67.03-7(a).

(Sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 18)

§ 67.19-9 Approval of designation.

After favorable recommendation by the Commandant if required, the Officer in Charge or documentation officer for the port at which a designation is filed in accordance with § 67.19-1 may approve that designation provided recordable instruments covering each sale, gift, or conveyance (including a conveyance in trust), if any, since the date of acquisition of title by the last owner of record are presented with the designation. After favorable recommendation by the Commandant if required, the Officer in Charge, or the documentation officer for the port at which a designation is filed when authorized by the Officer in Charge, may waive the requirements for production of recordable instruments of conveyances and may approve that designation if he is satisfied that it is impracticable to furnish any such instrument and that the owner has legal title to the vessel.

(Sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 18)

§ 67.19-11 Forwarding of duplicate copy of designation to Commandant.

(a) If the designation of home port is approved as provided for in § 67.19-9, the Officer in Charge shall forward a duplicate copy of the designation to the Commandant. If the designation is so approved at a port other than the home port, the Officer in Charge shall also forward the triplicate copy of the designation to the Officer in Charge at the home port.

(b) In every case in which a favorable recommendation by the Commandant is required before an approval may be granted under § 67.19-9, the Officer in Charge shall forward a copy of the designation to the Commandant, together with any evidence of title submitted, any necessary statement of the facts and circumstances, and a statement as to whether or not the Officer in Charge is of the opinion that the applicant has legal title to the vessel. In addition, any statement required by § 67.19-3(b) shall be forwarded. The papers so forwarded will be returned by the Commandant, with its recommendation, for processing by the Officer in Charge or documentation officer concerned.

(Sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 18)

§ 67.19-13 Vessel to be documented substantially simultaneously with approval of designation.

No officer or employee of the Coast Guard designated to grant approvals of designations of home ports shall approve, nor shall any Officer in Charge forward to the Commandant for review, any such designation unless it appears that the vessel will be documented as a vessel of the United States substantially simultaneously with the approval of the designation by any such officer or employee after any necessary review. When a designation has been approved and the vessel is not so documented, the approval granted shall be canceled. The Officer in Charge, in subsequently transmitting a copy of a new designation by the same owner for review or in forwarding a copy of a designation approved by him, shall indicate in his remarks the date of the previous approval and that it was canceled because of failure to document the vessel.

(Sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 18)

Subpart 67.21—Forms of Oath of Owner and Master

§ 67.21-1 Oath of ownership.

Prior to the documentation or redocumentation of any vessel, except in case of redocumentation of a vessel at a port other than the home port upon change in trade or loss of marine document or when the renewal spaces are filled, there shall be filed an oath of ownership on Form CG-1258 if the vessel is owned by an individual, partnership, unincorporated company, association, or the United States; or on Form CG-1259 or 1260, whichever is applicable if the vessel is owned by a corporation.

(R.S. 4142, 4139, as amended, 4159, 4161, 4214, as amended, 4312, 4314, as amended, 4328, as amended, 4330, sec. 27A, 72 Stat. 1736; 46

U.S.C. 19, 20, 29, 31, 103, 252, 254, 270, 272, 883-1)

§ 67.21-3 Special statements on oath; when required.

If any vessel falls within class 4, 5, 6, or 7 of § 67.01-5, there shall be inserted immediately after footnote 1 of Form CG-1258 or immediately after footnote 3 of Form CG-1259 the appropriate one of the following clauses:

(a) For class 4—
On the _____ day of _____, 19____, captured in war by a citizen (or citizens) of the United States and lawfully condemned as prize by a decree, sentence, or judgment of the _____ court of _____, an authenticated copy of which I now produce.

(b) For class 5—
Adjudged to be forfeited, for a breach of the laws of the United States, by a decree, sentence, or judgment of the _____ court of _____, an authenticated copy of which I now produce.

(c) For class 6—
Formerly the _____, purchased from the United States (or from an officer, naming him and his office).

(d) For class 7—
Authorized to be documented by act of Congress and by the Commandant, United States Coast Guard, by letter under date of _____, an authenticated copy of which I now produce.

(R.S. 4132, as amended, 4142, 4139, as amended, 4159, 4161, 4214, as amended, 4312, 4314, as amended, 4328, as amended, 4330, sec. 9, 39 Stat. 730, as amended, sec. 27A, 72 Stat. 1736; 46 U.S.C. 11, 19, 20, 29, 31, 103, 252, 254, 270, 272, 808, 883-1)

§ 67.21-5 Oath of master for documentation.

The master's oath required for the license or enrollment and license of a vessel shall be executed in the space provided therefor on Form CG-1258, CG-1259, or CG-1260. If the vessel is to be registered and the master is within the marine inspection zone where the registry is to be made, the master's oath shall be on Form CG-1258, or CG-1259. Such form of oath shall not be used for a renewal of license under § 67.21-7.

(R.S. 4320, as amended, 4330; 46 U.S.C. 262, 272)

§ 67.21-7 Oath of master for renewal.

The master's oath for the renewal of a license shall be executed on Form CG-1280. Except when the vessel is at its home port, such an oath shall be taken for the renewal of the license even though it may be necessary to issue a new document because all renewal spaces are filled on the former document.

(R.S. 4325, as amended; 46 U.S.C. 267)

Subpart 67.23—Execution of Oaths for Documentation, for Operation of Certain Vessels Exempt From Documentation, and for Qualification of Certain Corporations as Citizens of the United States

§ 67.23-1 Individual.

If the vessel be owned by one individual, the oath shall be taken by him or by his duly authorized agent.

(R.S. 4142, 4139, as amended, 4143, 4163, 4314, as amended; 46 U.S.C. 19, 20, 21, 33, 254)

§ 67.23-3 Several individuals, firm, or unincorporated company.

If the vessel be owned by several individuals or a firm or unincorporated company, the oath shall be taken by the managing owner or a member of the firm who shall specify the names and places of abode of, and except in the case of a partnership the proportions of the vessel owned by, each of the others, and shall certify to their citizenship.

(R.S. 4142, 4139, as amended, 4143, 4163, 4314, as amended; 46 U.S.C. 19, 20, 21, 33, 254)

§ 67.23-5 Corporation.

If the vessel be owned by a corporation, the oath shall be taken by its president, its secretary, or by any other officer or agent thereof duly authorized by a writing under the corporate seal to act in its behalf. Such officer or agent shall also furnish a certificate as to the organization of the corporation and the names of its president or other chief executive officer, chairman of its board of directors, and directors, showing the home address and citizenship of each and the number of directors necessary to constitute a quorum, including a quotation of the pertinent portion of the articles of incorporation, bylaws, or other corporate papers relating to the matter of a quorum. If the corporate owner is qualified as a citizen of the United States under the definition contained in § 67.03-7 (a), the oath shall be on Form CG-1260 and the accompanying certificate shall include information as to the names, home address, and citizenship of all officers and directors.

(R.S. 4138, 4142, 4139, as amended, 4143, 4163, 4314, as amended, 72 Stat. 1736; 46 U.S.C. 16, 19, 20, 21, 33, 254, 883-1)

§ 67.23-7 Corporation qualifying under the Act of September 2, 1958 (46 U.S.C. 883-1).

(a) A corporation which meets the qualification requirements of § 67.03-7 (a) as a citizen of the United States and which seeks to operate in trade a vessel owned by such corporation and exempt from documentation under § 67.01-11(a) shall file in duplicate with the Officer in Charge of the marine inspection zone in which the vessel business of the owner is conducted, a certificate under oath on Form CG-1260 by its president, its secretary, or by any officer or agent thereof duly authorized by a writing under the corporate seal to act in its behalf. Such officer or agent shall also furnish in duplicate a certificate as to the organization of the corporation and the names of all officers and directors of the corporation, showing the home address and citizenship of each.

(b) A corporation which meets the qualification requirements of § 67.03-7(a) as a citizen of the United States and which seeks to qualify under the Act of September 2, 1958 (46 U.S.C. 883-1), for any purpose other than as outlined in paragraph (a) of this section shall file in duplicate with the Commandant a certificate under oath on Form CG-1260, appropriately modified to omit reference to any vessel, by the corporation's president, its secretary, or by any other officer

or agent thereof duly authorized in writing under the corporate seal to act in its behalf. Such officer or agent shall also furnish in duplicate a certificate as to the organization of the corporation and the names of all officers and directors of the corporation, showing the home address and citizenship of each, and shall state in duplicate in writing the reasons for desiring to qualify under the Act and the reasons why qualification is not sought under § 67.23-5 or paragraph (a) of this section.

(c) If any change occurs in any corporation after the filing of a certificate under oath and the other papers required under paragraph (a) or (b) of this section whereby the corporation is no longer entitled to be deemed a citizen of the United States as defined in § 67.03-7(a), the corporation shall cause a report of such change to be made in writing in duplicate to the office where the previous certificate under oath was filed.

(d) Upon the filing of a certificate under oath and the other papers required under paragraph (a) or (b) of this section, the Officer in Charge or the Commandant shall furnish the corporation, through its officer or agent, a certificate of filing of such oath on Form CG-1262 which shall be valid for a period of 3 years from the date of its issuance unless there first occurs a change in corporate status requiring a report under paragraph (c) of this section. On or before the date of expiration of the validity of such certificate, a new oath on Form CG-1260 and the other papers required by paragraph (a) or (b) of this section shall be filed with the appropriate officer.

(e) The duplicate copy of the oath and other papers required by paragraphs (a) and (c) of this section and a copy of any certificate issued by the Officer in Charge under paragraph (d) of this section shall be forwarded promptly to the Commandant, who will cause notice of the contents thereof to be given to all Officers in Charge concerned. The Commandant will also give similar notice of the contents of any oath filed with him under paragraph (b) of this section.

(72 Stat. 1736; 46 U.S.C. 883-1)

§ 67.23-9 Parent or subsidiary corporation.

(a) A parent or subsidiary corporation as defined in §§ 66.03-17 and 66.03-19 of this subchapter shall file a certificate under oath on Form CG-1263 executed by its duly authorized officer or agent establishing the facts respecting the citizenship of such parent or subsidiary corporation before any vessel owned by a corporation as defined in § 67.03-7(a) shall transport any merchandise or passengers for such parent or subsidiary corporation, whether the transporting vessel is documented as a vessel under the laws of the United States or is exempt from the requirements for documentation under § 67.01-11(b) or otherwise.

(b) The certificate under oath required under paragraph (a) of this section shall be filed in duplicate with the

Officer in Charge at the vessel's home port if the vessel is documented as a vessel of the United States or, if not so documented, with the Officer in Charge of the marine inspection zone in which the vessel business of the owner is conducted. Such officer or agent shall also furnish in duplicate a certificate as to the organization of the corporation and the names of all officers and directors of the corporation, showing the home address and citizenship of each.

(c) When there is any change in the status of a parent or subsidiary corporation which is a citizen of the United States whereby such corporation shall cease to be qualified as a citizen, such corporation shall cause a report of such change to be made in writing in duplicate to the Officer in Charge at the port where the previous certificate under oath was filed.

(d) The duplicate copy of the oath and other papers required by this section shall be forwarded promptly to the Commandant, who will cause notice of the contents thereof to be given to all Officers in Charge concerned.

(72 Stat. 1736; 46 U.S.C. 883-1)

§ 67.23-11 Proportion owned to be stated in oath.

In all cases where there is more than one owner, the proportions owned by each shall be stated in the oath.

§ 67.23-13 Taking of oath of owner or master.

The oath of the owner or of the master required for documentation may be taken before an Officer in Charge or before any officer authorized by the laws of a State to administer oaths generally. If the oath is not taken before the Officer in Charge, it may be mailed to him.

(5 U.S.C. 2303(c) (2))

Subpart 67.25—Issue and Record of Marine Documents

§ 67.25-1 Retention of copy of marine document by issuing office.

An exact copy of each marine document issued by an Officer in Charge shall be placed in a permanent record kept for that purpose and a proper index made thereof on Form CG-1241 (on Form CG-2112 at the port of New York).

(R.S. 4176, as amended; 46 U.S.C. 44)

§ 67.25-3 Surrender of former marine document upon application for a new document.

At the time application is made for a new marine document, any former document of the vessel shall be surrendered to the Officer in Charge to whom the application is made, unless the former marine document has been lost, mutilated, destroyed, or unintentionally mislaid. (See § 67.43-1.)

(R.S. 4167, 4322, 4326, 4329, as amended; 46 U.S.C. 36, 264, 268, 271)

§ 67.25-5 Failure to surrender document on sale or transfer of vessel sold or transferred by process of law.

On proof that any vessel has been sold or transferred by process of law and that

her former owner has retained the marine document, the Officer in Charge at the vessel's home port may grant a new marine document and shall not refuse to issue such a document merely because the last document is retained by the former owner. In any such case, the new owner shall not be required to produce and surrender the former marine document, but the issuance of the new document does not remove the liability of the holder of the former document for failure to surrender it.

(R.S. 4164, as amended; 46 U.S.C. 34)

§ 67.25-7 Report of change of address of owner.

Upon any change in the address of an owner as shown upon a marine document, a prompt report, giving both the old and the new addresses, shall be made to the Officer in Charge at the vessel's home port and the marine document shall be presented for amendment of the address to any Officer in Charge at the first opportunity.

§ 67.25-9 Approval of designation of home port required prior to issuance of marine document.

No marine document shall be issued to any vessel prior to the receipt by the Officer in Charge of the approval of the designation of the home port by or on behalf of the owner in whose name the document is to be issued.

(Sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 18)

§ 67.25-11 Delivery of marine document in special envelope.

When a marine document is issued to a vessel on the Great Lakes, it shall be delivered by the Officer in Charge in a special envelope, Form CG-1503. When a marine document is issued to a vessel elsewhere than on the Great Lakes, it shall be delivered in a special envelope, Form CG-1502. In the case of the issuance of any marine document other than a register, the date upon which the license for the vessel will expire shall be noted plainly on the face of the envelope.

Subpart 67.27—Permanent Documentation of Vessel Absent From Home Port

§ 67.27-1 Application for marine document.

A permanent marine document may be issued to any vessel absent from her home port upon application to the Officer in Charge for the home port through the Officer in Charge at the port where the vessel shall be. In such case, all requirements which would be applicable if the vessel were at her home port shall be met at the port where she is before the application is forwarded, except that the owner's and master's oaths may be executed at the home port.

(R.S. 4328, as amended; 46 U.S.C. 270)

§ 67.27-3 Issuance and delivery of marine document.

The Officer in Charge through whom application was made shall forward a

request for issuance of a permanent marine document to the Officer in Charge at the vessel's home port, who shall issue a permanent document and deliver the document either directly or through the Officer in Charge through whom the application was received.

(R.S. 4328, as amended; 46 U.S.C. 270)

Subpart 67.29—Citizenship of Master; Change of Master

§ 67.29-1 Citizenship requirement.

Every vessel of the United States shall be commanded by a citizen or surrender her marine document.

(R.S. 4131, as amended; 46 U.S.C. 221)

§ 67.29-3 Requirement for report of change of master.

(a) When the master of any documented vessel, except a licensed ferryboat or yacht, is changed, the owner or the new master shall report the change to the Officer in Charge at the port where the change takes place, or where the vessel first arrives thereafter, and produce to him the marine documents and file with him a declaration properly executed on Form CG-1305. The Officer in Charge shall then endorse upon the marine document the name of the new master.

(b) If the declaration on Form CG-1305 is mailed to the Officer in Charge, it shall be accompanied by the vessel's outstanding marine document.

(R.S. 4171, as amended, 4335, as amended; 46 U.S.C. 40, 276)

§ 67.29-5 Alternate masters.

(a) Every application for the endorsement of the names of one or two alternate masters on the license of a vessel in addition to the name of the master already endorsed on the license shall be filed with the Officer in Charge at the home port of the vessel and shall contain a statement of the condition of employment of the vessel. The endorsement of the names of one or two alternate masters upon the license shall be authorized by the Officer in Charge or an employee in his office properly designated to grant such authorization whenever that Officer in Charge or employee, after examining the application, deems the condition of employment of the vessel warrants such action. Under no circumstances shall the endorsement of the names of more than two alternate masters upon the license be authorized. The same declarations shall be required of such alternate masters as are required in the case of other masters.

(b) In the case of a vessel on whose license there are endorsed the names of more than one master, the master actually in charge of the vessel shall assume all the duties and responsibilities imposed by any statute upon masters of vessels and is subject to the liabilities provided by any law against masters of vessels during any period in which he is in charge of the vessel.

(R.S. 4335, as amended; 46 U.S.C. 276)

§ 67.29-7 Certain vessels navigated within the limits of the harbor of any town or city.

If two or more vessels are owned by or under the complete control and management of the same person, association, corporation, etc., and are navigated within the limits of the harbor of any town or city, the name of the owner, if an individual, or of some responsible person acting for the owner, may be endorsed as master on the licenses of all such vessels although the person whose name is so endorsed may not be actually employed on any of the vessels. The same declaration shall be required of such persons as is required in the case of other masters. Any person whose name is so endorsed is subject to the liabilities provided by any law against masters of vessels.

(R.S. 4335, as amended; 46 U.S.C. 276)

§ 67.29-9 Unrigged vessels.

The name of the owner, if an individual, or of some responsible person acting for the owner, may be endorsed as master on the license of any unrigged vessel, except one which is required by law to have on board a certificate of inspection and which is required by that certificate to be manned, although the person whose name is so endorsed may not be actually employed on that vessel. The same declaration shall be required of such persons as is required in the case of other masters. Any person whose name is so endorsed is subject to the liabilities provided by any law against the masters of vessels.

(R.S. 4335, as amended; 46 U.S.C. 276)

§ 67.29-11 Towing vessels.

The name of the owner, if an individual, or of some responsible person acting for the owner, may be endorsed as master on the license of any vessel engaged in towing from any port or place embraced within the coastwise laws of the United States to any other such port or place plying in whole or in part on inland rivers, canals, waterways, sounds, gulfs, lakes, and harbors, not carrying passengers nor proceeding directly or indirectly to any foreign port or place or to any port or place in noncontiguous territory of the United States, although the person whose name is so endorsed may not be actually employed on that vessel. The same declaration shall be required of such persons as is required in the case of other masters. Any person whose name is so endorsed is subject to the liabilities provided by any law against the masters of vessels.

(R.S. 4335, as amended; 46 U.S.C. 276)

§ 67.29-13 Removal of master.

Any person or body corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This section shall not apply when there is a valid written agreement subsisting,

by virtue of which such master would be entitled to possession.

(R.S. 4250, as amended; 46 U.S.C. 227)

Subpart 67.31—Renewal of License

§ 67.31-1 Requirement for renewal.

(a) A permanent or temporary license shall be presented within 3 days (exclusive of any day on which the marine inspection office is not open for business) after its expiration, to the Officer in Charge of the marine inspection zone where the vessel may then be, or if the vessel is then at sea, within 3 days after her first arrival within any marine inspection zone. A temporary license shall be surrendered within 10 days after the arrival of a vessel at her home port and shall not be renewed at that port.

(b) If a license is presented for renewal at any time within 30 calendar days prior to the date of expiration shown thereon, it may be renewed for a period of 1 year from that date of expiration.

(R.S. 4325, as amended, 4326, 4327, 4408, as amended; 46 U.S.C. 267, 268, 269, 496)

§ 67.31-3 Oath for renewal.

When a license is presented for renewal, the master shall make oath in the form prescribed by § 67.21-7.

§ 67.31-5 Delivery of renewed marine document.

When a license for a vessel on the Great Lakes is renewed, it shall be redelivered by the Officer in Charge in a special envelope, Form CG-1503. When a license is renewed for a vessel elsewhere than on the Great Lakes, it shall be redelivered in a special envelope, Form CG-1502. In either case, the date upon which the license for the vessel will expire shall be noted plainly on the face of the envelope and any previous notation of a date of expiration shall be deleted.

§ 67.31-7 Notice of expiration of license.

The Officer in Charge at the home port of a licensed or enrolled and licensed vessel shall transmit a notice of the date upon which the license will expire and the form of oath to be executed by the master on Form CG-1280 to the last-known address of the owner of the vessel not more than 40 days prior to its expiration nor less than 21 days prior thereto. Neither the failure of an Officer in Charge to transmit such notice and form of oath nor the fact that the master did not receive it shall be deemed to excuse the master from the penalty or penalties provided by law.

Subpart 67.33—Surrender of Permanent Marine Documents

§ 67.33-1 Requirement for surrender.

(a) The marine document shall be surrendered when:

- (1) A vessel is sold or transferred in whole or in part;
- (2) The owner of the whole or any part of a vessel dies;
- (3) A vessel has been lost, abandoned, dismantled, or taken by an enemy, or

otherwise prevented from returning to the United States;

(4) A vessel is burned or broken up;

(5) A vessel is altered in form by being lengthened, shortened, or built upon, or is changed from one denomination to another by a change in the method of rigging or fitting;

(6) The tonnage of a vessel is changed for any reason;

(7) A vessel is altered so that it is no longer of the description set forth in its document;

(8) A vessel changes from one employment to another;

(9) A vessel is placed under foreign registry or flag;

(10) A vessel changes her name;

(11) The home port of a vessel is changed;

(12) A president or secretary whose name appears on the document of a vessel owned by a corporation dies, is removed, or resigns;

(13) A trustee is appointed upon bankruptcy of the owner of the whole or any part of a vessel;

(14) A partnership owning an interest in a vessel is terminated or when there is any change in the membership of such partnership without dissolution of the firm; and

(15) There is any change in the status of a corporation which is a citizen of the United States as defined in § 67.03-7(a) whereby such corporation shall cease to be qualified as a citizen thereunder.

(b) The approval of the Officer in Charge of the surrender of the marine document of a vessel covered by a preferred mortgage shall be obtained, except as specified in § 67.41-3 or in the case of the forfeiture of the vessel or its sale by the order of any court of the United States or any foreign country.

(R.S. 4138, 4146, as amended, 4170, as amended, 4322, 4324, 4325, as amended, sec. 27A, 72 Stat. 1736, sec. 30, subsec. O, 41 Stat. 1004, as amended; 46 U.S.C. 16, 23, 39, 264, 266, 267, 883-1, 961)

§ 67.33-3 Report of lost, destroyed, or abandoned vessel.

If any documented vessel is lost, destroyed, or abandoned, the owner shall immediately report the fact to the Officer in Charge at the home port of the vessel.

§ 67.33-5 Change of vessel engine.

A marine document need not be surrendered because the engine of the vessel is changed, if there is no change in the rig, dimensions, or tonnage of the vessel, nor because of a change in the service of the vessel, when there is no change in trade. In such a case, a notation of the change shall be made on the marine document by an Officer in Charge and initialed by him.

§ 67.33-7 Appointment of a guardian or receiver.

A marine document need not be surrendered because of the appointment of a guardian or committee for the owner of the whole or any part of the vessel, nor because of the appointment of a receiver, either in bankruptcy or in equity, of the assets of the owner of the whole or any part of the vessel.

§ 67.33-9 Sale or transfer to an alien.

When a marine document is surrendered incident to the sale or other transfer of a vessel to an alien, if such transfer has been approved by the Maritime Administration in accordance with the requirements of law (see § 67.57-1), the following certificate shall be issued by the Officer in Charge concerned upon the presentation of the bill of sale or other evidence covering the transfer:

I, _____, Officer in Charge, Marine Inspection, for the port of _____, State of _____, United States of America, do hereby certify that _____, No. _____, issued at _____ on _____ to the _____, official number _____, was this day surrendered at this port upon the transfer of the vessel to a subject of _____, which transfer was authorized by the Maritime Administration under its Transfer Order No. MA _____, dated _____.

As witness my hand this _____ day of _____, 19____.

(Signed) _____

Officer in Charge, Marine Inspection

(R.S. 4146, as amended; 46 U.S.C. 23)

§ 67.33-11 Penalty for neglecting to surrender marine document.

The penalty for neglecting to surrender a marine document when required by law is the forfeiture of all privileges and benefits of a vessel of the United States.

(R.S. 4169; 46 U.S.C. 38)

Subpart 67.35—Surrender of Temporary Marine Documents

§ 67.35-1 Temporary marine document.

Every marine document granted by the Officer in Charge at a port other than the home port shall be temporary (see § 67.07-1 and note 4 thereunder).

(R.S. 4159, 4161, 4168; 46 U.S.C. 29, 31, 37)

§ 67.35-3 Requirement for surrender.

(a) Every temporary marine document shall be surrendered to the Officer in Charge within 10 days after the arrival of the vessel at her home port and whenever the surrender of a permanent document is required (see subpart 67.33).

(b) The term "arrival" in paragraph (a) of this section means the voluntary arrival of the vessel in the regular course of her employment.

(R.S. 4160, 4162, 4168, 4325, as amended; 46 U.S.C. 30, 32, 37, 267)

§ 67.35-5 Vessel covered by a preferred mortgage.

The approval of the Officer in Charge of the surrender of the marine document of a vessel covered by a preferred mortgage shall be obtained, except as specified in § 67.41-3.

(Sec. 30, subsec. O, 41 Stat. 1004, as amended; 46 U.S.C. 961)

Subpart 67.37—Rebuilt and New Vessels

§ 67.37-1 New vessel.

A vessel may be deemed to be a new vessel in a case in which it has been built entirely of new materials or in a case in

which it has been built in whole or in part of old materials taken from another vessel provided no considerable part of the old material used has been left undisturbed or intact without being taken up, refitted, and reset.

§ 67.37-3 Rebuilt vessel.

A vessel may be deemed to have been rebuilt if any considerable part of the hull in its intact condition without having been broken up is built upon or substantially altered.

§ 67.37-5 Vessels subject to the provisions of this subpart.

The certificate of specifications and other papers specified in § 67.37-7 shall be required when:

(a) A new vessel is constructed in whole or in part of material taken from an old vessel;

(b) An existing vessel is rebuilt;

(c) In the case of a vessel of more than 500 gross tons, an addition or change in any major component of the hull or superstructure is made and such major component was not constructed in the United States, its Territories (not including trust territories), or its possessions;

(d) A vessel of more than 500 gross tons is otherwise so altered as to give rise to a reasonable belief that such vessel may have been rebuilt, unless such alteration was effected entirely in the United States, its Territories (not including trust territories), or its possessions; or

(e) It is desired, in the case of an unrigged wooden vessel, other than a foreign-built vessel (§ 67.01-5(i), class 9), that a notation be made in the publication, Merchant Vessels of the United States, as to rebuilding.

(Sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544, as amended; 46 U.S.C. 883, 883a, 883b)

§ 67.37-7 Certificate of specifications and other papers.

The owner of a vessel subject to the provisions of § 67.37-5 shall submit through the Officer in Charge at the port where the vessel then is or next arrives thereafter to the Commandant the following:

(a) A certificate of specifications outlining the work performed on the vessel, showing the place where any such building or rebuilding was effected, and describing the extent to which old materials used were taken up, refitted, and reset or the extent to which parts of the old hull in its intact condition were used or built upon.

(b) Accurate sketches or blueprints illustrating the extent of the work performed when such sketches or blueprints are available.

(c) A certificate of the builder, which shall be on Form CG-1261 if the vessel is claimed to be new.

(d) In the case of an unrigged wooden vessel, the shipbuilder, in addition to certifying that the vessel is rebuilt and the date of completion and place of such rebuilding, shall certify that the vessel is sound and free from rotten or doted

wood in its structural parts; that it is properly fastened and calked; and that it is as good as new in strength and seaworthiness.

(37 Stat. 189, as amended, sec. 27, 41 Stat. 998, as amended, secs. 2, 3, 70 Stat. 544, as amended; 46 U.S.C. 63, 883, 883a, 883b)

§ 67.37-9 Determination by Commandant.

The Commandant shall decide whether or not a vessel is to be considered new or rebuilt and, if either, that decision shall be reflected on the vessel's marine document.

§ 67.37-11 Name and official number.

A rebuilt vessel shall retain its name and official number and the date and place of rebuild shall be noted on its marine document. Upon a finding under this subpart that a vessel is new, an application shall be submitted for the award of an official number and all other requirements applicable in the case of any new vessel shall be met before a marine document is issued.

(R.S. 4179; 46 U.S.C. 50)

§ 67.37-13 Rebuilt vessels; coastwise privileges.

No vessel of more than 500 gross tons which has been rebuilt and has thereby lost its coastwise privileges (see § 67.01-9) shall be documented for nor permitted to engage in the coastwise trade. When it is claimed that any such rebuilt vessel has not lost its coastwise privileges by virtue of the provisions of section 4 of the Act of July 5, 1960 (sec. 4, 74 Stat. 321), the owner in support of such claim shall submit to the Officer in Charge concerned with the other papers required by § 67.37-7 a certified copy of the contract for rebuilding, showing the date of execution, and a certificate of the builder showing the date the work of rebuilding commenced and the date upon which such work was completed.

(Sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544, as amended; 46 U.S.C. 883, 883a, 883b)

Subpart 67.39—Change of Build or Rig

§ 67.39-1 Alteration in form or tonnage; change in rig.

When a documented vessel is altered in form or tonnage by being lengthened, shortened, or built upon or changed from one denomination to another by a change in rig or fitting, the vessel shall cease to be deemed a vessel of the United States unless she is documented anew. Every such alteration of a vessel of more than 500 gross tons which is not effected entirely within the United States, its Territories (not including trust territories), or its possessions, including the construction of any major components of the hull or superstructure, shall be reported in accordance with the provisions of § 67.37-7.

(R.S. 4170, as amended, secs. 2, 3, 70 Stat. 544, as amended; 46 U.S.C. 39, 883a, 883b)

§ 67.39-3 Change in means of propulsion; description.

(a) When there is a change in the means of propulsion of a vessel as from steam engine to gas engine or any other alteration which may change the description, the marine document of the vessel shall be surrendered.

(b) When a vessel's engine is changed but there is no change in the type of motive power, no redocumentation is required unless the installation of the new engine changes the admeasured tonnage of the vessel.

(R.S. 4170, as amended; 46 U.S.C. 39)

Subpart 67.41—Exchange of Marine Documents

§ 67.41-1 General provisions.

Any enrolled and licensed or licensed vessel, other than a vessel documented under the Act of September 2, 1958 (46 U.S.C. 883-1), may be registered upon the surrender of her marine document to an Officer in Charge (see § 67.41-3). Except as specified in § 67.41-5, any registered vessel may likewise be enrolled and licensed or licensed.

(R.S. 4322, 4323, as amended, 4337, sec. 27A, 72 Stat. 1736; 46 U.S.C. 264, 265, 278, 883-1)

§ 67.41-3 Surrender of marine document of a vessel covered by a preferred mortgage.

(a) The approval of the Officer in Charge of the surrender of the marine document of a vessel covered by a preferred mortgage shall be obtained, except that approval is not required when one or more of the following is the cause for surrender:

(1) A renewal of license, including a case in which the former document is replaced by reason of the fact that all renewal spaces are filled;

(2) A change of document incident to a change of trade;

(3) A change to a permanent document on arrival of a vessel at its home port under a temporary document or the issuance of a permanent document to a vessel absent from its home port;

(4) The replacement or renewal of a lost, mislaid, or mutilated document (a document may be deemed to be mutilated when it has been partially burned, torn, soiled, or otherwise defaced so as to be unsuitable for the purpose for which it was issued);

(5) The replacement of a document issued in error or on an improper form; or

(6) The replacement of a document of a vessel owned by a corporation when the president or secretary whose name appears thereon dies, is removed, or resigns and there has been no change in ownership.

(b) When some cause for surrender of the marine document occurs other than one or more of those recited in paragraph (a) of this section, such as a change in ownership or home port, the approval of the Officer in Charge is required to the surrender for such additional cause.

(Sec. 30, subsec. O, 41 Stat. 1004, as amended; 46 U.S.C. 961)

§ 67.41-5 Restrictions.

(a) Neither enrollment nor license for the coasting trade or for the coasting trade and mackerel fishery shall be granted to a vessel prohibited by law from engaging in the coastwise trade. (See § 67.01-1 and Subparts 67.37, 67.63, and 67.65.)

(b) Neither enrollment nor license for the fisheries or for the coasting trade and mackerel fishery shall be granted to a vessel prohibited by law from engaging in the American fisheries. (See § 67.01-1 and Subpart 67.63.)

(c) Neither enrollment and license nor license shall be granted to any vessel having on board merchandise brought from a foreign port until such merchandise shall have been wholly unladen and the duties paid or secured.

§ 67.41-7 Registered vessel; affidavit of owner or master.

No registered vessel shall be permitted to exchange her marine document unless the Officer in Charge to whom application is made is satisfied by an affidavit of the owner or master that all equipments purchased and repairs made aboard within the year immediately preceding such application have been duly accounted for and the duties accruing thereon have been paid. If the master gives this affidavit, it shall be on Form CG-1305.

(R.S. 4330; 46 U.S.C. 272)

§ 67.41-9 Exchange of marine document at a port other than the home port.

No vessel shall be permitted to exchange her marine document at a port other than the home port until the master has applied for the new marine document and has filed his affidavit that the ownership remains as stated in the document to be surrendered. Such affidavit shall be executed on Form CG-1305, which may be modified in appropriate cases by deletion of the matter pertaining to foreign equipment or repairs. If the exchange of documents is made at the home port, the oaths required by Subpart 67.21 shall be filed.

(R.S. 4323, as amended; 46 U.S.C. 265)

Subpart 67.43—Loss, Mutilation, or Destruction of Marine Document

§ 67.43-1 Lost, mutilated, destroyed, or mislaid marine document.

When the marine document of any vessel is lost, mutilated, destroyed, or mislaid, the master certifies such fact on Form CG-1305, and the oaths required by Subpart 67.21 are filed at the port of first arrival if that port is the vessel's home port, or the affidavit required by § 67.41-9 is filed at any other port of first arrival, the Officer in Charge shall issue a new marine document, which shall recite the fact that it replaces the one lost, mutilated, destroyed, or mislaid.

(R.S. 4167, 4326; 46 U.S.C. 36, 268)

§ 67.43-3 Marine document wrongfully withheld from the possession of the owner.

A marine document is held to be lost when it is wrongfully withheld from the possession of the owner. All questions of what constitutes a wrongful withholding shall be referred to the Commandant for determination.

Subpart 67.45—Sale or Transfer of Vessel

§ 67.45-1 Vessel ceases to be a vessel of the United States until documented anew.

Except as stated in Subpart 67.55, when a documented vessel is sold or transferred in whole or in part to a citizen, such vessel shall not be deemed a vessel of the United States until documented anew.

(R.S. 4170, as amended, 4312, sec. 9, 39 Stat. 730, as amended, 46 U.S.C. 39, 252, 808)

§ 67.45-3 Requirement for written instrument.

In the case of the sale, gift, or conveyance (including conveyance in trust) of the whole or any part of a documented vessel, a written instrument in the nature of a bill of sale, which may be on Form CG-1340, 1342, 1344, or 1356, and which shall recite in full the marine document last granted to the vessel before the execution of the instrument, shall be filed with the Officer in Charge before a new marine document is granted.

(R.S. 4170, as amended, 4312; 46 U.S.C. 39, 252)

§ 67.45-5 Administration of the estate of a deceased owner.

When the owner of the whole or any part of a documented vessel dies and there is an administration of his estate, an authenticated copy of the letters of appointment of the personal representative of the deceased owner shall be filed with the Officer in Charge before a new marine document is granted to that personal representative or to any of his successors in interest. In such a case, before a new marine document for a vessel is granted to one who acquires an interest therein as the beneficiary under a will, to the person succeeding to the interest of the deceased owner in case of intestacy, or to any successor in interest of either of them, an authenticated copy of the decree of distribution shall be filed with the Officer in Charge. The filing of an authenticated copy of the certificate of death or of the will of the deceased owner shall not be required.

§ 67.45-7 Death intestate of an owner.

(a) In case of the death intestate of the owner of the whole or any part of a documented vessel, if there is no administration of his estate, the Officer in Charge shall forward to the Commandant a statement of all the facts and circumstances and, except as provided for in paragraph (b) of this section, an authenticated copy of the certificate of death of the owner, together with any

documentary evidence in support of the claim of title presented to him, before a new marine document is granted to the next of kin of the deceased owner or to his successors in interest.

(b) If it is impossible to obtain an authenticated copy of the certificate of death of the deceased owner of the whole or any part of such a vessel for filing with the Officer in Charge as required by paragraph (a) of this section, other evidence of death of such deceased owner shall be filed with the Officer in Charge in lieu thereof.

§ 67.45-9 Sale or conveyance by a guardian or committee of the owner.

In case of the sale or conveyance of the whole or any part of a documented vessel by a guardian or committee of the owner thereof, an authenticated copy of the letters of guardianship and of the court order, if any, authorizing the transfer of title shall be filed before a new marine document is granted.

§ 67.45-11 Appointment of a trustee in bankruptcy.

In case of the appointment of a trustee in bankruptcy of the assets of the owner of the whole or any part of such a vessel, an authenticated copy of the order of the referee or court appointing him as such shall be filed with the Officer in Charge before a new marine document is granted.

§ 67.45-13 Recitation of marine document; when not required.

The certificates, letters, decrees, orders, and other evidence of title referred to in §§ 67.45-5 through 67.45-11 shall not be required to recite a marine document of the vessel concerned.

§ 67.45-15 Partnership; termination of or change in.

(a) In the case of the termination of a partnership owning an interest in a vessel because of the addition of a new member, the withdrawal of an old, or both, the death or bankruptcy of a partner, or for any other reason, a written instrument in the nature of a bill of sale, as provided for in § 67.45-3, shall be filed with the Officer in Charge before a new marine document is granted.

(b) In the case of a change in membership of a partnership owning an interest in a vessel without dissolution of the firm, there shall be filed with the Officer in Charge evidence satisfactory to him that there has been no such dissolution and a certificate as to the change which has occurred signed by one or more of the members of the partnership as so changed before a new marine document is granted.

Subpart 67.47—Recording of Bills of Sale and Mortgages

§ 67.47-1 Declaration of vendee, mortgagee, pledgee, or transferee.

When any bill of sale, mortgage, hypothecation, or conveyance of any interest in any vessel is presented to an

Officer in Charge to be recorded, the vendee, mortgagee, pledgee, or transferee shall file with the Officer in Charge the declaration required by section 40, Shipping Act, 1916 (46 U.S.C. 838). The declaration of a corporation shall be signed by its president, secretary, or treasurer, or any other official thereof duly authorized by such corporation to execute any such declaration.

(Sec. 40, 40 Stat. 902, as amended; 46 U.S.C. 838)

§ 67.47-3 Approval of the designation of home port and documentation.

No bill of sale, mortgage, hypothecation, or conveyance of any interest in any vessel shall be accepted for recording prior to the receipt by the Officer in Charge of the approval of the designation of the home port; nor unless the vessel affected is documented as a vessel of the United States or will be so documented substantially simultaneously with the recording of the instrument.

"(a) No sale, conveyance, or mortgage which, at the time such sale, conveyance, or mortgage is made, includes a vessel of the United States, or any portion thereof, as the whole or any part of the property sold, conveyed, or mortgaged shall be valid, in respect to such vessel, against any person other than the grantor or mortgagor, his heir or devisee, and a person having actual notice thereof, until such bill of sale, conveyance, or mortgage is recorded in the office of the Collector of Customs [now Officer in Charge] of the port of documentation of such vessel, as provided in subsection (b) of this section.

(b) Such Collector of Customs [now Officer in Charge] shall record bills of sale, conveyances, and mortgages delivered to him, in the order of their reception, in books to be kept for that purpose and indexed to show—

- (1) The name of the vessel;
- (2) The names of the parties to the sale, conveyance, or mortgage;
- (3) The time and date of reception of the instrument;
- (4) The interest in the vessel so sold, conveyed, or mortgaged; and
- (5) The amount and date of maturity of the mortgage." (46 U.S.C. 921)

"(a) No bill of sale, conveyance, or mortgage shall be recorded unless it states the interest of the grantor or mortgagor in the vessel, and the interest so sold, conveyed, or mortgaged.

(b) No bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge thereof, shall be recorded unless previously acknowledged before a notary public or other officer authorized by a law of the United States, or of a State, Territory, District, or possession thereof, to take acknowledgment of deeds.

(c) In case of a change in the port of documentation of a vessel of the United States, no bill of sale, conveyance, or mortgage shall be recorded at the new port of documentation unless there is furnished the Collector of Customs [now Officer in Charge] of such port, together with the copy of the bill of sale, conveyance, or mortgage to be recorded, a certified copy of the record of the vessel at the former port of documentation furnished by the Collector of Customs [now Officer in Charge] of such port. The Collector of [Customs now Officer in charge] at the new port of documentation is authorized and directed to record such certified copy. * * * (46 U.S.C. 926)

(Sec. 30, subsec. C, 41 Stat. 1000, sec. 2, 43 Stat. 948; 46 U.S.C. 921, 1012)

§ 67.47-5 Multiple changes in ownership; recording of bills of sale.

If there has been more than one change in ownership of any interest in a vessel and the vessel has not been documented by the intermediate owners, all unrecorded bills of sale which are executed in the form and manner prescribed by this subpart may be recorded upon documentation of the vessel.

(Sec. 30, subsec. C, 41 Stat. 1000, sec. 2, 43 Stat. 948; 46 U.S.C. 921, 1012)

§ 67.47-7 Acceptance of mortgage for recording.

No mortgage shall be accepted for recording unless the vessel it covers was documented as a vessel of the United States at the time the mortgage was made. Any mortgage presented for recording may be on Form CG-1348.

(Sec. 30, subsec. C, 41 Stat. 1000; 46 U.S.C. 921)

§ 67.47-9 Recording and validity of instruments.

No bill of sale, mortgage, hypothecation, or conveyance of any interest in any vessel shall be valid against any person other than the vendor, mortgagor, pledgor, grantor, the heirs or devisees of any of the foregoing, or a person having actual notice thereof, unless the instrument has been recorded in the office of the Officer in Charge at the home port of the vessel. If the instrument covers more than one vessel, it shall be recorded at the home port of each vessel and indexed under the name of each vessel whose home port is the port of recordation. The Officer in Charge shall record all such instruments and certificates of discharge of mortgages in the order of their receipt in books to be kept for that purpose and hereafter indexed on Form CG-1332 to show:

- (a) The name of the vessel;
- (b) The names of the parties to the instrument;
- (c) The kind and date of the instrument;
- (d) The interest transferred, mortgaged or discharged;
- (e) The date, hour, and minute the instrument was received;
- (f) The book in which the instrument is recorded;
- (g) The number assigned to the instrument;

(h) In the case of a bill of sale or conveyance, the consideration stated in the instrument; and

(i) In the case of a mortgage or certificate of discharge of mortgage, the amount and date of maturity of the mortgage.

(Sec. 30, subsec. C, H, 41 Stat. 1000, 1002, sec. 2, 43 Stat. 948; 46 U.S.C. 921, 926, 1012)

§ 67.47-11 Recitation of interest and name of transferee or mortgagee.

Each bill of sale, mortgage, hypothecation, or conveyance of any interest in any vessel shall recite the interest of the grantor or mortgagor in the vessel, the names of the persons to whom the in-

terest has been transferred or mortgaged, and the interest transferred or mortgaged to each.

(Sec. 30, subsec. C, H, 41 Stat. 1000, 1002; 46 U.S.C. 921, 926)

§ 67.47-13 Recitation of last marine document.

A bill of sale or conveyance shall recite in full the last marine document of the vessel. A mortgage, whether ordinary or preferred, may, but need not necessarily, recite in full the last marine document of the vessel; if such marine document is not recited, the vessel shall be described by rig, name, official number, and gross tonnage.

(R.S. 4170, as amended, 4312; 46 U.S.C. 39, 252)

§ 67.47-15 Decrees of distribution, trustees in bankruptcy, and orders of courts of record.

(a) The Officer in Charge shall index on Form CG-1332 all decrees of distribution of estates of deceased owners, all orders of referees or courts appointing trustees in bankruptcy, and all orders of courts of record having the effect of transferring any interest in a vessel or discharging a mortgage or lien to show:

- (1) The name of the vessel;
- (2) The name of the former owner;
- (3) The name of the new owner;
- (4) The interest transferred or lien discharged;
- (5) The name of the court;
- (6) The title of the case, and
- (7) The date of the order.

(b) No certificate of death of the owner of any interest in a vessel, letters of appointment of the personal representative of a deceased owner, decree of distribution of the estate of a deceased owner, will of a deceased owner, letters of guardianship appointing a guardian or committee of an owner, order of a referee or court appointing a trustee in bankruptcy of the assets of an owner, nor court order authorizing the transfer of title of any interest in a vessel shall be recorded unless incorporated in a bill of sale, mortgage, hypothecation, or conveyance of an interest in a vessel of the United States.

(Sec. 30, subsec. C, 41 Stat. 1000; 46 U.S.C. 921)

§ 67.47-17 Instruments to be acknowledged.

No bill of sale, conveyance, mortgage, release from mortgage, satisfaction or discharge of mortgage, assignment of mortgage, or certificate of discharge of lien shall be recorded unless previously acknowledged. Any acknowledgment valid under the laws of the State where made may be accepted. No officer or employee of the Coast Guard is authorized to take such acknowledgments.

(Sec. 30, subsec. H, 41 Stat. 1002; 46 U.S.C. 926)

§ 67.47-19 Certificate of discharge of mortgage; form.

Each certificate of discharge of mortgage presented for recording shall be on Form CG-1363 or in a substantially similar form.

§ 67.47-21 Endorsement by Officer in Charge on recorded instruments.

Each bill of sale, mortgage, hypothecation, conveyance, release, satisfaction, assignment, or notice of claim of lien shall be endorsed by the Officer in Charge to show the port of recordation, the exact day, hour, and minute it was received for recordation, the book in which it was recorded, and the number assigned to the instrument.

§ 67.47-23 Number of copies required.

When an instrument other than a preferred mortgage or assignment of a preferred mortgage (see Subpart 67.49) is to be recorded, the original and one copy shall be presented to the Officer in Charge, who shall retain the copy for his files.

§ 67.47-25 Abstract of title furnished by an Officer in Charge.

Any abstract of title of a vessel furnished by the Officer in Charge at the home port of the vessel shall be on Form CG-1332 and shall include any entry respecting each instrument required to be indexed under the regulations contained in this part, including a notice of claim of lien (§ 67.49-19(b)).

(Sec. 30, subsec. C, H, 41 Stat. 1000, 1002; 46 U.S.C. 921, 926)

§ 67.47-27 Forwarding of abstract of title to new home port.

(a) When the home port of a vessel is changed, whether or not any change in title occurs, the Officer in Charge at the old home port, upon request of the owner of the vessel, shall forward in duplicate to the Officer in Charge at the new home port an abstract of title of the vessel, which shall bear at the end thereof the following endorsement:

I certify that the foregoing, which is issued in accordance with the provisions of section 67.47-27(a), Coast Guard Regulations, incident to a change in home port, is a true abstract of title of the vessel described above, as appears by the records of this office.

Documentation Officer

Port.....

Date.....

(b) When an abstract of title of a vessel is forwarded to the Officer in Charge at the new home port of a vessel in accordance with paragraph (a) of this section, the following endorsement shall be made in the index after the last entry for that vessel, and thereafter no instrument for such vessel shall be recorded at the old home port and no entry shall be made in the index with respect to any decree of distribution or order appointing a trustee in bankruptcy:

An abstract of title of the vessel described above was forwarded to the Officer in Charge at on this date in accordance with the provisions of section 67.47-27(a) of the Coast Guard Regulations.

Documentation Officer

Date.....

(Sec. 30, subsec. H, 41 Stat. 1002; 46 U.S.C. 926)

§ 67.47-29 Recording abstract of title at new home port.

The Officer in Charge at the new home port of a vessel shall record the abstract of title of the vessel forwarded to him in accordance with § 67.47-27(a), and no bill of sale, mortgage, hypothecation, conveyance, release, satisfaction, assignment, notice of claim of lien, court order conveying title or other instrument shall be recorded at the new home port until such abstract has been received and recorded.

(Sec. 30, subsec. H, 41 Stat. 1002; 46 U.S.C. 926)

§ 67.47-31 Abstract of title furnished upon request to any person.

(a) Whenever requested the Officer in Charge at the home port of any vessel shall furnish to any person an abstract of title of that vessel, which shall bear at the end thereof the following endorsement:

I hereby certify that the foregoing, which is issued in accordance with the provisions of section 67.47-31(a) of the Coast Guard Regulations, and which is not for record, is a true abstract of title of the vessel described above, as appears by the records of this office.

Documentation Officer

Port _____
Date _____

(b) No abstract of title of any vessel issued in accordance with paragraph (a) of this section shall be recorded by any Officer in Charge, nor shall any endorsement be made in the index when such an abstract is furnished to any person.

Subpart 67.49—Preferred Mortgages

§ 67.49-1 Requirements.

(a) For the purposes of this subpart a "preferred mortgage" is one which meets the requirements of subsection D of the Ship Mortgage Act.*

"(a) A valid mortgage which at the time it is made, includes the whole of any vessel of the United States (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than 25 gross tons), shall, in addition, have, in respect to such vessel and as of the date of the compliance with all the provisions of this subsection the preferred status given by the provisions of section 953 of this title, if—

"(1) The mortgage is endorsed upon the vessel's documents in accordance with the provisions of this section;

"(2) The mortgage is recorded as provided in section 921 of this title, together with the time and date when the mortgage is so endorsed;

"(3) An affidavit is filed with the record of such mortgage to the effect that the mortgage is made in good faith and without any design to hinder, delay, or defraud any existing or future creditor of the mortgagor or any lienor of the mortgaged vessel;

"(4) The mortgage does not stipulate that the mortgagee waives the preferred status thereof; and

"(5) The mortgagee is a citizen of the United States and for the purposes of this section the Reconstruction Finance Corpora-

(b) A preferred mortgage may not be placed upon any vessel which is not a documented vessel, nor upon any vessel of less than 25 gross tons which is a towboat (including tugs and other vessels used for towing), barge, scow, lighter, car float, canal boat, or tank vessel. It may cover more than one vessel, but may not be limited to a part of any vessel. (Section 1(b), Public Law 87-303, approved September 26, 1961 (75 Stat. 661), provides that the amendment reducing the minimum tonnage for preferred mortgages on certain classes of vessels from 200 to 25 gross tons under

tion shall, in addition to those designated in sections 888 and 802 of this title, be deemed a citizen of the United States.

"(b) Any mortgage which complies in respect to any vessel with the conditions enumerated in this section is hereafter in this chapter called a "preferred mortgage" as to such vessel.

"(c) There shall be endorsed upon the documents of a vessel covered by a preferred mortgage—

"(1) The names of the mortgagor and mortgagee;

"(2) The time and date the endorsement is made;

"(3) The amount and date of maturity of the mortgage; and

"(4) Any amount required to be endorsed by the provisions of subsection (e) or (f) of this section.

"(d) Such endorsement shall be made (1) by the Collector of Customs [now Officer in Charge] of the port of documentation of the mortgaged vessel, or (2) by the Collector of Customs [now Officer in Charge] of any port in which the vessel is found, if such Collector of Customs [now Officer in Charge] is directed to make the endorsement by the Collector of Customs [now Officer in Charge] of the port of documentation; and no clearance shall be issued to the vessel until such endorsement is made. Collector of Customs [now Officer in Charge] of the port of documentation shall give such direction by wire or letter at the request of the mortgagee and upon the tender of the cost of communication of such direction. Whenever any new document is issued for the vessel, such endorsement shall be transferred to and endorsed upon the new document by the Collector of Customs [now Officer in Charge].

"(e) A mortgage which includes property other than a vessel shall not be held a preferred mortgage unless the mortgage provides for the separate discharge of such property by the payment of a specified portion of the mortgage indebtedness. If a preferred mortgage so provides for the separate discharge, the amount of the portion of such payment shall be endorsed upon the documents of the vessel.

"(f) If a preferred mortgage includes more than one vessel and provides for the separate discharge of each vessel by the payment of a portion of the mortgage indebtedness, the amount of such portion of such payment shall be endorsed upon the documents of the vessel. In case such mortgage does not provide for the separate discharge of a vessel and the vessel is to be sold upon the order of a district court of the United States in a suit in rem in admiralty, the court shall determine the portion of the mortgage indebtedness increased by 20 per centum (1) which, in the opinion of the court, the approximate value of the vessel bears to the approximate value of all the vessels covered by the mortgage, and (2) upon the payment of which the vessel shall be discharged from the mortgage." (46 U.S.C. 922)

subsection (D) of the Ship Mortgage Act, 1920, as amended (46 U.S.C. 922), shall not apply to (1) any mortgage in existence on the date of enactment or (2) any mortgage placed on a vessel after the date of enactment under a mortgage on such vessel in existence on the date of enactment so long as such existing mortgage remains undischarged.)

(Sec. 30, subsec. D, 41 Stat. 1000, as amended; 46 U.S.C. 922)

§ 67.49-3 Mortgage including property other than a vessel.

A mortgage which includes property other than a vessel or vessels may not acquire a preferred status unless it provides for the separate discharge of such other property.

(Sec. 30, subsec. D, 41 Stat. 1000, as amended; 46 U.S.C. 922)

§ 67.49-5 Placing of more than one mortgage on a vessel.

A preferred or ordinary mortgage may be placed on a vessel already covered by a preferred or ordinary mortgage.

(Sec. 30, subsec. D, 41 Stat. 1000, as amended; 46 U.S.C. 922)

§ 67.49-7 Number of copies required.

(a) Every preferred mortgage presented for recording shall be accompanied by three identical copies and, in the case of a blanket mortgage, one additional identical copy for each vessel in excess of one covered by the mortgage. All copies except one, which shall be inserted by the Officer in Charge in his record of preferred mortgages, shall be certified by the Officer in Charge and delivered to the mortgagor after the record has been made. The original shall be returned to the mortgagee and a receipt obtained.

(b) The mortgagor shall place, and use due diligence to retain, a certified copy of the preferred mortgage delivered to him pursuant to paragraph (a) of this section, on board the mortgaged vessel and cause such copy and the marine document of the vessel to be exhibited by the master to any person having business with the vessel, which may give rise to a maritime lien upon the vessel or to the sale, conveyance, or mortgage thereof. The master of the vessel shall, upon the request of any such person, exhibit to him the marine document of the vessel and the certified copy of any preferred mortgage of the vessel placed on board thereof. The requirement of this section that a copy of a preferred mortgage be placed and retained on board the mortgaged vessel shall not apply in the case of a mortgaged vessel which is not self-propelled (including but not limited to, barges, scows, lighters, and car floats).

(Sec. 30, subsecs. E, W, 41 Stat. 1001, as amended, 1006; 46 U.S.C. 923, 983)

§ 67.49-9 Affidavit of mortgagor.

The affidavit of the mortgagor required by subsection D(a) (3), of the Ship Mortgage Act, 1920 (see note 8, § 67.49-1(a)), if not included in the mortgage, shall be presented with each preferred mortgage

submitted for recording and shall be retained by the Officer in Charge. Any acknowledgment of such affidavit valid under the laws of the State where made may be accepted. The Officer in Charge has no duty to ascertain whether there is any encumbrance on a vessel for which a preferred mortgage is presented to him for recording.

(Sec. 30, subsec. D, 41 Stat. 1000, as amended; 46 U.S.C. 922)

§ 67.49-11 Denial of clearance of vessel.

No vessel covered by a preferred mortgage shall be granted clearance at any port until the preferred mortgage endorsement required by subsection D(c) of the Ship Mortgage Act, 1920 (see note 8, § 67.49-1(a)), has been placed on her marine document.

(Sec. 30, subsec. D, 41 Stat. 1000, as amended; 46 U.S.C. 922)

§ 67.49-13 Endorsement on marine document; indexing on abstract of title.

In addition to the matters required by § 67.47-9, the Officer in Charge shall note on the index on Form CG-1332 the day, hour, and minute that:

(a) The proposed mortgage endorsement is placed on the marine document, and

(b) Such notation was made on the index.

(Sec. 30, subsecs. C, D, 41 Stat. 1000, as amended; 46 U.S.C. 921, 922)

§ 67.49-15 Surrender of marine document bearing a preferred mortgage endorsement.

When a marine document bearing a preferred mortgage endorsement is surrendered (see § 67.41-3) and a new marine document is issued before the mortgage is satisfied or the vessel released, the endorsement shall be placed on the new document.

(Sec. 30, subsecs. D, O, 41 Stat. 1000, as amended, 1004, as amended; 46 U.S.C. 922, 981)

§ 67.49-17 Assignment, amendment, assumption, or novation of a preferred mortgage.

For the purposes of this subpart an assignment, amendment, assumption, or novation of a preferred mortgage shall be regarded in all respects as a new preferred mortgage. The preferred mortgage endorsement respecting the recording of such an assignment, amendment, assumption, or novation shall be entered on the marine document of the vessel by a notation along the left-hand margin of the original endorsement. Such notation shall specify the date, port, time of endorsement, and nature of the instrument. If the instrument is an amendment, the items amended shall be shown in the notation; if other than an amendment, the names of the new parties shall be shown. If the endorsement is made at the request of a documentation officer at another port, the title of the requesting officer and the name of the port shall be shown.

(Sec. 30, subsec. W, 41 Stat. 1006; 46 U.S.C. 983)

§ 67.49-19 Notice of claim of lien.

(a) A notice of claim of lien upon a vessel shall be recorded only if the vessel is covered by a preferred mortgage and if the notice has been acknowledged.⁹ Any acknowledgment valid under the laws of the State where made may be accepted. No officer or employee of the Coast Guard is authorized to take such acknowledgments.

(b) Each notice of claim of lien and certificate of discharge of lien presented to an Officer in Charge shall be recorded in a book to be kept for that purpose and indexed on Form CG-1332.

(Sec. 30, subsecs. G, H, 41 Stat. 1002; 46 U.S.C. 925, 926)

§ 67.49-21 Discharge of mortgage.

When a preferred mortgage has been discharged in whole or in part and a certificate of such discharge has been filed with the Officer in Charge at the home port of any vessel covered by the discharge, the Officer in Charge at the home port, or the Officer in Charge at the port where the vessel is, at the direction of the Officer in Charge at the home port, shall endorse the fact of such discharge upon the marine document of the vessel. No clearance shall be granted to such vessel until such endorsement has been made.¹⁰

(Sec. 30, subsec. G, 41 Stat. 1002; 46 U.S.C. 925)

Subpart 67.51—Fee for Recording Instruments and Furnishing Certified Copies

§ 67.51-1 Bill of sale, conveyance, mortgage, or assignment of mortgage; recording fee.

The fee for recording a bill of sale, conveyance, mortgage, or assignment of mortgage shall be 20 cents for each folio of 100 words with a minimum fee of \$1.

⁹ "The Collector of Customs [now Officer in Charge] of the port of documentation shall upon the request of any person, record notice of his claim of a lien upon a vessel covered by a preferred mortgage, together with the nature, date of creation, and amount of the lien, and the name and address of the person. Any person who has caused notice of his claim of lien to be so recorded shall, upon a discharge in whole or in part of the indebtedness, forthwith file with Collector of Customs [now, Officer in Charge] a certificate of such discharge. The Collector of Customs [now, Officer in Charge] shall thereupon record the certificate." (46 U.S.C. 925(a))

¹⁰ "The mortgagor, upon a discharge in whole or in part of the mortgage indebtedness, shall forthwith file with the Collector of Customs [now, Officer in Charge] for the port of documentation of the vessel, a certificate of such discharge. Such Collector of Customs [now, Officer in Charge] shall thereupon record the certificate. In case of a vessel covered by a preferred mortgage, Collector of Customs [now, Officer in Charge] at the port of documentation shall (1) endorse upon the documents of the vessel, or direct the Collector of Customs [now, Officer in Charge] at any port in which the vessel is found, to so endorse, the fact of such discharge, and (2) shall deny clearance to the vessel until such endorsement is made." (46 U.S.C. 925(b))

(Sec. 30, subsec. I, 41 Stat. 1002, as amended; 46 U.S.C. 927)

§ 67.51-3 Certified copies.

The fee for furnishing a certified copy of any bill of sale, conveyance, mortgage, assignment of mortgage, notice of claim of lien, certificate of discharge, or abstract of title shall be 20 cents for each folio of 100 words with a minimum fee of \$1, except that if a person requesting certification of more than 10 copies of a mortgage which includes more than one vessel, furnishes such copies to the Officer in Charge, the fee for certification of each copy in excess of 10 shall be \$1 per copy.

(Sec. 30, subsec. I, 41 Stat. 1002, as amended; 46 U.S.C. 927)

§ 67.51-5 Official documents.

The fee for furnishing a copy of an official document, including a marine document, not elsewhere enumerated in this subpart shall be 20 cents, when furnished to any person other than a Government officer, whether certified or not.

(R.S. 2654, as amended; 19 U.S.C. 58)

§ 67.51-7 Computation of fees.

(a) In computing the amounts to be collected under §§ 67.51-1 or 67.51-3:

(1) The word "folio" shall mean 100 words counting each figure as a word. No charge shall be made for fractions of a folio.

(2) When any instrument presented is not on an appropriate Coast Guard form, the number of folios shall be computed under the pertinent one of the following formulas:

(i) Except as specified in subdivision (iii) of this subparagraph, if the instrument is of less than 20 pages, the total number of lines shall be determined; the number of words in 10 percent of the lines of each size and style of writing or printing (handwritten, pica typewritten, elite typewritten, printed, etc.) shall be counted, using lines of average length; the average number of words per line of each size and style of writing or printing shall be multiplied by the total number of lines of such size and style in order to arrive at the total number of words; and that total shall be divided by 100 in order to ascertain the total number of folios.

(ii) Except as specified in subdivision (iii) of this subparagraph, if the instrument is of 20 pages or more, the number of words on a representative sample of pages (10 percent of the total, using pages of average width and length) shall be counted; the average number of words per page shall be multiplied by the number of pages in order to arrive at the total number of words; and that total shall be divided by 100 in order to ascertain the total number of folios.

(iii) If any such instrument contains a recitation or copy of a marine document of a vessel, whether reproduced by photostatic process or otherwise, the number of folios in such recitation or copy shall not be determined as specified

in subdivision (i) or (ii) of this subparagraph, but instead each such recitation or copy shall be deemed to contain five folios. The number of folios contained in such recitation or copies, determined in accordance with this subdivision, shall be added to the number of folios contained in the remainder of such instrument, ascertained in accordance with subdivision (i) or (ii) of this subparagraph, as the case may be, and the sum shall be the total number of folios in that instrument.

(3) When any instrument presented is on one of the following Coast Guard forms and contains only such written matter as is customarily used and necessary to complete and fill in the blanks on the form or when it contains such matter and other written matter interpolated or appended of less than 200 words, the number of folios in the instrument shall be deemed to be in accordance with the following schedule:

(i) Bill of sale of vessel on Form CG-1340, 1342, 1344, 1346, or 1356: 10 folios.

(ii) Mortgage of vessel on Form CG-1348—If marine document is not recited: 15 folios. If marine document is recited: 20 folios.

(iii) General Index or Abstract of Title on Form CG-1332: Five folios. When used as a continuation sheet: One folio for each two instruments noted thereon.

(4) When any such instrument is prepared on a Coast Guard form and contains such written matter as is customarily used and necessary to complete and fill in the blanks on the form and other written matter interpolated or appended of 200 or more words, the number of folios in the instrument shall be computed on the basis of the schedule in subparagraph (3) of this paragraph for the printed forms, plus an additional amount for all the written matter other than such as is used and necessary to complete and fill in the blanks on the form in the customary manner, which amount shall be computed as though that portion of the instrument were not on a Coast Guard form.

(b) The number of folios in a certified copy of any instrument furnished under § 67.51-3 shall be computed in the same manner as in the case of the original, except that the number of folios in a certificate of discharge on Form CG-1363 shall be deemed to be five, unless the form contains interpolated or appended written matter of 200 or more words in addition to such written matter as is customarily used and necessary to complete and fill in the blanks on the form. In which case the fee shall be computed on the basis of a charge for three folios for the printed form, plus an additional amount for all the written matter other than such as is used and necessary to complete and fill in the blanks on the form in the customary manner, which amount shall be computed as though that portion of the instrument were not on a Coast Guard form. The fee shall not be collected for a duplicate certified ab-

stract of title at the former home port issued in accordance with § 67.47-27(a).

(Sec. 501, 65 Stat. 290, sec. 30, subsec. I, 41 Stat. 1002, as amended; 31 U.S.C. 483a, 46 U.S.C. 927)

Subpart 67.53—Issue of Temporary Marine Document Upon Sale of Vessel

§ 67.53-1 By whom issued.

When a vessel entitled to be documented changes ownership and is in a port other than the home port designated by the new owner, a temporary marine document may be issued by the Officer in Charge at the port where she is.

(R.S. 4159; 46 U.S.C. 29)

§ 67.53-3 Application for temporary marine document at the vessel's home port.

If application is made to the Officer in Charge at the home port designated by the new owner and all requirements of law are complied with except the issuance of the marine document, he shall authorize the Officer in Charge at the port where the vessel then is to issue a temporary marine document to the vessel.

(R.S. 4159; 46 U.S.C. 29)

§ 67.53-5 Application for temporary marine document at other than the vessel's home port.

If application is made to the Officer in Charge at the port where the vessel then is, the same proceedings shall be had as are required by law at the vessel's home port, except that the bill of sale shall not be recorded at the port where the vessel is. If the bill of sale is presented to the Officer in Charge at the port where the temporary marine document is issued, it shall be noted on his records and then forwarded to the Officer in Charge at the home port designated by the new owner. The recording fees shall be collected by the issuing Officer in Charge and forwarded with the bill of sale to the Officer in Charge at such home port.

(R.S. 4159, sec. 30, subsecs. H, W, 41 Stat. 1002, 1006, sec. 2, 43 Stat. 948; 46 U.S.C. 29, 926, 983, 1012)

§ 67.53-7 Recording bill of sale at the home port.

The bill of sale shall be recorded by the Officer in Charge at the home port designated by the new owner, but only after that Officer in Charge has received from the Officer in Charge at the former home port and recorded the abstract of title of the vessel as required by § 67.47-29.

(Sec. 30, subsecs. C, H, 41 Stat. 1000, 1002, sec. 2, 43 Stat. 948; 46 U.S.C. 921, 926, 1012)

§ 67.53-9 Surrender of temporary marine document.

The temporary marine document shall be surrendered within 10 days after the arrival of the vessel within the marine inspection zone to which she belongs.

(R.S. 4160; 46 U.S.C. 30)

Subpart 67.55—Sale Abroad

§ 67.55-1 Applicability.

A documented vessel which, while outside the limits of a marine inspection zone of the United States, is sold or transferred in whole or in part to a citizen of the United States may be documented anew as a vessel of the United States at the port designated as the vessel's home port by the new owner or owners in accordance with the requirements of Subpart 67.19. Such a marine document shall be issued upon compliance with all the applicable requirements contained in this part, and upon surrender of the previous marine document at the new home port except that (a) any marine document so issued shall be a permanent marine document and (b) the marine document may be issued without first requiring surrender of the outstanding marine document to the Officer in Charge in a case in which the vessel is at sea at the time. In such latter case, the new marine document shall be forwarded to the U.S. foreign service officer at the vessel's foreign port of call or the Officer in Charge at a domestic port of call upon request of the owner or his agent. The foreign service officer or the Officer in Charge to whom the new marine document is forwarded shall deliver that marine document to the vessel upon the vessel's arrival in port and upon surrender of the previous marine document, which shall be forwarded by the officer to the Officer in Charge at the vessel's home port.

(Sec. 2, 23 Stat. 118, as amended, R.S. 4166, as amended; 46 U.S.C. 2, 35)

§ 67.55-3 Failure to redocument; privileges as a vessel of the United States.

A documented vessel which has been sold or transferred in whole or in part to a citizen while abroad and which is not redocumented under § 67.55-1 shall nevertheless be entitled on her first arrival thereafter to all the privileges of a vessel of the United States.

(R.S. 4166, as amended; 46 U.S.C. 35)

Subpart 67.57—Sale or Charter to an Alien

§ 67.57-1 Consent of the Maritime Administration.

Unless the consent of the Maritime Administration is first obtained, no vessel of the United States may be sold or chartered in whole or in part to any person who is not a citizen or to any corporation, partnership, or association which is not a citizen as defined in section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802).

(Sec. 9, 39 Stat. 730, as amended; 46 U.S.C. 808)

§ 67.57-3 Surrender of marine document upon sale.

When a documented vessel is sold in whole or in part, even in trust or confidence, to one who is not a citizen, its marine document shall be delivered (a) within 7 days after the sale to the Officer

in Charge at the port where the vessel is, if it is in the United States, or (b) within 8 days after the first arrival of the master in the United States to the Officer in Charge at the port of his first arrival, if the vessel is at sea or not in the United States at the time of sale. (R.S. 4146, as amended, 4172; 46 U.S.C. 23, 41)

§ 67.57-5 Charter to an alien; citizenship of master and watch officers.

The master and all watch officers of a documented vessel chartered to one who is not a citizen shall be citizens.

(R.S. 4131, as amended, sec. 2, 38 Stat. 699; 46 U.S.C. 221, 236)

Subpart 67.59—Certificate of Ownership

§ 67.59-1 Form.

The certificate of ownership provided for in subsection I of the Ship Mortgage Act, 1920,¹¹ shall be executed on Form CG-1330.

(Sec. 30, subsec. I, W. 41 Stat. 1002, as amended, 1006; 46 U.S.C. 927, 983)

§ 67.59-3 Fee.

The fee for issuance of a certificate of ownership shall be 20 cents for each folio of 100 words with a minimum fee of \$1.

(Sec. 30, subsec. I, 41 Stat. 1002, as amended; 46 U.S.C. 927)

Subpart 67.61—Frontier Enrollment and License

§ 67.61-1 Foreign trade, coastwise trade, and fisheries.

Vessels under frontier enrollment and license¹² may engage in foreign or coastwise trade or the fisheries in waters covered by the license.

(R.S. 4318, as amended, 4321, as amended; 46 U.S.C. 258, 263)

¹¹ "Each Collector of Customs [now, Officer in Charge] shall permit records made under the provisions of this chapter to be inspected during office hours, under such reasonable regulations as the Collector of Customs [now, Officer in Charge] may establish. Upon the request of any person the Collector of Customs [now, Officer in Charge] shall furnish him from the records of the Collector's [now, Officer's in Charge] office (1) a certificate setting forth the names of the owners of any vessel, the interest held by each owner, and the material facts as to any bill of sale or conveyance of, any mortgage covering, or any lien or other incumbrance upon, a specified vessel, (2) a certified copy of any bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge in respect to such vessel, or (3) a certified copy as required by subsection (c) of section 926 of this title. * * * (46 U.S.C. 927)

¹² "Any vessel of the United States, navigating the waters on the northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels; such enrollment and license shall authorize any such vessel to be employed either in the coasting or foreign trade on such frontiers, and no certificate of registry shall be required for vessels so employed. Such vessel shall be, in every other respect, liable to the regulations and penalties relating to registered and licensed vessels." (46 U.S.C. 258)

§ 67.61-3 Restrictive endorsements.

In similar cases frontier enrollments shall bear the same endorsements as are placed on registers. When the endorsement required by § 67.01-7(a)(1), or § 67.01-9(b) is placed on a frontier enrollment and license, the word "Coasting" in the license shall be deleted, and the word "Fisheries" inserted in lieu thereof. When the endorsement required by § 67.01-7(b) is placed on a frontier enrollment and license, the words "and Foreign" in the license shall be deleted.

(R.S. 4318, as amended, sec. 27A, 72 Stat. 1736; 46 U.S.C. 258, 883-1)

§ 67.61-5 Foreign-built vessels.

A foreign-built vessel which is owned by a citizen but which was not so owned and documented prior to February 1, 1920, or which was not owned by the United States on June 5, 1920, shall not be granted a frontier enrollment and license, but shall be registered. (See § 67.63-9(b).)

(R.S. 4132, as amended; 46 U.S.C. 11)

§ 67.61-7 Yachts.

A yacht of less than 20 net tons enrolled and licensed to navigate the waters of the northern, northeastern, and northwestern frontiers otherwise than by sea shall not be required to surrender its enrollment and license and obtain a license when proceeding to ports in the United States, its Territories, or possessions, whether by sea or otherwise.

(R.S. 4214, as amended, 4318, as amended; 46 U.S.C. 103, 258)

§ 67.61-9 Surrender of frontier enrollment and license.

Except as stated in § 67.61-7, when a vessel under frontier enrollment and license is to proceed to sea, directly or by way of an intermediate port, the vessel shall be required to surrender the frontier document. It may be issued a register if bound on a foreign voyage partly by sea, unless it is a vessel owned by a corporation which is a citizen of the United States as defined in § 67.03-7(a) (see §§ 67.01-7(b) and 67.07-11), or, if qualified, may be issued an enrollment and license when proceeding from one U.S. port to another by way of the St. Lawrence River and the sea without touching at any foreign port. A vessel is not considered to have touched at a foreign port by reason of being boarded by Canadian authorities for the purposes of inspecting the vessel and taking a passing report: *Provided*, That no business is transacted at the port or place of boarding. A vessel under frontier enrollment and license may retain that marine document when proceeding by way of the Hudson River to any U.S. port without going to sea.

(R.S. 4318, as amended, sec. 72A, 72 Stat. 1736; 46 U.S.C. 258, 883-1)

§ 67.61-11 Authority for issuance of frontier enrollment and license at a seaport.

The Officer in Charge at a seaport may issue a frontier enrollment and license.

(R.S. 4318, as amended; 46 U.S.C. 258)

Subpart 67.63—Registry of Foreign-Built Vessels

§ 67.63-1 Application for official number.

The application on Form CG-1320 for an official number for a foreign-built vessel (class 9, § 67.01-5(i)) shall state, in addition to the information therein required, the name of the former owner.

§ 67.63-3 Requirement for additional evidence.

(a) In lieu of the builder's certificate required for a vessel built in the United States, the application shall be accompanied by a photostatic or certified copy of the vessel's foreign register and of its foreign measurement certificate, if there be one, together with a duly authenticated translation of any such evidence that may be written in a foreign language.

(b) Satisfactory evidence shall be produced to establish that the transfer of registry has the approval of the foreign government concerned.

(c) If the vessel was built for the applicant and never under foreign registry, the builder's certificate shall be produced, but no approval of a foreign government shall be required. If the vessel was not built for the applicant, satisfactory evidence of ownership shall be produced as in the case of a vessel built in the United States.

(d) There shall also be produced a certificate of the Officer in Charge that the vessel is safe to carry dry and perishable cargo, and if the vessel is required to possess a certificate of inspection (see § 67.79-1), it shall be produced.

(R.S. 4132, as amended; 46 U.S.C. 11)

§ 67.63-5 Certificate of applicant.

The applicant shall submit a certificate stating that:

(a) The transfer of the vessel conveyed complete and unconditional title and ownership to the purchaser;

(b) There is no agreement or understanding reserving to the vendor, or to any person who is not a citizen, any interest in the vessel or its operations, or any right of control thereof;

(c) The transfer is intended to be permanent and not temporary, no right to repurchase the vessel is reserved to the vendor, and there is no understanding for its retransfer;

(d) The transfer was not made during a voyage of the vessel or while it was in a blockaded port; and

(e) The transfer was not made to avoid the consequences to which a vessel of a belligerent is exposed.

§ 67.63-7 Forwarding of papers to Commandant.

The papers filed in connection with the application for documentation in accordance with the requirements of this section and any other pertinent information shall be forwarded to the Commandant for consideration before the granting of a marine document to the vessel. Except as otherwise provided for

In this subpart, the usual requirements for registry shall be complied with.

§ 67.63-9 Restrictive endorsements on marine documents.

(a) No foreign-built vessel owned and documented prior to February 1, 1920, by a citizen nor one owned by the United States on June 5, 1920, and sold to and owned by a citizen shall engage in the American fisheries, but it is otherwise unlimited as to marine documents and trade so long as it continues in such ownership. When a marine document is issued to such a vessel, the following notation shall be made thereon:

As amended by section 5 of the Panama Canal Act and by the act of August 18, 1914, and sections 22, 27, and 38 of the Merchant Marine Act of June 5, 1920, as amended. This vessel shall not engage in the American fisheries.

If the vessel is owned by a corporation which is a citizen of the United States as defined in § 67.03-5 (a) or (b), the notation required by § 67.01-7(a) shall also be made on the marine document.

(b) A foreign-built vessel which is owned by a citizen, but which was not so owned and documented on February 1, 1920, or which was not owned by the United States on June 5, 1920, is limited to the foreign trade. A foreign-built vessel admitted to American registry and thereafter sold foreign in whole or in part or placed under foreign registry is limited, upon afterward becoming the property of a citizen, to the foreign trade. When a register is issued to a vessel of either such class, the following notation shall be made thereon:

As amended by section 5 of the Panama Canal Act, by the act of August 18, 1914, by section 27 of the Merchant Marine Act of June 5, 1920, as amended, and by the act of May 24, 1938, entitling the vessel to engage only in trade with foreign countries or the Islands of Guam, Tutuila, Wake, Midway, and Kingman Reef. This vessel shall not engage in the coastwise trade or the American fisheries.

(c) A foreign-built vessel which has been purchased from the Maritime Administration or the War Shipping Administration by a citizen shall not engage in the American fisheries, but it is otherwise unlimited as to marine documents and trade so long as it continues in such ownership. When a marine document is issued to such a vessel, the following notation shall be made thereon:

As amended by section 9 of the Shipping Act, 1916, as amended. This vessel shall not engage in the American fisheries.

If the vessel is owned by a corporation, the notation required by § 67.01-7(a) shall also be made on the marine document.

(R.S. 4132, as amended, sec. 22, 41 Stat. 997, sec. 2, 9, 39 Stat. 739, as amended, 730, as amended, sec. 27, 41 Stat. 999, as amended, sec. 27A, 72 Stat. 1736; 46 U.S.C. 11, 13, 802, 808, 883, 883-1)

Subpart 67.65—Documentation of American-Built Foreign-Flag Vessels

§ 67.65-1 Builder's certificate and certificate of admeasurement; when required.

In the case of an American-built foreign-flag vessel which has never been documented as a vessel of the United States, a builder's certificate shall be produced unless a certificate of record has been issued to the vessel previously. A certificate of admeasurement shall also be produced unless a certificate of record has been issued and the tonnage of the vessel has not since been changed. Application for an official number shall be made in accordance with § 67.63-1.

§ 67.65-3 Vessels formerly documented under United States flag.

In the case of an American-built foreign-flag vessel which was documented as a vessel of the United States before being placed under foreign flag, the production of a builder's certificate shall not be required, nor shall the production of a certificate of admeasurement unless the tonnage of the vessel has been changed. The official number originally awarded to the vessel shall be retained and the vessel shall be documented in the name under which it was last documented as a vessel of the United States.

§ 67.65-5 Application for documentation.

The application for documentation shall be accompanied by a photostatic or certified copy of the vessel's foreign register and foreign measurement certificate, if there be one, together with a duly authenticated translation of any such document that may be written in a foreign language. Satisfactory evidence shall be produced to establish that the transfer of registry has the approval of the foreign government concerned. If the vessel was not built for the applicant, satisfactory evidence of ownership shall be presented as in the case of a vessel of the United States.

§ 67.65-7 Certificate of applicant.

The applicant shall submit a certificate as required by § 67.63-5.

§ 67.65-9 Forwarding of papers to Commandant.

The papers filed in connection with the application for documentation in accordance with the requirements of this subpart and any other pertinent information shall be forwarded to the Commandant for consideration before the granting of a marine document to the vessel. Except as otherwise provided for in this subpart, the usual requirements for registry shall be complied with.

§ 67.65-11 Restrictive endorsement on marine document.

In appropriate cases, the notation required under § 67.01-9(b) shall be en-

dorsed on a marine document issued under this subpart.

(R.S. 4132, as amended, sec. 27, 41 Stat. 999, as amended; 46 U.S.C. 11, 883)

Subpart 67.67—Foreign-Built Yachts

§ 67.67-1 Documentation of foreign-built yachts.

Any foreign-built yacht purchased by a citizen of the United States may be documented upon compliance with all the requirements set forth in Subpart 67.63. The Officer in Charge may then issue to any such yacht owned by a citizen a consolidated certificate of enrollment and yacht license on Form CG-1290 or, except upon the Great Lakes, a license of yacht under 20 net tons on Form CG-1288. Any marine document issued to such a yacht shall have written across its face the legend, "This vessel shall not engage in the coastwise trade or the American fisheries."

(R.S. 4132, as amended, 4214, as amended, 46 U.S.C. 11, 103)

§ 67.67-3 Certificate of protection.

Any foreign-built undocumented yacht owned by a citizen is entitled to legal protection as property of a citizen. The Officer in Charge may issue to any such vessel a certificate that the bill of sale has been filed in his office and that it is valid in form and substance. This certificate shall be substantially in the following form:

FOREIGN-BUILT AMERICAN-OWNED YACHT

I, _____, Officer in Charge, Marine Inspection, for the port of _____ State of _____, United States of America, do hereby certify that the bill of sale, bearing date of _____, 19____, of the _____ net tonnage, (Class and name) _____ sold and transferred by _____ of _____, in _____ to _____ of _____, State of _____, United States of America, is in form and substance valid and effective in law; that it has been filed in this office; and that the said _____ is a citizen of the United States.

_____, 19____

Officer in Charge, Marine Inspection

(R.S. 4190, 46 U.S.C. 61)

Subpart 67.69—Record of American-Built Vessels Owned by Aliens

§ 67.69-1 Applicability.

A vessel built in the United States, never before documented, and belonging wholly or in part to an alien may be

"No document certifying or proving any vessel to be the property of a citizen of the United States shall be issued, except to vessels duly registered or enrolled and licensed as vessels of the United States, or to vessels which shall be wholly owned by citizens of the United States, and furnished with or entitled to customhouse documents." (46 U.S.C. 61)

granted a certificate of record on Form CG-1316. Such a vessel may be documented as a vessel of the United States if transferred to a citizen.

(R.S. 4132, as amended; 4180, 4182, as amended; 46 U.S.C. 11, 54, 55)

§ 67.69-3 Requirement for builder's certificate and certificate of admeasurement.

Before a certificate of record is issued, a builder's certificate on Form CG-1261 and a certificate of admeasurement on Form CG-1414 shall be filed with the Officer in Charge.

(R.S. 4180, 4182, as amended; 46 U.S.C. 54, 55)

§ 67.69-5 Change of name or change of master of recorded vessel.

Whenever the master or name of a recorded vessel is changed, the Officer in Charge at the port where the vessel is, or the Officer in Charge at the port where the vessel next arrives if it is at sea or in a foreign port, shall endorse such change upon the certificate of record on the written application of one or more of the owners.

(R.S. 4183, as amended; 46 U.S.C. 56)

§ 67.69-7 Certificates of record.

Certificates of record shall be consecutively numbered. An exact copy of each certificate shall be placed in a permanent record kept for that purpose and a proper index made thereof on Form CG-1241 appropriately modified (on Form CG-2112 at New York). When a recorded vessel is documented, the certificate of record shall be surrendered, canceled, and forwarded to the Commandant and the Officer in Charge at the port of issue shall be notified.

(R.S. 4180, 4182, as amended; 46 U.S.C. 54, 55)

§ 67.69-9 Documentation of recorded vessels.

In the documentation of a recorded vessel (class 3, § 67.01-5(c)), no builder's certificate shall be required. No admeasurement certificate shall be required unless the vessel has been altered since the certificate of record was issued.

Subpart 67.71—Prizes and Forfeited Vessels

§ 67.71-1 Documentation requirements.

If application is made for documentation of a vessel of class 4 or 5 (§ 67.01-5 (d) or (e)), all the requirements relating to documentation, except the filing of a builder's certificate shall be complied with, and the Officer in Charge shall be furnished with a properly authenticated copy of the decree of condemnation and the proof of the applicant's ownership.

(R.S. 4132, as amended; 46 U.S.C. 11)

Subpart 67.73—Inspection of Marine Documents

§ 67.73-1 Production upon demand.

Whenever a vessel of the United States is in commission, its marine document shall be on board, shall be accessible to the master or other person in charge

or command, and shall be produced to any officer entitled to inspect same upon demand,¹⁴ except when the document is in the custody of the Officer in Charge for some required official purpose, or except in the case of a vessel within the purview of §§ 67.29-7 and 67.29-9.

(R.S. 4336, as amended; 46 U.S.C. 277)

Subpart 67.75—Change of Name of Documented Vessel

§ 67.75-1 Consent and approval for change of name.

The name of a documented vessel (including any documented yacht) shall not be changed except with the consent and approval of the Officer in Charge or documentation officer for the vessel's home port.¹⁵

(R.S. 4179, secs. 1, 2, 41 Stat. 436, as amended; 437, as amended; 46 U.S.C. 50, 51, 52)

§ 67.75-3 Application for change of name.

Each application for change of name shall be executed on Form CG-1323 by the owner or owners of the vessel and shall be submitted in duplicate to the documentation officer at the vessel's home port.

(Secs. 1, 2, 41 Stat. 436, as amended; 437, as amended; 46 U.S.C. 51, 52)

§ 67.75-5 Vessels covered by liens, mortgages, or other encumbrances of record.

In applicable cases there shall be filed with the documentation officer: (a) The consent of the mortgagee or other beneficiary under each lien, mortgage, or other encumbrance of record at the vessel's home port, and (b) any approval of the Officer in Charge required by subsection O(a), Ship Mortgage Act, 1920 (see § 67.41-3).

¹⁴ "Any officer concerned in the collection of the revenue may at all times inspect the register or enrollment or license of any vessel or any document in lieu thereof; and if the master or other person in charge or command of any such vessel shall not exhibit the same, when required by such officer, unless the vessel is one which by regulation of the Secretary of the Treasury [now, the Secretary of Transportation] is not required to have its register or enrollment or license or document in lieu thereof on board, such master or person in charge or command shall be liable to a penalty of \$100, unless the failure to do so is willful, in which case he shall be liable to a penalty of \$1,000 and to a fine of not more than \$1,000 or imprisonment for not more than one year, or both." (46 U.S.C. 277)

¹⁵ "The Commissioner of Customs [now, Commandant] shall be empowered to change the names of vessels of the United States on application of the owner or owners of such vessels when in his judgment there shall be sufficient cause for so doing. (46 U.S.C. 51)

"No master, owner, or agent of any vessel of the United States shall in any way change the name of such vessel, or by any device, advertisement, or contrivance deceive or attempt to deceive the public, or any officer or agent of the United States, or of any State, or any corporation or agent thereof, of any person or persons, as to the true name or character of such vessel, on pain of the forfeiture of such vessel." (46 U.S.C. 50)

(Sec. 2, 41 Stat. 437, as amended; sec. 30, subsec. O, 41 Stat. 1004, as amended; 46 U.S.C. 52, 961)

§ 67.75-7 Approval or disapproval for change of name.

If the application is approved, the approving officer shall so indicate by a note in the appropriate space provided on Form CG-1323, deliver the original to the applicant, and retain the duplicate in the records of his office. If the application is disapproved, the applicant shall be notified in writing.

(Secs. 1, 2, 41 Stat. 436, as amended; 437, as amended; 46 U.S.C. 51, 52)

§ 67.75-9 Publication of change of name order.

The applicant shall cause notice of the order for the change of name to be published in some daily or weekly newspaper of general circulation at or nearest to the home port of the vessel in at least four consecutive issues. The notice shall be in the following form:

Notice is hereby given that an order dated _____ has been issued by the undersigned authorizing the name of the _____ of _____ (Rig) _____ (Name) _____ official number _____ owned by _____ of which _____ is the home port, to be changed to _____ (Signature and title) _____ (Port)

(Sec. 2, 41 Stat. 437, as amended; 46 U.S.C. 52)

§ 67.75-11 Documentation of vessel in new name.

(a) No marine document shall be issued to the vessel in the new name until the applicant has paid the fee prescribed by § 67.75-19 and, except as specified in paragraph (b) of this section, until he has complied with § 67.75-9 and has furnished to the documentation officer at the vessel's home port (1) a declaration of publication signed by a proper representative of the newspaper in which the order for the change of name was published setting forth the wording of the order, the dates of publication, and the payment of the cost of advertising, or (2) a copy of each of the four consecutive issues of the newspaper in which the order appeared, together with a receipt for the payment of the cost of advertising.

(b) Documentation of the vessel in the new name shall not be withheld until notice of the order for the change has been published as required by § 67.75-9, if the documentation officer at the vessel's home port is satisfied that the contract for publication has been entered into and he has been furnished with a receipt for the payment of the cost thereof, but the applicant shall within a reasonable time after publication furnish to the documentation officer the evidence prescribed in subparagraph (1) or (2) of paragraph (a) of this section.

(Secs. 2, 3, 41 Stat. 437, as amended; 46 U.S.C. 52, 53)

§ 67.75-13 Effective period of change of name order.

The order for change of name shall be effective only if the vessel is documented in the new name within a period of 6 months from the date of the order.

(Sec. 2, 41 Stat. 437, as amended; 46 U.S.C. 52)

§ 67.75-15 Change of ownership and change of name; simultaneous transactions.

If there is a change in ownership of a vessel and the new owner applies for a change of name of the vessel, his designation of home port shall be in the name under which the vessel was last documented. A designation of home port shall not be required to be submitted merely by reason of a change of name.

(R.S. 4170, as amended, sec. 2, 41 Stat. 437, as amended; 46 U.S.C. 39, 52)

§ 67.75-17 Requirement for redocumentation under former name.

(a) A vessel which is to be redocumented after being out of documentation shall be redocumented only under the name and official number in which it was last documented. However, if an application for a change in name is submitted simultaneously with an application for the redocumentation of such a vessel and the vessel is then marked with a name other than that under which it was last documented, and if the change of name is approved, the approving officer may issue the marine document in the old name and immediately issue the further document incident to the change in name without requiring that the vessel be marked with the name under which it was previously documented.

(b) Whenever any vessel documented or formerly documented as a vessel of the United States has been sold or transferred in whole or in part, or altered in tonnage, description, or rig, that vessel shall be documented anew only under the name in which it was last documented. However, if an application for change of name is submitted simultaneously, if the vessel is then marked with a name other than that in which it was last documented, and if the change in name is approved, the vessel may be documented anew without requiring the former name to be marked, provided the vessel is forthwith documented in the new name and provided that that name is then correctly marked on the vessel in compliance with the applicable requirements.

(c) The International Regulations for Preventing Collisions at Sea, which came into force on January 1, 1954, prescribe in Rule 31 that the signal of distress for ships with a radiotelephone is the spoken word "MAYDAY." The Coast Guard, as a matter of policy will not approve the use of a name, either in connection with an original documentation or an application for change of name of a documented vessel which is actually or phonetically identical with, or so similar as to be confused with, the International radiotelephone distress signal "MAYDAY."

(R.S. 4170, as amended, sec. 2, 41 Stat. 437, as amended; 46 U.S.C. 39, 52)

§ 67.75-19 Fee for change of vessel's name.

(a) When a change in the name of a vessel is approved, the following fees shall be paid by the owners of vessels to Officers in Charge: For a vessel of 99 gross tons or under, \$10; for a vessel of 100 gross tons or up to and including 499 gross tons, \$25; for a vessel of 500 gross tons or up to and including 999 gross tons, \$50; for a vessel of 1,000 gross tons or up to and including 4,999 gross tons, \$75; for a vessel of 5,000 gross tons or over, \$100. The fee is due upon approval of the application whether or not the vessel is documented in the new name.

(b) The cost of advertising and of procuring any evidence required by this subpart shall be paid by the applicant.

(Secs. 2, 3, 41 Stat. 437, as amended; 46 U.S.C. 52, 53)

Subpart 67.77—Yacht Privileges and Obligations

§ 67.77-1 Documented yacht to be used exclusively for pleasure; exemption from entry and clearance.

A vessel documented as a yacht shall be used exclusively for pleasure and shall not transport merchandise nor carry passengers for pay. A vessel which is so documented and which is not engaged in any trade nor in any way violating the customs or navigation laws of the United States may proceed from port to port in the United States or to foreign ports without clearing and is not subject to entry upon its arrival in a port of the United States, provided it has not visited a hovering vessel.

(Secs. 434, 441, 46 Stat. 711, as amended, 712, as amended, R.S. 4214, as amended, sec. 4, 28 Stat. 625; 19 U.S.C. 1434, 1441, 46 U.S.C. 103, 107)

§ 67.77-3 Yacht commission.

(a) Upon the application of the owner on Form CG-1250, submitted through an Officer in Charge, a commission may be issued by the Commandant to any vessel licensed or enrolled and licensed as a yacht, belonging to a regularly organized and incorporated yacht club, to identify such yacht and its owner during a foreign voyage. A fee of \$6 which shall accompany the application shall be paid for each yacht commission issued. This commission is a token of credit to any U.S. official and to the authorities of any foreign power for the privileges enjoyed under it.

(b) On the return to the United States of any yacht so commissioned, such commission shall be surrendered to the customs officer to whom the required report of arrival is made or to an Officer in Charge.

(R.S. 4217, as amended; 46 U.S.C. 105)

Subpart 67.79—Certificates of Inspection

§ 67.79-1 Vessels to be inspected prior to documentation.

The following vessels shall undergo inspection by the proper officers and

receive certificates of inspection before marine documents are issued to them:

(a) Every steam vessel over 65 feet in length, and every steam-propelled tugboat or towboat of any length, except public vessels of the United States, but including vessels owned or operated by the Maritime Administration or any corporation organized or controlled by it.

(b) Every vessel above 15 gross tons carrying freight for hire and every vessel of above 15 gross tons and in excess of 65 feet in length carrying passengers for hire, but not engaged in fishing as a regular business, propelled by gas, fluid, naphtha or electric motors. A motor vessel of 15 gross tons plus a fraction of a ton is considered to be over 15 gross tons.

(c) Every ferryboat, canal boat, yacht, or other small vessel of like character over 65 feet in length and propelled by steam.

(d) Every sail vessel over 700 tons carrying passengers for hire.

(e) Every seagoing barge of 100 gross tons or over.

(f) Every other vessel over 100 gross tons carrying passengers for hire.

(g) Every seagoing vessel of 300 gross tons and over, propelled in whole or in part by an internal-combustion engine, except those engaged in fishing, oystering, clamming, crabbing, or any other branch of the fishery or kelp or sponge industry.

(h) Every passenger-carrying vessel of a class set forth in paragraph (a), (b), or (c) of this section, when navigating on Irondequoit Bay, N.Y.

(i) Every vessel, regardless of tonnage, size, or means of propulsion, whether self-propelled or not, and whether carrying freight or passengers for hire or not, that shall have on board any inflammable liquid cargo in bulk, except public vessels owned by the United States and not engaged in commercial service.

(j) Every vessel carrying more than six passengers, except public vessels of the United States, but including vessels owned or operated by the Maritime Administration or any corporation organized or controlled by it, which is:

(1) Propelled in whole or in part by steam or by any form of mechanical or electrical power and is of 15 gross tons or less; or,

(2) Propelled in whole or in part by steam or any form of mechanical or electrical power and is of more than 15 gross tons and less than 100 gross tons and not more than 65 feet in length measured from end to end over the deck excluding sheer; or,

(3) Propelled by sail and is of 700 gross tons or less; or,

(4) Non-self-propelled and is of 100 gross tons or less.

(R.S. 4498, as amended; 46 U.S.C. 496)

Subpart 67.81—Revocation or Denial of Marine Document

§ 67.81-1 Procedure.

Before revoking the marine document of a vessel which is being, or is intended

to be, used illegally," the Officer in Charge shall present charges to the owner of the vessel and give such owner a reasonable time to reply; except that, if the evidence is practically conclusive and immediate action is necessary, the Officer in Charge shall forthwith revoke the marine document, subject to an appeal by the owner to the Commandant. (Sec. 4, 49 Stat. 519, as amended; 19 U.S.C. 1704)

§ 67.81-3 Appeals.

Any appeal from a revocation or denial of a marine document by an Officer in Charge shall be in writing. It shall be filed in triplicate with the Officer in Charge, who shall retain one copy in his office. The owner may submit with his appeal corroborative evidence in the form of written statements from persons having actual knowledge of the facts, and, if pertinent, a detailed description and blueprints of the vessel. Such evidence, with two copies of the owner's appeal, shall be promptly forwarded to the Commandant, together with the report of the Officer in Charge, which shall present in detail the facts and evidence supporting his action and any additional comments he desires to make regarding any facts not before him at the time of his original action.

(Sec. 4, 49 Stat. 519, as amended; 19 U.S.C. 1704)

Subpart 67.83—Report of Laid-up Vessels

§ 67.83-1 Annual report.

Each Officer in Charge shall submit to the Commandant a report of all vessels of the United States laid up in his Zone on December 31 of each year.

*"Subject to appeal to the Secretary of the Treasury [now, Secretary of Transportation] and under such regulations as he may prescribe, whenever the Collector of Customs [now, Officer in Charge of the Marine Inspection Zone] in which any vessel is, or is sought to be, registered, enrolled, or licensed, or the Commandant of the Coast Guard in the case of any vessel which is, or is sought to be numbered, is shown upon evidence which he deems sufficient that such vessel is being or is intended to be, employed to smuggle, transport, or otherwise assist in the unlawful introduction or importation into the United States of any merchandise or person, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever, from the design or fittings of any vessel or the nature of any repairs made thereon, it is apparent to such Collector or Commandant that such vessel has been built or adapted for the purpose of smuggling merchandise, the said Collector or Commandant shall revoke the registry, enrollment, license, or number of said vessel or refuse the same if application be made therefor, as the case may be. Such Collector or Commandant and all persons acting by or under his direction shall be indemnified from any penalties or actions for damages for carrying out the provisions of this section." (19 U.S.C. 1704)

Subpart 67.85—Monthly Supplement to "Merchant Vessels of the United States"

§ 67.85-1 Subscriptions.

A charge of \$5 shall be made for an annual subscription to the Monthly Supplement to "Merchant Vessels of the United States." Subscriptions shall be addressed to the Commandant and shall be accompanied by a remittance in that amount.

(Sec. 4, 23 Stat. 119, as amended; 46 U.S.C. 4)

Subpart 67.87—Registration of Private Code Signals, House Flags, and Funnel Marks

§ 67.87-1 Application for registration of private code signals.

Application for the registration of private code signals by rockets, lights, or other similar means shall be submitted in duplicate through the office of an Officer in Charge to the Commandant by the owner of the vessel or vessels by which they are to be used. The application shall describe in detail the signals which it is desired to use and shall state the purpose for which they will be used.

(Sec. 7, 35 Stat. 426, as amended; 46 U.S.C. 49)

§ 67.87-3 Application for registration of house flags or funnel marks.

Application for the registration of house flag or funnel mark, or both, shall be submitted in duplicate through the office of an Officer in Charge to the Commandant by the owner of the vessel or vessels on which they are to be used. The application for registration of a house flag shall describe such flag in detail, giving the colors, shape, and proportionate dimensions of the fly, field, union, or canton, and any insignia, markings, or stripes thereon in relation to the length of the hoist. Funnel marks shall be described in detail giving the colors to be used, the position of any insignia, markings, or stripes with relation to the top or collar of the funnel, the size of such insignia, markings, or stripes in relation to the diameter of the funnel, and the color of the remainder of the funnel. In addition there shall be submitted three replica drawings of the house flag or funnel, or both, drawn to scale, in the colors to be used, in ink, watercolor, oil pigments, or other permanent colors, and not exceeding 6 by 4 inches in size.

(Sec. 7, 35 Stat. 426, as amended; 46 U.S.C. 49)

§ 67.87-5 Registration.

Except as stated in § 67.87-7, upon filing of an application duly executed in accordance with § 67.87-1 or § 67.87-3, the Commandant will register private code signals by rockets, lights, or other similar means, house flags, and funnel marks, and will cause a description of such signals, flags, or funnel marks to be filed with the Office of the Federal Register, together with one replica draw-

ing of the house flag or funnel mark, or both.

(Sec. 7, 35 Stat. 426, as amended; 46 U.S.C. 49)

§ 67.87-7 Refusal to register certain signals.

The Commandant will refuse to register any signals which in his opinion cannot easily be distinguished from signals of distress, signals for pilots, or signals prescribed by laws for preventing collisions. The Commandant will also refuse to register any signal, flag, or funnel mark which is identical or nearly identical with one previously registered.

(Sec. 7, 35 Stat. 426, as amended; 46 U.S.C. 49)

§ 67.87-9 Notice to applicants.

Applicants will be notified of the action of the Commandant through the office of the Officer in Charge transmitting the application.

(Sec. 7, 35 Stat. 426, as amended; 46 U.S.C. 49)

§ 67.87-11 Registration fee.

A fee of \$40 shall be paid upon the registration of a house flag or funnel mark, or both and each application for such registration filed with an Officer in Charge shall be accompanied by a remittance in that amount.

(Sec. 501, 65 Stat. 290, sec. 7, 35 Stat. 426, as amended; 5 U.S.C. 140, 46 U.S.C. 49)

Subpart 67.90—Documentation of Vessels Under the Act of August 9, 1954

§ 67.90-1 Applicability.

Any vessel (except a vessel constructed under the provisions of the Merchant Marine Act, 1936, as amended), not documented under the laws of the United States, which is acquired by or made available to the Secretary of Commerce, may be documented under the Act of August 9, 1954.

(Secs. 1-3, 68 Stat. 675; 50 U.S.C. 196-198)

§ 67.90-3 Coastwise trade.

Vessels registered pursuant to this section shall not engage in the coastwise trade unless in possession of a valid unexpired permit to engage in that trade issued by the Secretary of Commerce under authority of section 3(c) of the Act of August 9, 1954.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-5 Marine documents; enrollment and license or license.

Any vessel which is entitled under the provisions of § 67.90-1 to be registered may be enrolled and licensed if 20 net tons or over, or, if under 20 net tons, licensed for the coasting trade under the Act of August 9, 1954, provided a valid unexpired permit to engage in the coastwise trade issued by the Secretary of Commerce under the authority of section 3(c) of the Act of August 9, 1954, is filed with the Officer in Charge to whom application for enrollment and license or license is made.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-7 Provisional register.

(a) Subject to prior authorization by the Commandant in each case, a consular officer of the United States, or the captain of the Port of Cristobal or Balboa, C.Z., may issue a provisional register to a vessel abroad which has been acquired by or made available to the Secretary of Commerce.

(b) A copy of every provisional register issued under this section shall be forwarded immediately by the issuing officer through the usual channels to the Commandant.

(c) Such provisional register shall entitle the vessel to the privilege of a vessel of the United States in trade with foreign countries, American Samoa, or the Island of Guam, until the expiration of 6 months from the date thereof, until 10 days after the vessel's arrival at a port in the United States, or until the effective date of an order of the Commandant requiring its surrender, whichever may happen first, and no longer.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-9 Marine documents; classes; period of validity.

(a) Marine documents issued under the Act of August 9, 1954, shall consist of registers, enrollments and licenses, and licenses.

(b) All marine documents (except provisional registers) issued under the Act of August 9, 1954, shall be permanent, whether granted to vessels at their home ports or at ports other than their home ports.

(c) Every marine document issued under the Act of August 9, 1954, shall be valid until the effective date of an order of the Commandant requiring its surrender, unless sooner terminated as provided for in any of the provisions of this subpart.

(d) Any marine document issued under the Act of August 9, 1954, shall be valid only so long as the vessel to which it is granted is owned as, and of the description, stated therein.

(e) Any enrollment and license or license issued under the Act of August 9, 1954, shall be valid only so long as the permit issued to the vessel by the Secretary of Commerce remains in force.

(f) Any marine document issued under the Act of August 9, 1954, shall be surrendered at any time that such surrender may be ordered by the Commandant. No vessel, the surrender of the marine documents of which has been so ordered, shall have, after the effective date specified in such order, the status of a vessel of the United States unless documented anew.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-11 Marine documents; execution of.

All marine documents issued under the Act of August 9, 1954, shall be executed as prescribed in § 67.07-5.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-13 Marine documents to include dimensions and tonnage.

Every marine document issued to a vessel under the Act of August 9, 1954, shall, whenever possible express the data specified in § 67.07-9.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-15 Application for official number and signal letters.

(a) Application for an official number for a vessel to be documented under the Act of August 9, 1954, shall be made in triplicate by the Secretary of Commerce and delivered to the Commandant directly or through the Officer in Charge at the home port, or through the Officer in Charge at the port at which the Secretary of Commerce intends to document the vessel. The application may contain a request that signal letters be awarded and shall show the following on its face or on an attachment when suitable spaces are not provided on the form for such information:

(1) That the United States represented by the Secretary of Commerce is the owner of the vessel.

(2) That the vessel is not documented under the laws of the United States.

(3) That it has been acquired by or made available to the Secretary, as the case may be.

(4) That it has not been constructed under the provisions of the Merchant Marine Act, 1936, as amended.

(5) The material of which the hull is constructed.

(6) The date and place of build of the vessel, if possible.

(7) The matters required by § 67.90-13 to be shown on the document.

(b) Official numbers issued to such vessels shall be prefaced by the letters MA. The issuance shall be as provided for in § 67.11-1(c).

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-17 Designation of home port.

Prior to documentation, the approval of the Commandant of the designation of home port shall be obtained by the Secretary of Commerce. The designation shall be made by the Secretary of Commerce in triplicate on Form CG-1319 and delivered to the Commandant directly or through the Officer in Charge at the home port so designated, or through the Officer in Charge at the port at which the Secretary of Commerce intends to document the vessel.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-19 Coastwise permit.

Before an enrollment and license or license may be issued under the Act of August 9, 1954, there shall be filed with the Officer in Charge at the port at which the marine document is to issue a valid unexpired permit in duplicate issued by the Secretary of Commerce under authority of section 3(c) of the Act of August 9, 1954, authorizing the vessel to engage in the coastwise trade.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-21 Marking of official number and net tonnage.

The official number and the net tonnage of every vessel documented under authority of the Act of August 9, 1954, shall be marked upon the main beam. Such marking shall not, however, be required prior to the issue of a marine document to the vessel.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-23 Name and hailing port.

It is not necessary that the name and hailing port be marked prior to documentation on a vessel to be documented under this subpart.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-25 Certificate of inspection.

A vessel may be documented under the provisions of this subpart although no certificate of inspection has been issued or filed with the Officer in Charge.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-27 Citizenship; master and watch officers.

The master and watch officers of a vessel documented under the provisions of this subpart shall be citizens of the United States, except in those cases where that requirement of law is waived as provided for in section 3(b) of the Act of August 9, 1954.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-29 Home port; change of.

If the Secretary of Commerce desires to change the home port of a vessel documented under the Act of August 9, 1954, application shall be made for the approval of the new home port in the manner prescribed in § 67.90-17.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-31 Master's oath for enrollment and license.

(a) No master's oath is required for the issuance of a register under the Act of August 9, 1954.

(b) Prior to the granting or renewing of the enrollment and license or license of any vessel under the Act of August 9, 1954, the master shall swear that such license shall not be used for any other vessel or for any other employment than the coasting trade, or in any manner whereby the revenue of the United States may be defrauded.

(c) This oath may be taken before any officer authorized by law to administer oaths generally and may be mailed to the Officer in Charge together with the enrollment and license or license, whereupon action shall be taken as if the oath had been administered by the Officer in Charge.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-33 Change of master.

When the master of any vessel documented under the Act of August 9, 1954, is changed, the new master shall report the change to the Officer in Charge at the port where the change takes place

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or where the vessel shall first arrive after the change, and shall produce to the Officer in Charge, the vessel's marine document and make oath that he is the new master of the vessel. The Officer in Charge shall then endorse upon the document the name of the new master.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-35 Issue, record, and surrender of documents.

(a) The provisions of §§ 67.25-1 and 67.25-3 and Subpart 67.33 shall apply with respect to marine documents issued under the Act of August 9, 1954.

(b) No enrollment and license or license shall be issued for a longer period than is authorized by the permit referred to in § 67.90-19.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-37 Renewal of marine document.

A marine document granted to any vessel under the Act of August 9, 1954, shall be presented to the Officer in Charge of the port at which the vessel may be at the time of its expiration within 3 days after that time, or if the vessel be at sea at that time, within 3 days after her first arrival at a port of the United States. Such a marine document may be renewed by the Officer in Charge upon the request of the master or the Secretary of Commerce if at the time of such request the documentation of the vessel is not prohibited by the Act of August 9, 1954, by any order of the Commandant issued under authority of that Act requiring surrender of the vessel's marine document, or by any provision of the regulations in this part.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90-39 Exchange of marine document.

(a) Any vessel enrolled and licensed or licensed under the Act of August 9, 1954, may be registered.

(b) Any vessel registered under the Act of August 9, 1954, may be enrolled and licensed or licensed for the coasting trade if a permit in duplicate issued by the Secretary of Commerce under section 3(c) of the Act of August 9, 1954, authorizing a vessel to engage in the coastwise trade is filed with the Officer in Charge.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

APPENDIX

NOTE: The substance of Forms CG-1260, CG-1262, and CG-1263 prescribed in subparts 67.21, 67.03, and 67.23 is reproduced below. Typewritten or other reproduced copies may be used.

CG-1260

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

OATH ON LICENSE OR ENROLLMENT AND LICENSE, FOR OPERATION OF UNDOCUMENTED VESSEL, OR FOR QUALIFICATION OF CORPORATION AS A CITIZEN OF THE UNITED STATES UNDER THE ACT OF SEPTEMBER 2, 1958 (46 U.S.C. 883-1)

Vessel:
Rig _____
(Sloop, barge, oil screw, etc.)
Name _____
Official No. _____
Home Port _____
Year of build _____
Place of build _____
Service _____

(Freight, towing, etc.)

Gross _____
Net _____
Length _____
Horsepower _____
Corporation:
Name _____
Address _____
State where incorporated _____

Affiant:
Name _____
Address _____
Company _____
Title or capacity _____

I, the affiant named above, swear that the information which I have given, including that respecting the vessel and the corporation, is, to the best of my knowledge and belief, true, complete, and correct; that the corporation named is the sole owner of the vessel named and described above;

That no subject or citizen of any foreign prince or state, is directly or indirectly, by way of trust, confidence, or otherwise, interested in the vessel, or in the profits or issues thereof;

That a majority of the officers and directors of such corporation are citizens of the United States, as shown by the attached listing incorporated in and made a part of this oath which truly and correctly names all such officers and directors, giving the home address and citizenship of each; that not less than 90 percent of the employees of such corporation are residents of the United States; that such corporation is engaged primarily in a manufacturing or mineral industry in the United States or in a Territory, District, or possession thereof; that the aggregate book value of the vessels owned by such corporation does not exceed 10 percent of the aggregate book value of the assets of such corporation; that such corporation purchases or produces in the United States, its Ter-

¹ The portion of the form requiring vessel identification shall be struck out when the affiant's oath is filed merely to qualify as a citizen under the Act and not as an owner and operator.

² Do not complete this blank in the case of an undocumented vessel.

³ Show address where vessel business of owner or operator is conducted; when corporation is qualifying under Act other than as owner or operator of vessel, show place of principal business.

⁴ Show the capacity in which the affiant is acting for the owning corporation, as "President," "Secretary," "Specially authorized officer," or "Agent" as the case may be.

⁵ "Interest" as used herein does not refer to the ownership of stock of the corporation owning the vessel or to control of the corporation by way of voting or other direct or indirect means but rather refers to ownership of the vessel itself. Strike out this clause in the case of a licensed vessel of less than 20 net tons.

ritories, or possessions not less than 75 percent of the raw materials used or sold in its operation;

That all equipments or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in any foreign country upon said vessel within the year immediately preceding the date of this application, have been duly reported and accounted for under the provisions of sections 257 and 258, title 19, and section 272, title 46, United States Code, and the duties thereon have been duly paid.

Subscribed and sworn to before me on the day and year shown.

(Notary Public or Officer in Charge, Marine Inspection)
Date _____

MASTER'S OATH ON REGISTRY, LICENSE, OR ENROLLMENT AND LICENSE

I, _____
(Street and No., city and State)
master of the _____
(Rig) (Name of vessel)

Official No. _____ swear that I am a citizen of the United States, having been born in _____, on _____, (City) (State or county)

and naturalized before the _____ for _____ (Name of Court) (District, county, or State)

on _____, having been issued Naturalization Certificate No. _____; and I also swear that the license granted to the said vessel shall not be used for any other vessel or for any other employment than the coasting trade or in any trade or business whereby the revenue of the United States may be defrauded.

(Master)
Subscribed and sworn to before me this _____ day of _____, 19____

(Officer in Charge, Marine Inspection)

CG-1262

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

CERTIFICATE OF COMPLIANCE WITH THE PROVISIONS OF THE ACT OF SEPTEMBER 2, 1958 (46 U.S.C. 883-1)

Port of place _____
Date _____
Rig _____

Name of vessel _____
Name of corporation _____
Address _____
State of incorporation _____

The corporation named and identified above has on this date complied with the provisions of 46 CFR Subpart 67.23, by filing the corporate certificate under oath required under the Act of September 2, 1958 (46 U.S.C. 883-1), and is hereby authorized to operate the undocumented vessel named herein, if any, in the coastwise trade subject to the

¹ Attach the required list of the names of all officers and directors of the corporation, giving the home address and citizenship of each.

² The officer or agent of the corporation subscribing to this oath, if other than the president or secretary, shall present a written instrument attested by the corporate seal, authorizing him to act in this behalf.

³ Strike out portion relating to naturalization if native-born citizen.

limitations of the Act. This certificate and any authorization granted hereunder expire 3 years from the date shown above unless there first occurs a change in corporate status requiring a report under subpart 67.23 cited above.

(Signature) _____
(Title) _____

CG-1263

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

OATH OF PARENT OR SUBSIDIARY CORPORATION
ACT OF SEPTEMBER 2, 1958 (46 U.S.C. 883-1)

Port _____
Date _____
Individual affiant's name _____
Address _____
Capacity of title _____
Corporate name (parent) ¹ (subsidiary) _____
Address _____
State of incorporation of parent or subsidiary _____
Name of associated corporation _____
Address _____
State of incorporation of associated corporation _____

I, the affiant named above, swear that the corporation first named herein is the (parent) ¹ (subsidiary) ² of the associated corporation named; that I am the duly authorized officer or agent of such corporation; that the associated corporation named has previously established that it is a citizen of the United States within the meaning of the Act of September 2, 1958 (46 U.S.C. 883-1), having filed a certificate under oath to that effect with the Officer in Charge concerned; that a majority of the officers and directors of the said parent or subsidiary corporation are citizens of the United States, as shown by the attached listing incorporated in and made a part of this oath which truly and correctly names all such officers and directors, giving the home address and citizenship of each; that not less than 90 percent of the employees of such parent or subsidiary corporation are residents of the United States; that such parent or subsidiary corporation is engaged primarily in a manufacturing or mineral industry in the United States or in a Territory, District, or possession thereof; that the aggregate book value of the vessels owned by such parent or subsidiary corporation does not exceed 10 percent of the aggregate book value of the assets of such corporation; and that such parent or subsidiary corporation purchases or produces in the United States, its Territories, or

¹The term "parent corporation" for the purposes of this oath means a corporation incorporated under the laws of the United States, or any State, Territory, District, or possession thereof, which controls, directly or indirectly, at least 50 percent of the voting stock of a corporation which is a citizen of the United States as defined in 46 CFR 67.03-7(a) and the Act of September 2, 1958 (46 U.S.C. 883-1). Strike out the inapplicable term.

²The term "subsidiary corporation" for the purposes of this oath means a corporation incorporated under the laws of the United States, or any State, Territory, District, or possession thereof, not less than 50 percent of the voting stock of which is controlled, directly or indirectly, by a corporation which is a citizen of the United States as defined in section 67.03-7(a) (46 CFR 67.03-7(a)), and the act of Sept. 2, 1958 (46 U.S.C. 883-1) or by a parent corporation of any such corporation. Strike out the inapplicable term.

possessions not less than 75 percent of the raw materials used or sold in its operations.

Signed _____
Subscribed and sworn to before me on the day and year shown.

(Notary Public or Officer in Charge, Marine Inspection)
(Date) _____

PART 68—[RESERVED]
PART 69—MEASUREMENT OF VESSELS

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AUTHORITY: The provisions of this Part 69 issued under secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, R.S. 4148, as amended, 4150, as amended, 4153, as amended, sec. 12, 79 Stat. 893, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 2, 3, 71, 74, 83h, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2).

Subpart 69.01—General Provisions

§ 69.01-1 Referral to Commandant in cases of doubt.

Doubts arising in the minds of the admeasurers concerning decks to the hull, enclosures on or above the upper deck, shelter decks, method of procedure, etc., shall be submitted to the Commandant for his decision, and shall be accompanied by blueprints or sketches of the spaces in question giving all the facts bearing on same.

§ 69.01-3 What vessels are to be admeasured.

(a) Before any vessel is registered, enrolled and licensed, or licensed, or issued a certificate of record, her tonnages shall be ascertained by an officer of the Coast Guard as provided in this part.

(b) In the discretion of the Commandant, a vessel not required by law to be admeasured may nevertheless be admeasured upon his own motion or upon application by the owner, a Federal or State agency, or a foreign government.

§ 69.01-5 Purpose for which measurements are taken.

(a) Tonnage measurements are taken for the purpose of ascertaining the internal capacity of measurable spaces.

(b) All measurements are to be taken in feet and fractions of feet, and all fractions of feet shall be expressed in decimals.

§ 69.01-7 Suez and Panama Canal certificates.

Suez Canal special tonnage certificates and also Panama Canal tonnage certificates will be issued, upon application, by an Officer in Charge to American ship-owners requiring them for ships which will use the said canals. An Officer in Charge will also issue such tonnage certificates to public vessels of the United States requiring them.

§ 69.01-9 Register ton.

A register ton is a volume of 100 cubic feet.

§ 69.01-11 Gross register tonnage.

(a) The gross tonnage, referred to in this part is the gross register tonnage; that is, the gross tonnage exclusive of all permissible exempted spaces. Under the provisions of § 69.15-17(b), a vessel

may have two gross tonnages. The higher gross tonnage is applicable when a tonnage mark which is placed and displayed on the side of the vessel is submerged and the lower is applicable when the tonnage mark is not submerged.

(b) Except in the case of a vessel which is measured under the provisions of Subpart 69.15, or under the provisions of Subpart 69.17, the gross register tonnage of a vessel shall consist of the following items:

(1) The cubic capacity below the tonnage deck, excluding exemptible water-ballast spaces within the measurable portion of the vessel;

(2) The cubic capacity of each between-deck space above the tonnage deck;

(3) The cubic capacity of the permanent closed-in spaces on the upper deck available for cargo or stores, or for the accommodation of passengers and/or crew;

(4) All permanent closed-in spaces situated elsewhere available for cargo or stores, or for the accommodation of the crew, or for the charts, except cabins or staterooms for passengers, constructed entirely above the first deck which is not a deck to the hull;

(5) The excess of hatchways.

(c) The gross tonnage of a vessel measured under the provisions of Subpart 69.15 shall be determined as provided by § 69.15-15(a).

(d) The gross tonnage of a vessel measured under the provisions of Subpart 69.17 shall be determined as provided by § 69.17-5.

§ 69.01-13 Net register tonnage.

(a) The tonnage of a vessel remaining after the authorized deductions have been made from the gross register tonnage shall be deemed the net register tonnage. Under the provisions of § 69.15-17(b) a vessel may have two net tonnages. The higher net tonnage is applicable when a tonnage mark which is placed and displayed on the side of the vessel is submerged and the lower is applicable when the tonnage mark is not submerged.

(b) In ascertaining the net tonnage, no space may be deducted unless it has previously been included in the gross tonnage.

(c) The net tonnage of a vessel measured under the provisions of Subpart 69.17 shall be determined as provided by § 69.17-7.

§ 69.01-15 The marine document.

(a) The marine document of every vessel except one admeasured under the provisions of Subpart 69.17 shall show the date and place of build, the register length, breadth, depth, and the height of the upper deck to the hull above the tonnage deck; if applicable, the depth (D_s) and the length (L_s) used with the tonnage mark table and the distances to the tonnage mark from the line of the upper deck and from the molded line or equivalent of the second deck; the number of decks and masts; build as to her

stem and stern; capacity under the tonnage deck, that of the between decks, and also separately, permanently enclosed spaces on or above the upper deck to the hull required to be included in the gross tonnage, and the omitted spaces, whether open or closed-in, on, above, or below the upper deck; the gross tonnage or tonnages; items of deduction; and the net tonnage or tonnages.

(b) The marine document of every vessel admeasured under the provisions of Subpart 69.17 shall show the date and place of build, the register length, breadth, and depth, and the gross and net tonnages.

§ 69.01-17 Application for measurement.

The builder of a new vessel which is to be admeasured, the person having supervision of changes or alterations, or both, affecting a vessel's register tonnage, and the owner of a vessel who elects to have her admeasured under the provisions of Subpart 69.17 or who, having had the vessel so admeasured, elects or is required to have her admeasured under the appropriate provisions of §§ 69.03-1 through 69.15-41, shall apply in writing for admeasurement or tonnage adjustment, as the case may be, to the Officer in Charge of the marine inspection zone where the vessel is located. Except in the case of admeasurement under Subpart 69.17, application should be made in time to permit admeasurement before cargo or ballast is taken on, and in case of a new vessel, before boilers or engines are installed or compartments partitioned off. The application shall state the name and the official number of the vessel, if any, the name, address, and telephone number of the owner, the exact location of the vessel, the date and place of build and the builder's name, the rig, and model or other identifying numbers.

§ 69.01-19 Drawings.

(a) *Plans to be filed.* In order to facilitate admeasurement, there shall be furnished by the vessel's builder or owner to the Officer in Charge of the marine inspection zone in which the vessel will be admeasured, either with the application for admeasurement or a reasonable period before admeasurement is scheduled to commence, blueprints or drawings of the following:

- (1) A drawing of the cross section in which is shown the construction of the double bottom, if there be one;
- (2) An inboard view of the longitudinal section, showing the double bottom, its use or uses, if existing, otherwise the floors, the compartments for water ballast, other than the double bottom, the decks, the superstructures, hatchways, etc.;
- (3) Deck plans showing the arrangement and uses of different compartments and deductible spaces;
- (4) Drawings showing the arrangement of the engine, boiler, and fuel compartments; and
- (5) A tonnage plan showing half breadths of the sections at the points of division of the tonnage length of the vessel into a certain number of equal parts in accordance with the rules for

the measurement of spaces under the tonnage deck. The scale or scales of these drawings are to be indicated thereon.

The Officer in Charge is to be advised of any subsequent changes in the vessel and furnished copies of the corrected plans, or a statement of such changes. If there are no blueprints or drawings available and if the Officer in Charge is satisfied that it is impracticable to require such plans to be prepared and made available, considering the size and nature of the vessel as well as the cost and time involved, the vessel shall be measured without requiring their production.

(b) *Sketches.* When blueprints or drawings are not produced, necessary rough sketches may be made during the course of admeasurement showing the inboard profile, the midship cross-section, the hull and deck arrangements, and related matters, recording any necessary dimensions and showing details of important features such as the depth of side and bottom frames or floor timbers; the dimensions, location, and use of structures and hull spaces; and the thickness of the inner and outer skin. Such rough sketches shall be retained and filed with the other admeasurement papers. The rough sketches made shall not be redrawn to scale unless the admeasurer is satisfied that such action is necessary to insure that accurate dimensions have been lifted, to avoid the necessity for readmeasurement, or to insure against a claim of error which may reasonably be expected to be made in a particular case by the owner or agent.

§ 69.01-21 Measurements to be taken at an early stage.

Admeasurement should begin as soon as the vessel is sufficiently advanced in construction to permit its being done, usually when the decks are laid, the hold cleared of encumbrances to admit the required depths and breadths being properly taken; before the engine and boilers are installed and accommodations are partitioned off.

Subpart 69.03—Standard System of Measurement

§ 69.03-1 Uniform system required.

(a) The following directions are given, showing the progressive steps to be followed in the process of admeasurement. It is important not only that the rules be followed, but that required measurements be taken and calculations made in a uniform and correct manner that one general system may prevail throughout the service respecting this subject.

(b) Measurements taken aboard are to be recorded in the "Memorandum of Dimensions" known as Form CG-1413.

(c) These directions do not apply to admeasurement under the provisions of Subpart 69.17.

§ 69.03-3 Measuring instruments.

(a) The measurements should be made with a waterproof tape, graduated into feet and tenths of a foot, and as nearly inelastic as possible.

(b) Sliding rods which are of three sizes: One 3 feet long for taking depths from 3 to 5.8 feet; another 6 feet long for taking depths from 6 to 11 feet, or, with the extension piece attached, to 16 feet; and a third one 11 feet long for taking depths from 11 to 21 feet, or, with the extension piece attached, to 26 feet. The movable or index rod in each has an arrow index traversing a decimal scale on the fixed rod. Greater depths may be taken by inserting into the ends of the index rods, an extension piece, provided with sockets for this purpose one or more joints of lift rods described below:

The fixed rod is graduated in feet (in red) and tenths and half-tenths (in black), and when the ends of the rods are well together the arrow on the index rod points to the figure indicating the constant length of the fixed rod, and as the index rod is moved up the arrow indicates the length from the upper end thereof to the lower end of the fixed rod. Bear in mind, however, that when you use any of the attachments referred to above you must add to the reading on the fixed rod the net length of the attachment used; e.g., if the 6-foot rod is extended to its limit, 11 feet, which is reached when the arrow on the index rod is fair with the upper end of the fixed rod, and the extension piece is attached, which is done by slipping the bands on the lower end of it over the upper end of the index rod until the upper edge of the upper band is fair with the upper end of the index rod, and by fastening (on the groove side of the index rod) with set screws in the said bands, the length will not be 11 feet, as shown by the reading, but 16 feet, the reading plus the increment due to the attachment (11 feet + 5 feet). This increment may be further increased by inserting into the end of the extension piece one or more joints of lift rods, each of which is about 3.95 feet when adjusted.

At the station of the area to be measured in single-deck vessels the rod is to be placed on the ceiling, or floor beam or timber when no ceiling is present, alongside the keelson or line of the keel, perpendicular or square thereto, and also parallel to the middle longitudinal plane of the ship, and forced up firmly under the deck and fixed in such position by the set screws; from the depths thus found take one-third of the round or one-half of the pitch of beam to get the depth of the area.

The depth of an area taken as above is to be divided into the required number of equal parts. (See section 69.03-35(d).) With the rod fixed in position as above, set off on it from its lower end one of these equal parts, or common interval between the breadths, using white or other colored chalk or material that will make a visible mark, which gives the position of the first breadth above the bottom breadth, and from this when the rod is taken down the positions of the remaining breadths are to be set off at the said common interval.

The positions of all the breadths being thus severally marked on the rod, it is then to be set up again and firmly fixed or held in position, and the breadths may be readily and correctly measured by means of the tape held at right angles across the rod at each of the positions marked thereon.

In measuring vessels with more than one deck, where the second deck from the bottom is the tonnage deck, it will be necessary to use two of these rods in combination, one directly over the other, one in the hold under the first deck, as directed for single-deck vessels, and the other in the space between this deck and the tonnage deck. In

this combination the tonnage depth is found by adding together the two depths and the thickness of the deck between the rods and deducting from this combined depth one-third of the round or one-half pitch of beam; then proceed as before directed.

(c) A 2-foot rule with a hinge is required for taking the rake of the bow and stern and for other purposes.

(d) A carpenter's square will be found useful for setting the sliding rod perpendicular to the keelson.

(e) For taking the breadths in the hold which are beyond the reach of the measuring officers two lift rods will be needed, each about 8 feet long (made by joining two sections), one having a pulley at the end over which the tape may be drawn when the rods are held in position and the other an attachment for holding the ring at the end of the tape.

(f) For transferring the location of the stations or ordinates of the transverse sections from the deck to the keelson, and sometimes, for finding registered breadth, a plumb line and bob are needed.

(g) For measuring laden vessels for Panama or Suez Canal tonnage certificates, a girding galvanized chain of an approved make is required.

§ 69.03-5 Stem.

A vessel's stem is to be described according to its contour; i.e., straight, raked, curved or square.

§ 69.03-7 Stern.

Describe the stern according to its shape at the after end below the upper deck or line of same, as round, elliptical, square or sharp.

§ 69.03-9 Masts.

In addition to what are commonly known as masts, spars set up at the center line of the bridging at the top of king-posts of certain vessels for signals and wireless antennae, etc., are to be considered as masts. The number of king-posts and derrick posts, etc., independent of the supported masts are to be separately stated after the number of said masts; e.g., "Two masts and eight king-posts," or as the case may be.

§ 69.03-11 Ceiling, cargo battens, etc.

(a) *Ceiling.* Ceiling hereafter referred to is considered the permanent planking fitted directly on the inboard side of the frames, or floors, or the top of the double bottom. The maximum allowance for ceiling is 3 inches on the bottom and 3 inches on each side. When ceiling is found to be less than 3 inches thick, allow the actual thickness thereof; that is, take dimensions to the face of the ceiling so found. Depths and breadths shall not be decreased due to grounds supporting ceiling nor shall allowance be made for ceiling on the under side of deck beams.

(b) *False ceiling.* In small vessels with "false ceiling" in a portion of their cabins, in their holds, or forming a part of their seats or lockers, etc., therein, and which stands off from their frames—that is, not fitted to them as ordinary ceiling—take the breadths through the

said "false ceiling" to the inner faces of the vessel's frames, deducting therefrom the thickness of the "false ceiling" on each side. If, however, there is a ceiling fitted on the frames in addition to the "false ceiling," take the breadths to the ceiling on the frames, making no allowance for the "false ceiling."

(c) *Cargo battens, insulation.* Paragraph (a) of this section applies to cargo battens (spar ceiling) and refrigeration insulation.

§ 69.03-13 Register length.

(a) The length measured on the tonnage deck, from the fore part of the outer planking (where it is rabbeted) on the side of the stem of wooden vessels, or fore end of lap of outer plating of steel or iron vessels, to the after side of the main sternpost, shall be accounted the vessel's register length. (See Figures 2 and 3 (§ 69.07-1).)

(b) In the case of screw vessels with no sternpost, take the length to the forward side of the rudder-stock or line of same extended through the deck.

(c) The register length of scows and barges, with a square bow and stern sloping up from the bottom to the deck, and with neither stem nor sternpost, is to be taken on the deck from the extreme point of the hull at the bow to the extreme point of the hull at the stern; that is, the overall length of the hull, not including guards or rubbing strakes, is to be considered the register length of such vessel.

§ 69.03-15 Register breadth.

(a) A measure from the outboard face of the outer skin on one side to the same point opposite, taken at or below the upper deck and at the widest part of the hull is the register breadth. (See Figure 4 (§ 69.07-1).)

(b) A practical method for finding the register breadth is, to add twice the sum of the depth of the vessel's side frames and thickness of outer skin, plus an allowance for thickness of ceiling, insulation or cargo battens if fitted, to the greatest tonnage breadth.

§ 69.03-17 Register depth.

(a) The register depth is taken at the middle of the tonnage length from the under side of the tonnage deck, or line of same, down to the top of the floors at the side of the keelson; or to the ordinary floor timbers or plates when fitted; or to the inner bottom plating (tank top) of a cellular double bottom; as the case may be, in a direction perpendicular to the keel.

(b) Should ceiling be fitted on the above mentioned bottom members, the register depth shall be measured to the top of same and to this dimension shall be added the height of grounds, battens or other type of support for the ceiling. (See Figures 4 and 5 (§ 69.07-1).)

(c) If the vessel is measured in parts, as explained later, the register depth is taken at one-half the tonnage length of the vessel.

§ 69.03-19 Upper deck to the hull.

The uppermost complete deck, which extends from stem to stern and from side

to side at all points of its length and below which there are no openings through the hull as required in shelter deck spaces and also having its hatchways or other openings provided with means for closing them against the action of the sea and weather upon the space below enclosed by the sides of the vessel, making the said space a fit place for the stowage of general cargo, is to be considered the upper deck to the hull.

§ 69.03-21 Enumerating the decks.

In enumerating the number of decks, only those which are without such openings as exempt the spaces beneath from being included in the tonnage under the upper deck are to be considered. Other decks, if any, containing such openings as exempt the spaces beneath from inclusion in tonnage should be separately described after the number of decks proper; e.g., "Two decks and shelter deck," or as the case may be. Partial decks, forward or aft, such as orlop decks, are not considered as decks.

§ 69.03-23 Register height.

The height from the top of the tonnage deck planking and/or plating to the underside of the planking and/or plating of the upper deck to the hull shall be deemed the register height of the upper deck to the hull above the tonnage deck.

§ 69.03-25 Round of beam.

(a) The round of beam (camber) is the perpendicular distance down from the crown of the under side of the tonnage-deck plank or plating at the center to a line stretched athwart the vessel from end to end of the top of the beam and is to be ascertained at every place where it is to be used in the measurement. (See Figures 6 and 16 (§ 69.07-1).)

(b) The round of beam of the tonnage deck, which must be known before taking the tonnage length, as well as before measuring the depths of the tonnage sections, may be taken either at the under side of the deck by stretching a small line tightly from end to end at the top of the beam, which will show the round or camber of the beam at the center; or it may be taken, if more convenient, at the upper side of the deck by stretching a line tightly across, held at equal heights from the deck at each side of the vessel, so as just to touch the crown of the deck at the middle line; then the distance from the deck to the line at the vessel's sides gives the round of beam. (See Figure 6 (§ 69.07-1).) It is necessary to take the round of beam at each point of division of the length except when the vessel has a flat deck or one practically so. In lieu of the above methods, it may be ascertained on the basis of one-fourth of an inch to the foot of beam at each section in iron or steel vessels of the usual camber of beam. This method is more accurate and easier of application than the others.

(c) When the round of beam is 0.15 foot or less, it may be ignored.

§ 69.03-27 Pitch of beam.

(a) In vessels whose tonnage deck has a pitch instead of a round from its side

at the shell plating to its center, find the height of the pitch of the beam at each tonnage section. It may be done in any practical manner.

(b) The height of the pitch of the beam is the perpendicular distance from the apex at the under side of the tonnage deck plank or plating at the center of the deck down to a straight line from end to end of the top of the beam. (See Figure 7 (§ 69.07-1).)

§ 69.03-29 Tonnage deck.

(a) Except as to a vessel having its tonnage deck determined under the provisions of § 69.15-1(d) the tonnage deck is the upper deck to the hull in vessels having not more than two decks, and the second from the keel in vessels having more than two decks.

(b) If the tonnage deck consists of several partial decks extending with breaks from stem to stern, and if the partial decks are at different heights, the line of the lowest deck will be taken as the tonnage deck, and the headroom above such line under the higher deck or decks will be measured as a break.

(c) Engine and boiler casings, peak tanks and cofferdams are not considered as breaking the continuity of a deck. (See Figures 8 and 9 (§ 69.07-1).)

§ 69.03-31 Tonnage length.

The tonnage length is the longitudinal distance on the under side of the tonnage deck, or line of same from a point where the line of the inboard faces of the side frames, or ceiling thereon if any, intersects the side of the stem, to a point aft on the inboard face of the stern timber or cant frame, or ceiling if fitted thereon. (See Figures 10 and 11 (§ 69.07-1).)

§ 69.03-33 Depth of a transverse section.

(a) *Depth.* The depth of a tonnage section is a measurement taken at its proper point of division of the tonnage length, from a point at a distance below the tonnage deck equal to one-third of the round or one-half of the pitch of the beam, down to the upper side of the floor timbers or floor plates; or bottom floors alongside the keelson; or longitudinal; or the tank top of a cellular double bottom, as the case may be.

(b) *Ceiling.* If ceiling is fitted on the bottom floor members, depths of transverse sections terminate on the upper face of the ceiling of average thickness. (See Figure 4 (§ 69.07-1).) For tonnage depths where ceiling is fitted on tank top, see Figure 5 (§ 69.07-1).

(c) *Raised platform.* In vessels with a raised platform in the bottom and no ceiling fitted on the bottom frame members, the depths are to be taken down through the platform to the upper side of the floor timbers or floor plates as described above, deducting therefrom the thickness of the ceiling of the platform in question.

(d) *Depths in way of interruptions to tonnage deck.* Should depths of transverse sections fall where the tonnage deck is interrupted, due to a break, hatches, etc., then depths are taken from the line of continuation of the tonnage deck.

(e) *Rise of double bottom.* In vessels having a double bottom the tank top of which, in way of tonnage sections, rises from the center line to the wings, the tonnage depth of each section will terminate at one-half height of the dead rise. (See Figure 12 (§ 69.07-1).)

(f) *Fall of double bottom.* In vessels having a double bottom the tank top of which, in way of tonnage sections, has a straight fall from the center line to the wings the tonnage depth of each section will terminate at one-half height of fall. (See Figure 13 (§ 69.07-1).)

§ 69.03-35 Tonnage depths.

(a) *The tonnage depth.* The depth generally referred to as "the tonnage depth" is located at the middle point of division of the tonnage length and is found in a manner similar to the other depths of transverse sections.

(b) *Tonnage depth in a vessel measured in parts.* Should a vessel be required to be measured in parts, and each part measured as a separate unit; then a tonnage depth shall be found for each part or unit at one-half its tonnage length. (See Figure 14 (§ 69.07-1).)

(c) *Tonnage depth is the first depth measured.* The tonnage depth governs the number of parts into which it and all the remaining depths of the part in which said depth is located, is divided.

(d) *Divisions of tonnage depth.* If the tonnage depth at the middle of the tonnage length of the vessel or part of same does not exceed 16 feet, divide each depth into four equal parts; but if the depth at the middle of said length exceeds 16 feet, divide each depth into six equal parts.

(e) *Intervals.* The common intervals between the points of division of depths, also one-third common intervals, are to be carried to the nearest hundredth of a foot.

(f) *Purpose for dividing tonnage depths.* Depths are divided to indicate points at which tonnage breadths are to be measured.

§ 69.03-37 Tonnage breadths.

(a) *Breadths.* An inside horizontal breadth is to be measured at each point of division of the depth marked on the sliding rods placed in position as directed in § 69.03-3(b) and also at the upper and lower points of the depth. Extend each measurement to the inboard face of the ordinary frames, or line of same, or inboard face of ceiling, or battens, or insulation of average thickness if fitted. (See Figure 15 (§ 69.07-1).) Care must be taken that the sections shall be parallel to each other and at right angles to the axis of the vessel.

(b) *Upper breadth.* (1) In finding the upper breadth of each transverse section make no allowance for the excess of the deck-beam shelves, etc., over the permissible thickness of ceiling, if any, thereunder.

(2) Referring to Figure 16 (§ 69.07-1), observe that after the deck is laid the upper breadth (represented by the line U B) passes through the deck on each side. Hence, it is impossible to take it at its true position. In such cases take it on the deck, allowing within the ex-

tended line of frames the thickness of the ceiling if any on the frames under deck, as shown by line T B in the figure.

(3) Owing to deck-beam shelves or other obstructions, it can be more conveniently and accurately taken here than under the deck, and, besides it will be only a few inches from its true position. In vessels which have upright sides the said breadth so taken will be correct, but in the case of vessels with inclining sides the necessary allowance must be made for the deviation of the sides from the upright in the few inches above the true position of the said breadth.

(c) *Bottom breadths.* (1) Bottom breadths are taken only so far as the flat of the floor extends. (See B B, Figures 4 and 5; Figure 15; and B B, Figures 17 and 18 (§ 69.07-1).)

(2) When bottom frames rise immediately from the keelson, or combined keel and keelson, and bona fide floor timbers or floor plates are not fitted, bottom breadths are equal to the breadth of keelson, or combined keel and keelson as the case may be. (See B B, Figure 19 (§ 69.07-1).)

(3) The bottom breadths of transverse sections of vessels of longitudinal construction falling in the hold where there is no double bottom and where there is a dead rise of the bottom out to the sides of the vessel may be considered to be equal to that part of the bottom plating not affected by dead rise.

(d) *Bottom breadths in case of rise or fall of double bottom.* Bottom breadths falling in way of a double bottom the top of which rises or falls from the mid-ship longitudinal plane to the wings are measured from and to the inboard end of the frame brackets (or ceiling thereon if fitted), connecting the double bottom with the frames. (See B B, Figures 12 and 13 (§ 69.07-1).)

§ 69.03-39 Measuring the tonnage length.

(a) The cubic capacity of the space below the tonnage deck is determined by use of the tonnage length together with the areas of a prescribed number of transverse sections as hereinafter described.

(b) To determine the extreme points of the tonnage length as indicated by § 69.03-31 and T L in Figures 10 and 11 (§ 69.07-1), observe the following:

(1) *Vertical bow and stern.* In vessels having a vertical bow, also a vertical stern, both above and below the tonnage deck, measure horizontally the depth of frames, also the thickness of ceiling thereon if any, at the extreme forward and after ends immediately under the tonnage deck. Mark these measurements on the upper side of the tonnage deck, from the outer shell and in the direction in which the frames were measured. Then draw through the points thus obtained, lines parallel to the shell. The forward and after points of intersection of these lines indicate the points from and to which the tonnage length is to be measured.

(2) *Raked bow or stern.* In the case of vessels having a raked bow or stern

at the level of the tonnage deck, the extreme points of the tonnage length are, when practicable, to be determined at the under side of the tonnage deck. The distance from these points to a hatch coaming, bulkhead, etc., should be measured and transferred to the upper side of the tonnage deck as indicated in Figure 20 (§ 69.07-1).

(c) Should it be impracticable to determine the extreme points of the tonnage length at the under side of the tonnage deck, and should the thickness of this deck be considerable, as in the case of a wooden deck, the rake of the bow or stern within the thickness of the deck is to be taken into account. This is done after having first proceeded as indicated in paragraph (b)(1) of this section by measuring the thickness of the tonnage deck and determining by means of a hinged rule, or any other instrument for finding angles under similar circumstances, the angle of the rake which the bow or the stern forms with the tonnage deck. Transfer thereafter this angle on the deck by drawing the lines A B C shown in Figure 21 (§ 69.07-1). A B represents the upper side of the tonnage deck and B C the after side of the stem or the inside of the shell at the stern, as the case may be. The perpendicular B D represents the thickness of the tonnage deck. The points T, L, in Figures 10 and 11 (§ 69.07-1) marked on the upper side of the tonnage deck are then to be moved forward at the stern or aft at the stem, as the case may be, for a distance equal to D E, representing the rake within the thickness of the deck.

(d) It should be borne in mind that the condition for applying the method of setting out the angles on the upper side of the tonnage deck is that the stem or stern have the same angle of rake above and immediately below the tonnage deck. If the angle of rake at or immediately below the tonnage deck is a different one, then this last angle must be used.

(e) Should a vessel as referred to in paragraph (b)(2) of this section have a square bow or stern, it will be necessary to make a correction for camber where such exists. This is done by increasing the thickness of the deck B D in Figure 21 (§ 69.07-1) by one-third of the round or one-half of the pitch of beam at the extreme point of the tonnage length.

§ 69.03-41 Divisions of tonnage length.

(a) The tonnage length is to be divided into an even number of equal parts as required by the following table, according to the class in such table to which the vessel belongs:

Class	Tonnage length	Divisions
1	50 ft. or less.....	6
2	Above 50 ft., not exceeding 100 ft.....	8
3	Above 100 ft., not exceeding 150 ft.....	10
4	Above 150 ft., not exceeding 200 ft.....	12
5	Above 200 ft., not exceeding 250 ft.....	14
6	Above 250 ft.....	16

(b) The points of division of the tonnage length, also each end of the length

indicate the common intervals at which a depth is measured. Intervals and one-third intervals are to be carried to the nearest thousandth of a foot.

§ 69.03-43 Transfer of location of sections to keelson.

(a) The tonnage length having been ascertained and the number of sections to be measured and the interval between them determined, a line is then to be extended down the main hatchway, at the middle line of the vessel, in a perpendicular direction.

(b) The distance of the midship tonnage section is then to be set off from this line in the same direction on the keelson, which gives the position of the midship section on the keelson, and the positions of the other sections are obtained on the keelson by setting off forward and abaft the midship section the common interval between sections as already determined. The position of the midship tonnage section may be determined by any other practical means.

§ 69.03-45 Transverse areas, rule for finding.

(a) Assuming the tonnage length exceeds 250 feet requiring that it be divided into 16 equal parts, and the tonnage depth at the middle of the tonnage length exceeds 16 feet, requiring it to be divided into 8 equal parts:

(1) Measure the depth at each of the 15 points of division of the length as required, also at the extreme forward point (Section 1) and at the extreme after point (Section 17) of the length. (See Figure 22 (§ 69.07-1).)

(2) The extreme points of the length at the bow and stern, though described as being the positions of the first and last areas, do not in vessels of usual form yield any area for practical purposes. Therefore, in the computation for tonnage, where the first and last sections yield no areas, a cipher must be employed in their places. In vessels of unusual form, as, for instance, in barges or other craft in which the bow and stern are upright, with breadth also at those places, sections at the extreme points of the length will yield areas; in which cases such areas must be measured and used in the computation.

(3) Then measure the inside horizontal breadth at each of the five points of division of the depth, also at the upper and lower points of the depth.

(4) Number the breadths from above, numbering the upper breadth 1 and so on down to the lowest or seventh.

(5) Multiply the second, fourth, and sixth by 4, and the odd numbered breadths by 2, except the first and last which are multiplied by 1.

(6) Add these products together.

(7) Multiply the sum thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area.

(8) This process will be repeated for every section.

(b) Having thus ascertained the transverse area at each point of division of the length of the vessel, also at each end of the length if they yield areas, as

required above, proceed to ascertain the register tonnage of the vessel in the following manner:

(1) Number the areas successively 1, 2, 3, etc., No. 1 being at the extreme limit of the length at the bow and the last number at the extreme limit of the length at the stern.

(2) Then multiply the second and every even numbered area by 4 and the third and every odd numbered area by 2, except the first and last which are multiplied by 1.

(3) Add these products together and multiply the sum thus obtained by one-third of the common interval between the areas, and the product will be the contents in cubic feet of the spaces under the tonnage deck.

(4) Divide this product by 100, and the quotient, being the tonnage under the tonnage deck shall be deemed the register tonnage of the vessel, subject to the additions hereinafter mentioned.

(c) In every case when finding the capacity under tonnage deck, or a part thereof; whether the length be divided according to the table into 6 or 16 parts, as in classes 1 and 6, or in 2 or 4 parts as provided for in § 69.03-47(a) and the depths into 4 or 6 parts, thus requiring 5 or 7 breadths respectively to be taken; the above formula shall be used; i.e., even numbered breadths shall be multiplied by 4, and odd numbered ones by 2 except the first and last which are multiplied by 1. Similarly when running areas through the multipliers, the even numbered ones shall be multiplied by 4 and odd numbered ones by 2, except the first and last, which are multiplied by 1.

§ 69.03-47 Breaks in double bottom.

(a) The tonnage length of a vessel having a break exceeding one-half of a foot in height, or a number of such breaks in the line of her double bottom, is to be divided into longitudinal parts establishing transverse vertical planes at such breaks. The length of each such part so found is then to be divided into a number of equal parts according to the class in the table appearing in § 69.03-41(a) to which it belongs, just as if it were the length of a separate vessel: *Provided*, That such parts as are 20 feet or under in length may be divided into 2 equal parts, and those above 20 feet and not exceeding 40 feet in length may be divided into 4 equal parts instead of into 6, as indicated in the table.

(b) When a vessel is required to be measured in parts, and each part measured as a separate vessel, the sum of the tonnages of the several parts is the capacity under the tonnage deck.

§ 69.03-49 Vessels having side tanks may be measured in parts.

Vessels having side tanks extending above the floor line or double bottom, and through which tanks tonnage breadths normally pass, may be measured in parts. The length of the first part will extend aft to the line of the forward bulkheads of the side tanks. (See Figures 23 and 24 (§ 69.07-1).) The length of the second part is equal to the length of

side tanks, and the depths extend, at proper intervals under the tonnage deck, down to athwartship lines forming continuation of the side tank tops. (See Figure 25 (§ 69.07-1).) The third length immediately below the second part should equal that of the second. The breadths are taken between the inboard faces of the side tank bulkheads, and depths from athwartship lines forming continuation of the side tank tops. The fourth part will extend from a line athwart the after bulkhead of side tanks to a point aft where tonnage lengths usually terminate. Measure separately a side tank, the tonnage of which is to be doubled, assuming both tanks are identical as they usually are; then the sum of the tonnage of the several parts thus found shall be deemed the capacity under tonnage deck.

§ 69.03-51 Outside shaft tunnel.

To find the under deck tonnage of a vessel having an outside shaft tunnel, the shape of a section of which is usually the segment of a circle, measure the portion of the tunnel space included by the process of measurement in the under deck tonnage and subtract it therefrom. (See Figure 26 (§ 69.07-1).) Divide the length of such tunnel into a convenient number of equal parts, then find an area at the points of division of the length, also at the ends, if the end ones yield an area, by the following formula:

$$\text{AREA} = \frac{2h}{3} - \frac{c^2}{6r}$$

c=Chord of the segment of a circle.
h=Height of segment (from chord to crown of arc).

Having found the required areas, proceed in the manner provided for using the areas as ordinates in determining under deck tonnage, finding the sum of even numbered areas multiplied by 4; the odd numbered areas multiplied by 2, except the first and last which are multiplied by 1. Then multiply the sum so found by one-third common interval between sections. The result divided by 100 gives the tonnage of the tunnel to be subtracted from the under deck tonnage found by ignoring initially the projection of the crown of the tunnel into the hold.

§ 69.03-53 Square end vessels having head blocks.

(a) In the case of vessels with square ends having head blocks extending from the deck to the bottom longitudinally on the rake of the bottom, the termini of the tonnage length will be at the inboard face of said block, and the area of the first and last section will equal the area of the inboard face of said block. (See Figure 27 (§ 69.07-1).)

(b) Should the head blocks extend inboard of the inboard face of the end frames (see Figures 28 and 29 (§ 69.07-1)), or should the head plates be excessive (see Figure 30 (§ 69.07-1)), consider the termini of the tonnage length to be at points inboard from the ends of the vessel, equal in distance to the thickness of the shell plating, depth of side frame, plus ceiling if fitted. Rubbing strakes to be excluded.

§ 69.03-55 Between decks.

(a) The tonnage of the space between the tonnage deck and the deck next above shall be ascertained as follows:

(1) Measure the inside length of the space at the middle of its height, from the ceiling at the side of the stem to the ceiling on the midship stern timber; or, if there is no ceiling take the length from a point forward where a continuation of the lines of inboard faces of the side frames intersect the center line of the vessel aft to the inboard face of the midship stern timber. Divide the length into the same number of equal parts into which the length of the tonnage deck is divided.

(2) Measure also at the middle of its height the inside breadth of the space at each of the points of division of the length, the breadth at the stem, and the breadth at the stern (if round, as in the case of poops of similar form). Number the breadths successively 1, 2, 3, etc., commencing at the stem.

(3) Multiply the second and all other even numbered breadths by 4 and the odd-numbered breadths by 2, except the first and last which are multiplied by 1. Multiply the sum of these products by one-third of the common interval between the points at which the breadths were taken; the result will give, in superficial feet, the horizontal area at the mean height of such space.

(4) Multiply the mean horizontal area by the average height taken between the planks of the two decks and the product will be the cubical contents of the space; which, divided by 100 shall be deemed the tonnage to be included among the items comprising the vessel's gross tonnage.

(b) The tonnage of each of the between decks above the tonnage deck shall be severally ascertained in the manner described above and shall be added as items comprising the vessel's gross tonnage.

§ 69.03-57 Superstructures.

(a) *Permanent erections.* Permanent erections; i.e., fore-castle, bridge, poop, break, etc., on or above the upper deck, shall be measured tier by tier, and, exclusive of closed-in exemptible spaces, and open spaces, shall be included in the gross tonnage.

(b) *Length.* Measure at half height the mean length of such a space along its center longitudinal line, from and to the line of the inboard faces of the frames, or stiffeners, or ceiling if fitted. Divide the length into an even number of equal parts the common intervals of which shall be most nearly equal to that of the parts into which the tonnage length was divided. (See Figure 31 (§ 69.07-1).)

(c) *Breadths.* Measure at the middle of its height the inside breadths; namely, one at each end and one at each point of division of the length, numbering them successively 1, 2, 3, etc., the number one breadth being at the extreme forward end of the length.

(d) *Round-end erections.* If the after end of an ordinary poop or a house is in the form of a continuous arc of a

curve, its breadth at the extreme after end of its length shall be one-half of the preceding breadth. If the after end of such a poop or house is in the form of an arc of a curve which is broken at its extreme after end by a decided flat, its breadth at the extreme after end of its length shall be two-thirds of the preceding breadth. (See Figures 32 and 33 (§ 69.07-1).)

(e) *Round-end erections.* If the forward end of a house is in the form of a continuous arc of a curve, its breadth at the extreme forward end of its length shall be one-half of the succeeding breadth. If the forward end of such a house is in the form of an arc of a curve which is broken at its extreme forward end by a decided flat, its breadth at the extreme forward end of its length shall be two-thirds of the succeeding breadth.

(f) *Multipliers.* Multiply the even numbered breadths by 4, and the odd numbered ones by 2, except the first and last which are multiplied by 1.

(g) *Horizontal area.* Multiply the sum of the products by one-third of the common interval between the points at which the breadths were taken; the result will give the horizontal area at the mean height of such space.

(h) *Height.* Multiply the mean horizontal area by the average height measured between the decks, or the extended line of same. (See B and C in Figure 9 (§ 69.07-1).) Divide the product by 100 and the quotient shall be deemed the tonnage of such space.

(i) *Superstructures having breaks.* Superstructures having breaks in their covered deck or side lines shall be measured in parts. (See Figure 34 (§ 69.07-1).)

(j) *Superstructures on small craft.* Superstructures on small craft shall be measured similar to the method for finding the gross tonnage of larger structures. When a superstructure is erected over a cut-away portion of the tonnage deck, the height of such superstructure is to be taken from the under side of its covering deck to a line of continuation of the tonnage deck. Should there be no camber to the tonnage deck, allow for same, in the covering deck of the erection if it exceeds 0.15 foot. After subtracting the tonnage of exemptible spaces in the superstructure, the remainder shall be listed under a name describing the erection, among the items comprising the gross tonnage.

(k) *Height of a turtleback.* The mean height of a superstructure referred to as a "turtleback" may be found by taking a height at each point of division of its length, at the after terminal of its length, and at one-third common interval abaft the forward end of the length. The sum of the heights so taken, divided by the number of heights, will give a sufficiently accurate mean height.

§ 69.03-59 Hatchways.

(a) The cubical contents of the hatchways shall be obtained by multiplying the length and breadth together and the product by the mean depth taken from the top of the beam to the under side of the hatch cover. From the aggregate tonnage of the hatchways there shall be deducted one-half of 1 percent of the

gross tonnage of the vessel exclusive of the tonnage of the hatchways, and the remainder only shall be added to the said gross tonnage as excess hatchways.

(b) The hatchways referred to are the ones out in the open or in open spaces on the upper deck to the hull and on closed-in deck erections. Hatchways on between decks and on the deck of open erections are not to be measured and included in the aggregate of hatchways from which the statutory deduction is to be made. The total hatchways on between decks and on the portion of the decks within closed-in erections on the upper deck to the hull are automatically included in the between-deck spaces and in the said erections by the process of measurement; and, of course, the hatchways on decks of open erections are not to be considered, serving as they do spaces not entering into the tonnage of the vessel.

§ 69.03-61 Record of exempted spaces.

The tonnage measurement of all spaces that the measurer has not included in the gross tonnage of the vessel must be recorded in detail on Form CG-1410, "Tonnage Admeasurement" which, when forwarded to the Commandant for examination and appropriate action must be accompanied by suitable plans or sketches drawn to scale, or a complete explanation for the proper consideration of the exemption of such spaces.

§ 69.03-63 Enclosed spaces exempted from inclusion in gross tonnage.

In addition to the spaces omitted from inclusion in gross tonnage under the provisions of § 69.15-3 on vessels measured in accordance with the provisions of Subpart 69.15, the following closed-in spaces situated on or above the upper deck shall not be included in the gross tonnage provided they are reasonable in extent, adapted and used exclusively for the purposes outlined:

(a) *Companions.* Companions and booby-hatches serving as a protection for companionways (stairways or ladderways) leading to spaces below, whether such spaces are exempted or not. (See a, b, c, and d in Figure 35 (§ 69.07-1).)

(b) *Galleys.* Spaces fitted with ranges or ovens (bakeries), without regard to the category of the persons they serve.

(c) *Light and air.* Spaces forming part of the propelling machinery space, or serving for the admission of light and air to such machinery shall be exempt under the heading of light and air. When no part of the propelling machinery extends below the upper deck, the space occupied by same is exemptible in its entirety together with such fuel bunkers as are located on or above the upper deck. Where fuel bunkers or tanks are located wholly or in part below the upper deck the space so occupied below the upper deck is not deductible.

(d) *Light and air on small boats.* (1) A house of reasonable size, into which the propelling machinery projects above the deck line, or a similar house used exclusively for light and air over such machinery on small boats is exempted, in its entirety, as light and air.

(2) A compartment of reasonable size, bulkheaded off and similarly used, located in a house serving other purposes is likewise so treated.

(3) When propelling machinery and/or light and air space, not bulkheaded off, is in a house serving other purposes, the actual length and breadth of the engine plus 2 feet each side and each end for working space, if such space is available, projecting up into the house becomes the length and breadth of exempted light and air, exclusive of such part as may be decked over and available for other purposes.

(4) If bunks, galley, supplies, etc., are located in the hull abreast the engine and under a house open to same, as described in preceding paragraph, and the 2-foot allowance for working space on each side of the engine base overlaps working space at galley, or as the case may be, allow one-half the actual breadth on each side the engine, which breadths plus the actual engine breadth projecting up into the house becomes the permissible breadth of light and air exemption.

(e) *Machinery spaces.* (1) Spaces occupied by machinery other than propelling machinery.

(2) The spaces occupied by dredging machinery on the upper deck of dredging vessels which are not self-propelled but which are required to be documented are to be exempted. No allowance is to be made for spaces occupied by such machinery below the upper deck.

(f) *Skylights.* Skylights and domes affording ventilation and light to the erection thereunder, except skylights over propelling machinery. None of the space below the covering deck of such erection shall be exempted from inclusion in tonnage unless an opening is left in the deck of the superstructure immediately under such skylight or dome to give ventilation and light to spaces below such deck line. (See exempted skylight and a, b, c, and d in Figure 36 (§ 69.07-1).) For the treatment of skylights over propelling machinery, see paragraph (c) of this section.

(g) *Special exempted water-ballast spaces.* (1) Any space other than the double-bottom space adapted only for water ballast, certified by the Officer in Charge not to be available for the carriage of cargo (other than ballast water for use for underwater drilling, mining, and related purposes, including production), stores, supplies, or fuel shall be deducted from the gross tonnage as measured to get gross register tonnage.

(2) Adaptation for water ballast consists of having the space or spaces properly constructed and tested as ballast tanks; that the pumps, pipes, etc., for filling and emptying such tanks must be of suitable dimensions, connected to the ballast system, and completely independent of the cargo, fuel oil, feed or domestic water pumping apparatus. Access shall be only through oval or circular manholes, whose greatest diameter must not exceed 2 feet in the watertight deck. Where a hatch exists over a space now to be used for the carriage of water ballast, plating shall be fitted and riveted or welded to

form a watertight cover and a manhole as above described may be fitted in this cover plate. Such manholes, except when fitted on the weather deck, may be provided with a coaming not exceeding 6 inches in height. If these spaces are found being used for purposes other than water ballast, they are to be added to the gross tonnage of the vessel, and so included until such changes have been made as will definitely preclude their use for purposes other than for water ballast.

(3) No space will be deemed to be adapted only for water ballast unless the Commandant is satisfied that the primary purpose of the space is to afford a means of maintaining stability, trim, immersion, seakeeping¹ capabilities, or strength conditions under varying conditions and requirements of the vessel's operation and that the space claimed for exemption is necessary to and available at all times for any one of these purposes. An application for exemption of water-ballast spaces in excess of 30 percent of the vessel's gross tonnage, calculated without any allowance for water ballast, shall be submitted for approval to the Commandant, accompanied by a statement in writing from the vessel owner or his representative as to the circumstances of use or construction of the vessel which make such an allowance necessary and proper and verifying that the conditions specified in this paragraph have been and are met. Any change in the facts on the basis of which a water-ballast exemption is granted under this section shall be promptly reported to the Officer in Charge for his determination as to whether there has been a change in the use of spaces requiring an adjustment of tonnage under § 69.05-9.

(h) *Water closets.* Any public room or compartment, if of reasonable size, fitted with hopper or hoppers, is, for admeasurement purposes, a water closet. This definition includes a room or a compartment designated as a toilet, fitted with urinal, or urinals, shower bath or shower baths, in addition to the hopper or hoppers. A crew water closet is considered public if it serves more than one member of the crew.

(i) *Wheelhouse.* The space for sheltering the man or men at the wheel. If the space is a combined wheelhouse and chart room, only such space as is necessary for the proper steering of the vessel shall be exempted. Should the space be partly above and partly below the upper deck, such part above the line of continuation of said deck is exemptible.

§ 69.03-65 Passenger cabins.

(a) Except as provided in § 69.15-3(b), passenger cabins and staterooms immediately on the upper deck to the hull, permanently close-in and fitted up for permanent use of passengers, are to be included in gross tonnage. They will be

¹ The term "seakeeping" as used in this paragraph is defined as the ability of a vessel to maintain good behavior at its designed speed or at a speed as close as possible to its designed speed under all conditions of sea and weather, which the vessel may encounter in its designated service.

exempted only when they have no berthing accommodations and have only temporary arrangements to protect passengers on short voyages from rain and the shipment of seas, constituting sheltered spaces under cover and open to the weather; that is, not enclosed.

(b) Cabins and staterooms when assigned for use of passengers only, constructed entirely above the first deck which is not a complete deck to the hull (see § 69.03-19) may be exempted from inclusion in tonnage. In the case of Army transports, colliers, supply ships, hospital ships, etc., the term "passengers" shall include all officers, enlisted men, and other persons who are not assigned to ship's duties and not entered on the ship's articles, and no deductions for spaces occupied by such persons shall be made; nor are cabins and staterooms occupied by them when situated on a deck not a deck to the hull to be included in gross tonnage.

(c) For admeasurement purposes a cabin is defined as an apartment of a vessel, or the portion of the apartment that is assigned for the exclusive use of passengers. A cabin may consist of staterooms, bathrooms, toilets, libraries, writing rooms, lounges, dining rooms, saloons, smoking rooms, play rooms, etc., individually or collectively. The following spaces—smoking room, lounge, foyer, library, and similar public spaces, with or without a stateroom—would, for instance, be considered cabins. In short, any passenger stateroom or public space reserved entirely for the use of passengers is to be considered as coming under the meaning of the word "cabin."

(d) A passenger stateroom is defined as an apartment, or one of the units of an apartment on a vessel, intended primarily to afford sleeping and/or other accommodations for passengers traveling alone or together.

§ 69.03-67 Open superstructures on or above the upper deck.

(a) *Treatment.* Nothing shall be added to the gross tonnage for any sheltered space on or above the upper deck which is under cover and open to the weather; that is, not enclosed.

(b) *Determination as to inclusion in gross tonnage.* In deciding whether or not superstructures are permanent closed-in spaces and should be included in tonnage, the measurer should have regard to the character and structural condition of such erections.

(c) *Tonnage openings.* A fore-castle, bridge, poop, or any other permanent superstructure on or above the upper deck to the hull, with one or more openings in its sides or ends, not fitted with doors or other permanently attached means (except as provided for below) of closing them, shall be exempted from inclusion in gross tonnage if the opening or openings are in conformity with the following provisions:

(1) *Two 3 x 4 foot tonnage openings.* When there are in one of the end bulkheads, two tonnage openings, each 3 feet wide by 4 feet high in the clear, one on each side of the centerline of the end bulkhead.

(2) *One 4 x 5 foot tonnage opening.* When there is in one of the end bulkheads, as near as is practicable to the centerline of the space, one tonnage opening at least 4 feet wide by 5 feet high in the clear, or its equivalent. An equivalent opening is considered to be one of at least 20 square feet in the clear, resulting from a breadth in excess of 4 feet and a height of not less than 3 feet.

(d) *Intermediate bulkheads.* If the space is subdivided by intermediate bulkheads, such bulkheads shall have an opening or openings of the same dimensions as prescribed above.

(e) *Coamings.* If coamings are fitted to tonnage openings, their height must not exceed 2 feet at any part.

(f) *Permissible temporary closures for exterior bulkhead tonnage openings.* Tonnage openings prescribed for the above-mentioned superstructures may be temporarily closed by shifting boards dropped into channel sections at the sides of such openings, or by plates or boards held in place by hook bolts, spaced not less than 1 foot apart, fitting over the stiffener bar at the sides, top, and bottom of such openings, or by a plate or boards held in place by bolts and cross pieces so arranged as not to be held in place by cleats or other attachment to, or bolts through the bulkhead. (See Figures 37 to 43, inclusive (§ 69.07-1).) Cover plates, etc., must fit against the bulkheads.

(g) *Battening, gaskets, etc.* In no case is the use of battening, caulking, or gaskets of any material permitted.

(h) *Permanent fixtures.* Cleats, stud bolts, hinges attached to, or bolts in bulkheads at the edges of tonnage openings are prohibited as they are considered to be part of the means, in conjunction with plate or boards, of closing the tonnage opening.

(i) *Closures for interior bulkhead tonnage openings.* The same temporary means of closing the tonnage openings in interior bulkheads are permitted.

(j) *Enclosure within an open space.* An enclosure within an exempted space must be treated according to its use.

§ 69.03-69 Open shelter deck space.

(a) *Space between upper and shelter decks.* No space between the upper and shelter decks of a vessel shall be exempted from inclusion in gross tonnage as open shelter deck space unless there is in that shelter deck a permanent middle line tonnage opening which, except as provided in this paragraph, is at least 4 feet long in the clear and at least as wide, in the clear, as the after cargo hatch on that deck. If any such opening is less than the minimum size in the clear specified in this paragraph solely because one or more corners of that opening are rounded, that space shall be exempted, upon compliance with all applicable provisions of this section, in any case in which the radius of curvature of each such corner is not greater than 9 inches, or in any case in which a greater radius of curvature is required in writing by the Coast Guard or by a recognized classification society. In the latter case, a copy of that written requirement shall be filed with the Officer in Charge of the

marine inspection zone in which the vessel is admeasured.

(b) *Position of middle line tonnage opening.* The distance between the after edge of this tonnage opening and the aft side of the sternpost must not be less than one-twentieth the register length of the vessel, or if the tonnage opening is forward, its fore side must not be less than one-fifth the register length of the vessel from the stem.

(c) *Coamings.* The coamings of the middle line tonnage opening must not exceed 12 inches extreme mean height above the deck, including the beading, etc., at the top for confining the hatch covers. If any such opening is guarded by rails or stanchions they shall be so arranged that they may not be used to secure or assist in securing a cover over that opening.

(d) *Cover.* (1) When portable wood covers are fitted they may be held in place by lashings fitted to the under side of the covers; lashings may be of hemp, manila, or other similar material.

(2) When a metal cover is used, it may be held in place by hook bolts spaced not less than 18 inches apart, passing through the cover plate and hooked over angle stiffeners or flanges fitted on the outside of the coamings; i.e., the bolts must not pass through the stiffeners or flanges on the coaming, nor must there be any other attachments on the coaming for fastening the cover.

(e) *Opening not to be enclosed.* The middle line tonnage opening in a shelter deck must not be within a superstructure of any type.

(f) *Tonnage openings in shelter deck space.* When the permanent deck opening is situated aft, there must be at least two openings, each 3 feet wide by 4 feet high in the clear, in each of the transverse bulkheads within the shelter deck space forward of said deck opening; or should the deck opening be forward, the same requirements apply to transverse bulkheads abaft such forward deck opening.

(g) *Coamings.* Coamings, if fitted, must not exceed 2 feet in height at any part.

(h) *Temporary closure.* The same temporary means of closing tonnage openings in the bulkheads of the well under the middle line tonnage opening in the shelter deck and in the intermediate bulkheads, if any, in the shelter deck space are permitted as described in § 69.03-67(f).

(i) *Well under middle line tonnage opening.* The well under the middle line tonnage opening (in the shelter deck) must have a minimum length of 4 feet throughout its entire breadth and height, and shall be kept clear at all times.

(j) *Scuppers.* A scupper, having a 5-inch minimum inside diameter, fitted with a screw down nonreturn valve geared to and operated from the shelter deck, must be fitted on each side of the upper deck in way of the permanent middle line tonnage opening in the shelter deck. (See figure 44 (§ 69.07-1).)

(k) *Means for closing.* All openings in the upper deck to the hull must be provided with proper means for closing and battening down.

(1) *Closed-in spaces.* Any closed-in space within an open shelter deck space shall be treated according to its usage.

§ 69.03-71 An open structure on small craft.

(a) A house on a small craft is considered open to the weather and exempted from inclusion in tonnage provided the after end of such house is entirely open, from the under side of its roof beam down to a coaming not exceeding 3 inches in height, if there be a coaming, otherwise to the deck or line of same; and open in an athwartship direction from and to the inboard face of the end side stiffeners. (See Figures 45 and 46 (§ 69.07-1).) Closed-in spaces within an open erection will be treated according to their usage.

(b) Such an opening may be guarded by wire mesh screens and/or temporarily closed by canvas secured at the top and lashed down or buttoned in place at the sides and bottoms.

§ 69.03-73 Open vessels.

(a) In ascertaining the tonnage of open vessels the upper edge of the upper strake shall form the boundary line of measurement, and a tonnage depth shall be taken from a line athwart the upper edge of said strake, at each point of division and each end of the tonnage length.

(b) An open vessel is one of any length without a deck, or with only a partial deck or partial decks, the total length of which is less than one-half her tonnage length.

(c) Further, a vessel having a tonnage length of less than 50 feet and a partial deck of any length or a single full length deck, which, in either case, lies more than one-sixth of the midship depth below the line of the upper edge of the upper strake to the usual point in the hold for taking the register depth, shall, for admeasurement purposes, be deemed an open vessel unless it has a mechanically refrigerated hold or holds.

§ 69.03-75 Deductions from gross tonnage.

(a) *General.* To ascertain the net tonnage, the tonnage of the following spaces meeting certain requirements shall be deducted from the gross tonnage.

(b) *Requirements.* No space shall be deducted unless it has been included previously in the vessel's gross tonnage; is reasonable in extent for the purpose to which it is appropriated; and is certified by marking as prescribed in paragraph (c) of this section showing that it is used exclusively for such purpose.

(c) *Marking.* The following markings are required by paragraph (b) of this section: For each space appropriated exclusively for the use of the master, including the master's bathroom, bedroom, dressing room, observation room, office, reception room, sitting room, and water closet—"Certified for the Accommodation of Master"; for each space appropriated exclusively as a bedroom for the use of crew members, including officers other than the master—"Certified to Accommodate ----- Seamen"; and for other deductible spaces—"Boatswain's Stores,"

"Chart House," "Dynamo," "Galley," "Hospital," "Messroom," "Office of Chief Engineer," "Pump Room," "Radio," "Steering Gear," "W. C." The following abbreviations may be used: "Cert. Accom. Master," "Cert. Accom. ----- Seamen," "Cert. Boatswain's Stores," "Cert. Chart House," "Cert. W. C." or "Cert. -----" inserting the space designation. The marking shall at all times be embossed, center-punched, or otherwise permanently cut in metal, and painted over with oil paint in a light color on a dark background, or a dark color on a light background, or carved or branded at least three-eighths of an inch in wood over the doorway, on the inside of the deductible space. Roman letters and Arabic numerals at least one-half of an inch in height shall be used and shall be readily legible at all times. If desired, the marking may be made on a plate of metal (but not of other material) permanently fastened in place by means of welding, riveting, or lock-type screws. The metal certification plates may be fastened in place to a metal door frame, on the inside of the space, by means of a metal-to-metal synthetic contact adhesive if the vessel owner or his agent satisfactorily establishes that the bonding agent is currently acceptable to the Coast Guard or the Department of the Navy for use on merchant ships or naval vessels for affixing metal hull label plates; and, further, certifies that the metal-to-metal bond will be accomplished in accordance with the techniques recommended by the manufacturer of the bonding agent.

(d) *Crew spaces.* The tonnages of the spaces or compartments exclusively occupied by and appropriated to the use of the officers and crew of the vessel including:

Bathrooms. A bathroom is a compartment or a room containing (1) a bath tub, or (2) a bath tub and a water closet, or (3) a shower bath or showers without a water closet regardless of its location.

Clothes drying room.

Drinking water filtration or distilling plant below deck.

Hospital.

Crew mess rooms.

Officers' mess rooms.

Office of chief engineer.

Oil skin locker.

Pantry.

Recreation room.

Shower baths.

Sleeping rooms.

Smoking rooms.

Water closets, private. A private water closet is defined as one intended to serve not more than one member of the crew, whose stateroom or bedroom affords the only means of entrance thereto and is treated as part of the room served by it. Other water closets are considered to be public water closets for admeasurement purposes.

Water closets, public—below the upper deck. Passageways and companionways serving the above spaces.

But none of these spaces when used by the passengers on a passenger vessel are to be deducted nor is the clerk's, purser's, or paymaster's office deductible.

(e) *Non-deductible spaces on deductible passageway.* Lockers of less than 2

tons each, containing medicine, linen, mops, etc., for the free use of the crew; the ship's office, also spare rooms, not exceeding two in number and used as required by a pilot, customs officer, reserve engineer, a company official or employee shall not invalidate the deduction of a passageway serving as sole access to their location.

(f) *Master's cabin.* Any space exclusively for the use of the master. This space includes sleeping room, dressing room, bathroom, office, and passageways serving the master's accommodations.

(g) *Measuring deductible spaces.* Deducted spaces, rectangular in shape, are to be measured by taking the product of the three dimensions, but when bounded by curved surfaces conforming to the sides of the vessel below the tonnage deck exceeding 15 feet in length, they are to be measured according to the formula on the back of Form CG-1410 for measuring peak tanks. When the space is less than 15 feet in length it may be measured by any practical method.

(h) *Platforms.* (1) When there is a platform, not more than 1 foot above the top of the bottom frames, to give a flat surface at the bottom of deductible spaces, and the space between the platform and said frames is not used for the stowage of gear, stores, etc., or for any other purpose, take depths of transverse sections to the top of the bottom frames and find areas as in the case of transverse sections for finding the tonnage below the tonnage deck. (See Figure 47 (§ 69.07-1).) P represents the platform 1 foot above the top of the bottom frames. A, B, and C are the positions of the sections. The forward section A, being sharp, yields no area.

(2) When the platform is more than a foot above the bottom frames, then find the areas only of the portion of the sections above the platform. (See Figure 48 (§ 69.07-1).)

(3) The depth of deducted spaces extending from the top to bottom of a deck erection may be taken between the same points as the depths used in finding the tonnage of the erection. In other words, if the erection was measured before the deck covering, if any, was laid and the ceiling or paneling, if any, overhead was fitted, and depths were taken from the underside of the covering planks or plating of the deck over as required by the law and regulations to the deck beneath, the deck covering and overhead ceiling are to be disregarded in obtaining depths of the various deducted spaces. In determining the number of men that may be berthed in a space the act of March 4, 1915 (38 Stat. 1165; 46 U.S.C. 660-1), is to govern.

(i) *Spaces in the between decks, etc.* Deducted spaces in the between decks or erections on or above the upper deck having curved sides are to be measured according to § 69.03-57.

§ 69.03-77 Navigation spaces.

(a) *Spaces used exclusively for navigation.* Spaces used exclusively for maneuvering or navigating the ship shall be deducted from the gross tonnage to the extent of what is considered reasonable.

When the steering gear, anchor gear, helm, etc., are situated within a room unnecessarily large for the purpose, or are not partitioned off at all, a 2-foot allowance on every side of the apparatus may be made for working space. The height to be allowed should, as a rule, be the mean height of the between deck space.

(b) *Anchor gear.* The spaces below, occupied by anchor gear, include the capstan, windlass, and chain locker. When the fore peak is used exclusively as the chain locker, it is to be measured in the manner prescribed for measuring fore peak tanks when used for water ballast.

(c) *Boatswain's stores.* (1) Subject to the restrictions stated below, any space exclusively appropriated to and used for keeping the boatswain's stores may be deducted.

(2) The allowance for boatswain's stores shall be 1 percent of the gross tonnage in vessels of 100 gross tons and over, but this allowance shall in no case exceed 100 tons. In the case of vessels of less than 100 gross tons this deduction shall not exceed 1 ton.

(d) *Chart room.* (1) The space for keeping the charts, nautical instruments and for plotting the course. When the space is a combined wheel and chart room, such part as is not exempted as wheelhouse shall be deducted.

(2) In small vessels requiring the use of navigation charts, and where the cabin or saloon is the only space available for filing or use of such charts, one-half of the cabin or saloon, may be allowed for this purpose provided the allowance does not exceed 1½ tons.

(e) *Donkey engine and boiler.* (1) The space occupied by a donkey engine and boiler, if situated within the boundary of the engine room or the casing above it, and if the donkey engine is used as an auxiliary in connection with the main machinery for propelling the vessel and this space forms part of the actual engine room, it shall not be subject to a separate allowance.

(2) When the donkey engine and/or boiler is in a house above the upper deck and not used in connection with the main propelling machinery as described above, the space thus occupied is an exemption and therefore must not be included in the gross tonnage of the vessel.

(3) In all other cases the space occupied by the donkey engine and boiler, if same are connected with the main pumps (except cargo pumps) of the vessel, is to be allowed as a deduction from the gross tonnage, if reasonable in extent. It must be certified in the same manner as other deductible spaces.

(f) *Dynamo spaces.* The space or spaces when reasonable in extent, occupied by dynamos, switchboards and apparatus necessary for the operation of same, when located below the upper deck shall be deducted regardless of the service for which the dynamo or dynamos are used.

(g) *Pump room.* A pump room or space below the upper deck containing the

pumps of the vessel which are used solely for handling ballast, feed water, water for cleansing purposes, and for freeing the ship of water entering her hold, etc., shall be deducted as pump room. A pump room or space below the upper deck containing pumps primarily used for handling cargo, as in the case of bulk-oil carriers, shall not be deducted. The portion of either of the above pump spaces above the upper deck is exemptible as machinery space.

(h) *Radio house.* The space set apart for sending and receiving wireless messages.

(i) *Storage of sails.* In the case of a vessel propelled wholly by sails, any space not exceeding 2½ percent of the gross tonnage of the vessel when such space is used exclusively for storage of sails.

§ 69.03-79 Engine room.

(a) *Engine room must be measured.* Notwithstanding the ratable allowance for propelling power for which the act of March 2, 1895 (28 Stat. 741; 46 U.S.C. 77), provides, it is necessary to measure the engine room, regardless of size, in order to ascertain whether the allowance to be deducted for propelling power shall be regulated by a percentage of the gross tonnage or by the actual tonnage of the engine room ascertained by measurement.

(b) *Spaces included in engine room must be in gross tonnage.* No space shall be included in the tonnage of the engine room unless it has first been included in the vessel's gross tonnage.

(c) *Deductions from engine room.* Conversely the spaces occupied by cabins, storerooms, etc., and any space not used in connection with propelling the vessel but included in the tonnage of the engine room through process of measurement must be subtracted therefrom.

§ 69.03-81 Spaces included in engine room.

The space occupied by the engine room is to be understood to include not only that occupied by the engine room itself but also the space occupied by the boiler room, together with the spaces strictly required for the working of the engines and boilers, and consisting of the following items:

(a) *Space below the crown.* The crown or top of the main space of the actual engine room, from which the depths of the main space are to be taken, will either be at the under side of a deck or, if the side bulkheads are sloping, at the point or height at which the slope terminates. (See Figures 49 and 50 (§ 69.07-1).)

(b) *Space between crown and upper deck.* Space between the crown and the upper deck framed in for the machinery or for admission of light and air thereto.

(c) *Space above upper deck.* Space similarly framed in above the upper deck when permitted under paragraph (i), act of March 2, 1895 (28 Stat. 741; 46 U.S.C. 77).

(d) *Shaft tunnels, etc.* The shaft tunnel or tunnels and the thrust block recess.

(e) *Escape shaft.* The trunked ladder-

way leading from the after end of the shaft tunnel to the deck: *Provided*, That it is no larger than is necessary for the purpose of access to and escape from the shaft tunnel. The part of an escape shaft above the upper deck line, also the companion sheltering the escape shaft, is accorded the treatment of light and air space.

(f) *Fuel oil transfer pump.* (1) When the fuel oil transfer pump is located in a separate space, this space, if reasonable in size, may be considered propelling machinery space provided said pump is not used for bunkering the vessel.

(2) Should such pump perform the dual service of handling both ballast and transferring the fuel oil to the settling tanks, one-half the space may be credited to propelling machinery space.

(g) *Settling tanks.* (1) Fuel oil settling tanks used solely for rendering crude oil fit for consumption in the main boilers are considered as part of the propelling machinery space.

(2) The permissible allowance for settling tanks is based on a 4 days' supply under full steam, which allowance must not exceed 1 percent of the vessel's gross tonnage.

(h) *Engineers' stores and workshops.* The engineers' stores, and/or workshops are regarded as part of the engine room, up to three-quarters of 1 percent of the gross tonnage, if in the engine room, open to same, or separated therefrom only by a screen bulkhead and located below the upper deck.

§ 69.03-83 Length of engine room.

(a) As a rule, the length of the engine room extends from the bulkhead forward of the boilers to the one aft of the engines; but if these bulkheads limit a space considered excessive in length for the proper working of the boilers and engines, then that length only which is requisite for containing and operating the boilers and machinery, is to be allowed, with the addition of such length as is necessary for the stoking or working of the fires when the furnaces are in a fore-and-aft direction.

(b) No such additional length is, however, required when the boilers are placed with the furnaces athwartship. The clear central space allowed between the boilers when the stoking is athwartship should be sufficient for this purpose. The point to which the after boundary of the length of the engine room is to be measured should be such as to provide sufficient space for the safe operation of the engine.

(c) The measurer should allow such length between the engines and boilers as may appear to him necessary for the safe working of the machinery.

§ 69.03-85 Boilers and engine in same compartment.

The boilers and engine are considered to be in the same compartment when there is a transverse bulkhead, screen or otherwise, through which the boilers project into the engine space, and where there is only sufficient space between the boilers and engine for the safe working of the machinery.

§ 69.03-87 Engine room measured in parts.

If the boilers and engine are entirely in separate rooms, or if there is a break or breaks in the bottom or side lines of the propelling machinery space resulting from a break or breaks in the double bottom or varying height of floors thereunder, or from side bunkers or other spaces not considered propelling machinery spaces, measure each room separately as a whole or in parts, according to the number of breaks in its bottom or side lines, and the sum of the several results shall be deemed to be the tonnage of the said spaces.

§ 69.03-89 Rule for measuring engine room.

(a) *Space in hold amidship.* When the propelling machinery (boilers and engines) space is in the hold amidship, and without a break in its bottom or side lines, measure its length between the foremost and aftermost bulkheads or limits of its length, excluding such parts, if any, not actually occupied by or required for the proper working of the machinery. Divide the length by 2 and measure 3 depths of the space, one at each end and one at the middle of the length, taking the depths from the crown, or line of same, to the ceiling on the bottom frames or floor timbers, or to the inner plating (tank top) of the double bottom in the case of a steel vessel. Measure also a breadth at each end and at the middle of the length, the said breadths to be taken at one-half their respective heights. Find the product of the length, mean breadth and mean depth, which product divide by 100 and the result shall be deemed the tonnage of the main space below the crown.

(b) *Spaces between the crown and upper deck.* Find the cubical contents of the space or spaces, if any, between the crown aforesaid and the upper deck, or line of same, which are framed in for the propelling machinery or admission of light and air thereto, by multiplying together the length, breadth and depth thereof. Divide the product by 100; and the quotient to the tonnage of the space below the crown and the result shall, subject to the provisions hereinafter contained, be deemed the tonnage of the space.

(c) *Engine room in after end.* When the propelling machinery space is located in the after end of the hold of a vessel and extends from side to side of same and has a continuous bottom line, divide its length into such an even number of parts as will give a common interval most nearly equal to that used in finding the tonnage of the hold in that part of the vessel; then proceed to find its contents by the use of areas of transverse sections taken at each end and at each point of division of its length. In other words, measure it by the same method as was used for finding the tonnage of that part of the hold in which it lies.

(d) *Shaft tunnel and thrust recess.* (1) In the case of screw propelled vessels in which the top of the shaft tunnel

is flat, the tonnage of such tunnel shall be ascertained by dividing the product of its length, breadth and depth by 100.

(2) In like manner find the tonnage of the thrust recess or entrance to the shaft tunnel.

(3) If the space abaft the shaft tunnel extends from side to side of the vessel, find its tonnage by using the formula for measuring peak tanks. (See Figures 47 and 48 (§ 69.07-1).)

(e) *Round top shaft tunnel.* When the top of the tunnel is practically semicircular in shape, find the area of a transverse section in two parts; first the lower part from the bottom of the trunk up to where the curve begins by multiplying the breadth by the applicable height, and then the semicircular part by taking half the area of a circle whose diameter equals the breadth of the tunnel. Multiply the sum of the two areas by the length and divide the product by 100. (See Figure 51 (§ 69.07-1), wherein B and H equal the breadth and height, respectively, of the lower part, and r equals the radius of the semicircular top.)

(f) *Shaft space and thrust recess not cased.* (1) When the shaft is not enclosed by a tunnel, the following rules should be observed in the case of a vessel with a single screw. The thrust-block space should be of such length and breadth as will permit of the proper care of the thrust-block and the height should not exceed 7 feet. The shaft space allowed should be of the dimensions of the usual tunnel suitable for the vessel and the height of this space should not exceed 6 feet.

(2) When the vessel is a twin screw and the space aft of the engines is open from side to side, the space should not be included in the engine room measurement for a greater height than 6 feet mean, and any space therein appropriated for stores or for any purposes other than the propelling machinery should be subtracted from the space to be included in the engine room.

§ 69.03-91 Engine room in small boats.

(a) *When not bulkheaded off.* In the case of a motorboat not having an engine room bulkheaded off from the rest of the hold, allow as engine space the space occupied by the engine and sufficient space on each side and end of it—say, about 2 feet—to permit the operator to handle it safely and efficiently; if sufficient space does not exist for such allowance then allow whatever space there is. Fuel tanks are not to be included in the said engine space.

(b) *When bulkheaded off.* If the engine room is bulkheaded off from the rest of the hold and is larger than is strictly required for safe and efficient handling of the engine, limit the engine space according to the said requirements and as indicated in paragraph (a) of this section.

(c) *Engine on a bed.* If the engine sits on a bed located on the vessel's bottom timbers, take depths when measuring the propelling machinery space from the under side of the deck, or line of same down to the top of the bottom

frames or floor timbers as the case may be, or to the ceiling thereon when fitted.

(d) *Boxed-in engine.* (1) When the portion of the engine extending above a cockpit platform is boxed in such boxed-in portion is considered to be all of the space available for the installation and operation of the engine above the line of said platform in that part of the vessel.

(2) In the case of a wholly boxed-in engine in the hold of a motorboat, the tonnage of the boxed-in space, plus the shaft, engine auxiliaries, etc., that may be outside the boxing is considered the propelling machinery space.

(3) The above restrictions may invalidate light and air exemption when the boxing does not extend above the line of the upper deck. However, when such boxing does extend above said deck line, the height of light and air exemption is from the upper deck line to the under side of the top of the boxing.

§ 69.03-93 Deduction for propelling power.

In the case of a vessel propelled by steam or other power, a deduction shall be made for the propelling machinery space according to the percentage ratio between the actual tonnage of such space and the vessel's gross tonnage, calculated as follows:

For vessels propelled by screw in whole or in part:

13 percent or less: Deduct 32/13 times the tonnage of the actual propelling machinery space; or, in the case of a vessel the construction of which was commenced on or before June 4, 1956, if the owner so elects, deduct 1 1/4 times the tonnage of the actual propelling machinery space.

Above 13 percent, below 20 percent: Deduct 32 percent of the gross tonnage.

20 percent or more: Deduct 32 percent of the gross tonnage or 1 1/4 times the tonnage of the actual propelling machinery space, whichever the owner elects.

For vessels propelled by paddle-wheel in whole or in part:

20 percent or less: Deduct 37/20 times the tonnage of the actual propelling machinery space; or, in the case of a vessel the construction of which was commenced on or before June 4, 1956, if the owner so elects, deduct 1 1/4 times the tonnage of the actual propelling machinery space.

Above 20 percent, below 30 percent: Deduct 37 percent of the gross tonnage.

30 percent or more: Deduct 37 percent of the gross tonnage or 1 1/4 times the tonnage of the actual propelling machinery space, whichever the owner elects.

§ 69.03-95 Light and air spaces.

(a) *Application for allowance.* On a request in writing by the owner of a vessel to the Officer in Charge of the marine inspection zone in which the vessel is located, the tonnage of such portion of the space or spaces above the crown of the engine room and above the line of the upper deck as is framed in for the machinery, or for the admission of light and air, and not required to be included in the gross tonnage, shall for the purpose of ascertaining the tonnage of the space occupied by the propelling machinery, be added to the said machinery space; but it shall then be included in the gross tonnage. Such space or spaces

must be reasonable in extent, safe, and seaworthy and cannot be used for any purpose other than the machinery or for the admission of light and air to the propelling machinery space of the vessel.

(b) *Reasonable in extent.* In construing the words "reasonable in extent" the measurer should note that the length should not exceed the length of the propelling machinery space, and if any portion is plated over, the length of such part must be deducted from the full length and whatever the breadth of the casing may be, the breadth allowed must not exceed one-half the extreme inside midship breadth of the vessel.

(c) *Purpose for including light and air spaces.* The purpose of adding a part of the framed-in light and air spaces (above the crown of the boiler and engine room and above the upper deck) of a vessel to her machinery space below the upper deck is to entitle the vessel to a greater deduction for propelling power, and consequently obtain a smaller net tonnage than would otherwise result. To get this benefit, it does not always require the addition of the total of such light and air spaces. In such cases only such portion need be added as hereinafter explained.

(d) *Rule for computing addible light and air space.* Below is given a simple rule for finding the amount of light and air space or spaces required to be added to the gross tonnage and also to the propelling machinery space of a mechanically propelled vessel to entitle her to 32 percent of her gross tonnage for propelling-power deduction when granted by the Officer in Charge upon request of her owner or owners:

Find 13.1 percent of the gross tonnage inclusive of excess hatchways. Find the difference between this percent and the tonnage of the propelling machinery space below the upper deck to the hull. Increase this difference by 15 percent of itself, which gives approximately the amount of light and air space or spaces to be added to the gross tonnage defined above, and also to the propelling machinery space below said upper deck. The gross register tonnage in such a case is the gross tonnage as defined above, plus light and air addition, less one-half of 1 percent of said light and air addition, which one-half percent is additional allowance for excess hatchways due to addition of light and air to gross tonnage.

EXAMPLE

Gross tonnage, exclusive of light and air and hatchways.....	5,675.95
Excess of hatchways (based on the above).....	67.37
Gross tonnage, inclusive of excess hatchways and exclusive of light and air.....	5,743.32
13.1 percent of 5,743.32.....	752.37
Machinery space below the upper deck to the hull.....	680.55
Difference.....	71.82
15 percent of difference.....	10.77
Difference plus 15 percent of itself (amount of light and air to be added to gross tonnage and machinery space).....	82.59
Gross tonnage, inclusive of light and air and excess of hatchways.....	5,825.91

Additional exemption for hatchways; account of light and air addition equals one-half of 1 percent of 82.59—82.59/200..... 0.41

Gross registered tonnage..... 5,825.50

Proof:
13.1 percent of 5,825.50..... 763.14
680.55 plus 82.59..... 763.14

§ 69.03-97 Verification of calculations, diagram of areas, and certification of results.

(a) *Calculations to be verified and diagram of areas made.* Calculations must be verified at least twice and a diagram of half breadths for areas made. (See Figures 52 and 53 (§ 69.07-1).)

(b) *Certification of results.* The deductions having been made from the gross tonnage and the remainder or net tonnage having been properly marked on the main beam, the surveyor or measuring officer will certify the result to the Officer in Charge on Form CG-1322.

Subpart 69.05—Miscellaneous Provisions

§ 69.05-1 Marking net tonnage and official number on vessel.

(a) The official number of a vessel preceded by the abbreviation "NO.", and the net tonnage, preceded by the word "NET", shall be marked in a conspicuous place on her main beam at the expense of the owner or master, in Arabic numerals of the block type at least 3 inches in height, when the size of the main beam will permit. If the main beam is of wood, it shall be carved or branded in figures not less than three-eighths of an inch in depth. If the main beam is of iron or other metal, the official number and net tonnage shall be outlined by punch marks and painted over with oil paint in a light color on a dark background or a dark color on a light background.

(1) In the case of a vessel which is assigned two net tonnages under the provisions of § 69.15-17(b), both net tonnages shall be marked on the vessel. Immediately following the lower net tonnage there shall be marked a copy of the tonnage mark and the triangle which may be scaled to the size of the numerals.

(2) In the case of a vessel which is assigned a single net tonnage under the provisions of § 69.15-17(c), a copy of the tonnage mark and the triangle shall be similarly marked after the net tonnage as provided by subparagraph (1) of this paragraph.

(b) The beam at the forward end of the largest hatch on the weather deck which is generally located forward of amidships shall be considered the main beam for the purposes of this part. In the case of a vessel which does not have a hatch on the weather deck, any structural member which is integral to the hull may be considered the main beam.

(c) The official number awarded to a vessel shall pertain only to that vessel. If a vessel, having once received an official number, is rebuilt or redocumented, the number originally awarded shall be retained.

§ 69.05-3 Appendix to certificate of registry.

(a) When a vessel of the United States carries passengers to a foreign port or ports the Officer in Charge will issue to each such vessel admeasured in his marine inspection zone a "Special Appendix to Certificate of Registry of American Passenger Vessels" (Form CG-1265-A), showing the tonnage of passenger spaces on a deck not a deck to the hull and exempted from inclusion in tonnage by the regulations in this part.

(b) The same requirement applies to vessels operating from his marine inspection zone not previously furnished such an appendix.

(c) At the end of each quarter, the Officer in Charge must report to the Commandant the official number and name of every vessel in his marine inspection zone to which such appendix has been issued during that period.

§ 69.05-5 Measurement of Government vessels.

When the tonnage of Government colliers, transports, supply ships, repair ships, etc., is requested this tonnage shall be ascertained in accordance with the rules in this part, but the following requirements will be waived: The marking of the vessel's name and home port, official number (none required), and net tonnage; the requirements as to size and conditions of crew space, and the certifications of deducted spaces on the beam over the doorway. The plate over the door designating its use is sufficient for such certifications.

§ 69.05-7 Foreign vessels.

A mode of measurement for the tonnage of vessels substantially similar to that of the United States having been adopted by Belgium, Cambodia, Central African Republic, Denmark, Federal Republic of Germany, Finland, France, Gabon Republic, Great Britain, Greece, Iceland, Israel, Italy, Japan, Liberia, Malagasy Republic, the Netherlands, Norway, Pakistan, Panama, Polish People's Republic, Portugal, Republic of Senegal, Spain, Sweden, Union of Soviet Socialist Republics, Venezuela, and Yugoslavia, and the like courtesy having been extended to vessels of the United States, it is directed that merchant vessels of these countries, the registers of which indicate their gross and net tonnages under their present laws, shall be taken in ports of the United States to be of the tonnages so expressed in their documents. Vessels of foreign countries other than the aforesaid are to be measured according to the laws of the United States.

§ 69.05-9 Adjustment and correction of tonnage.

(a) If there has been a change of structure or use of space that affects tonnage, or, if the owner or his agent claims that either the admeasurement procedure or the officially assigned tonnages are in error, an application for adjustment of tonnage shall be made

as provided in § 69.01-17. The application shall be accompanied by appropriate drawings as outlined in § 69.01-19 and by a precise statement of the alterations, changes in use of spaces, or assignments of error.

(b) The Officer in Charge shall not readmeasure unaltered spaces or spaces for which no error is claimed, but shall use the figures shown on the latest record of tonnage admeasurement (Form CG-1410 or 1410-A), unless there is an obvious error therein. If the vessel was previously admeasured at a port other than the port at which application for adjustment of tonnage is made, the record of tonnage admeasurement or a

copy thereof shall be forwarded to the Officer in Charge at the latter port upon his request.

(c) The Officer in Charge shall determine the proper tonnage of the vessel. If the tonnage is found to be different from that shown in the vessel's outstanding document, he shall prepare a new record of admeasurement.

(d) When the application for adjustment of tonnage is based on a claim of error, or when an error is discovered by the Officer in Charge, he shall consider the matter and make any necessary tonnage adjustment. If a claim is denied by the Officer in Charge, the claimant

may request review of the matter by the Commandant. Any such request for review shall be forwarded through the office of the Officer in Charge concerned to the Commandant with the supporting papers and the recommendation of the Officer in Charge.

(e) The outstanding document of the vessel shall be surrendered incident to any adjustment or correction of tonnage and any document issued to that vessel thereafter shall show the adjusted tonnage.

Subpart 69.07—Figures and Tables
§ 69.07-1 Figures.

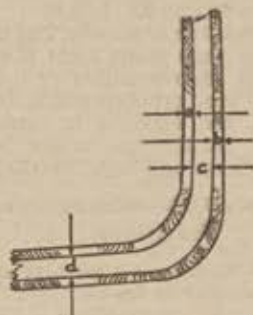


FIGURE 1.

- a: THICKNESS OF CEILING
- b: THICKNESS OF OUTER PLANKING
- c: DEPTH OF SIDE FRAMES
- d: DEPTH OF BOTTOM FRAMES OR FLOORS

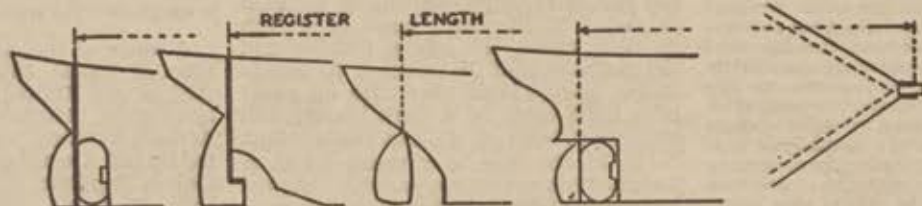


FIGURE 2.

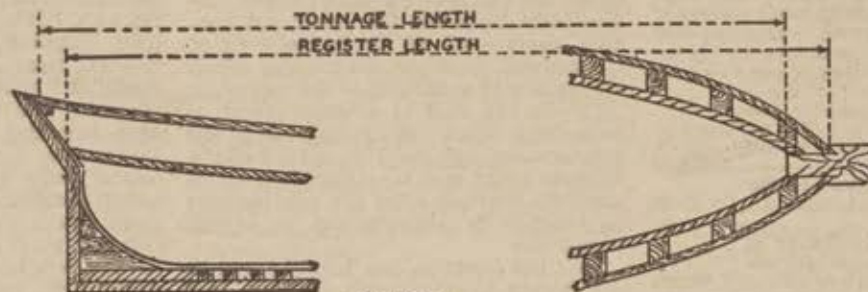


FIGURE 3.

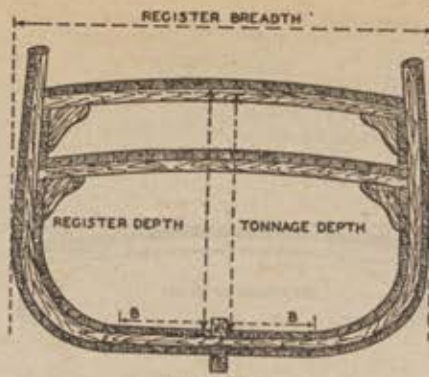


FIGURE 4.

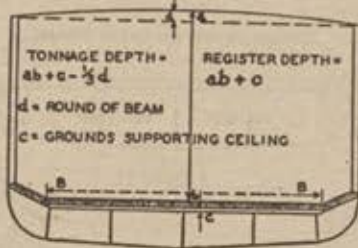


FIGURE 5.

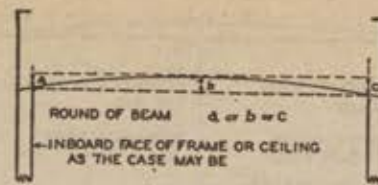


FIGURE 6.

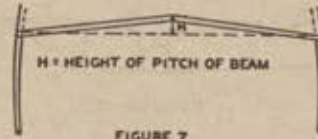


FIGURE 7.

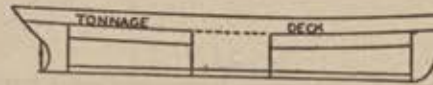


FIGURE 8.

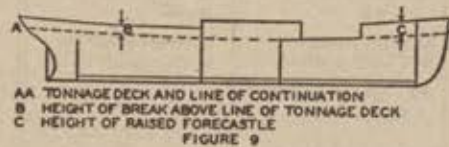


FIGURE 9.

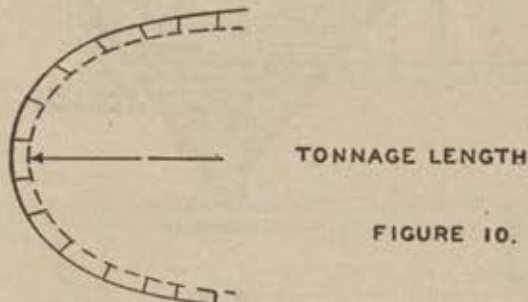


FIGURE 10.

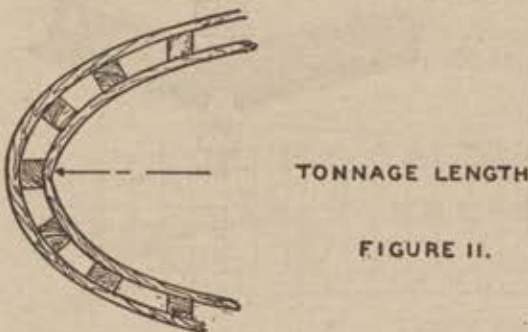
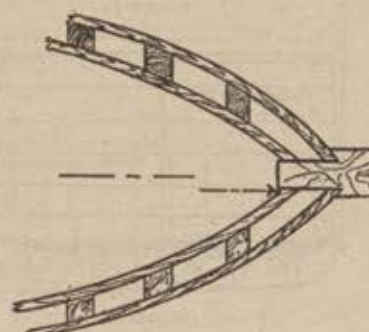
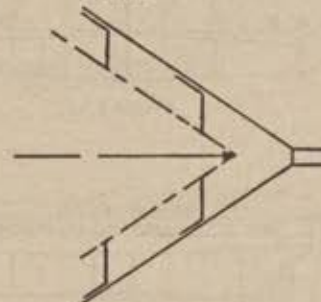


FIGURE 11.



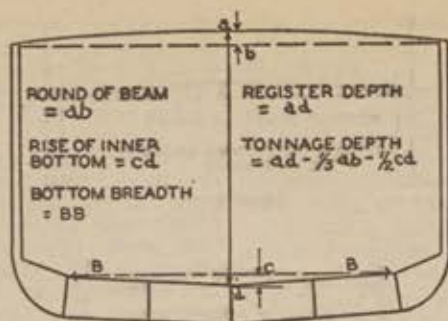


FIGURE 12.



FIGURE 16.

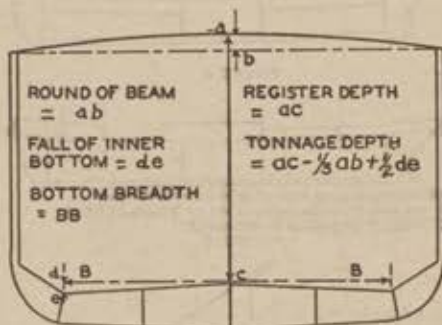


FIGURE 13.

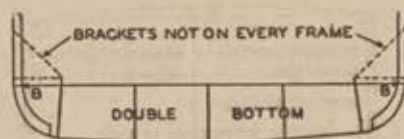


FIGURE 17.

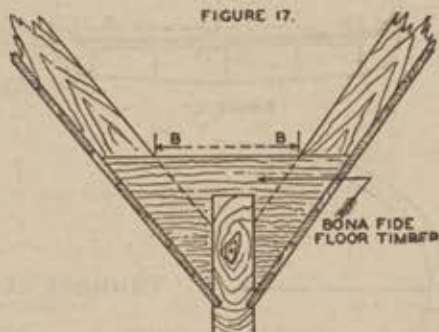


FIGURE 18.



FIGURE 14.



FIGURE 15.



FIGURE 19.

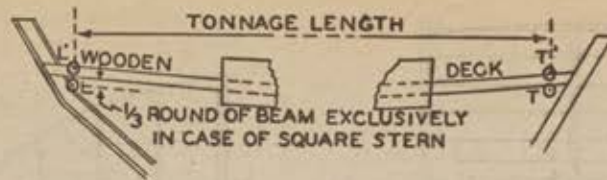


FIGURE 20.

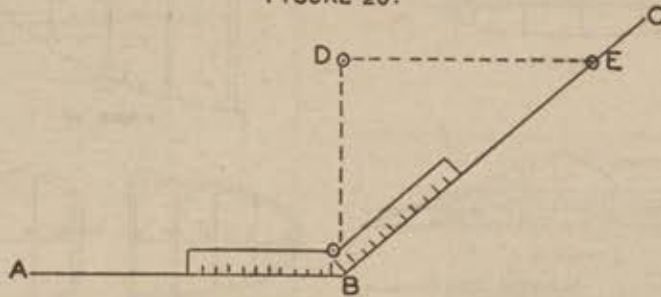


FIGURE 21.

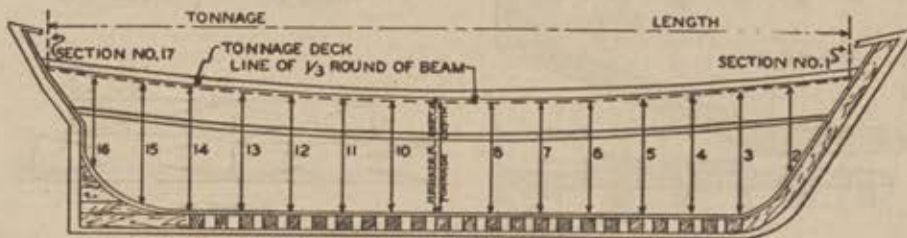


FIGURE 22

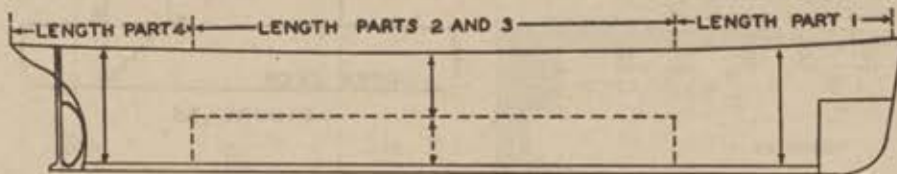


FIGURE 23.

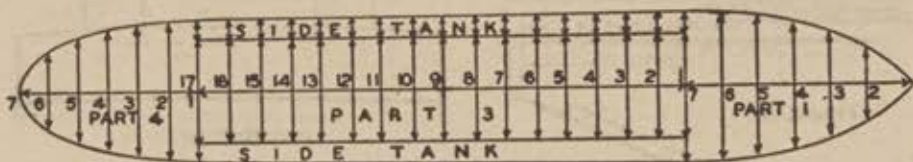


FIGURE 24.

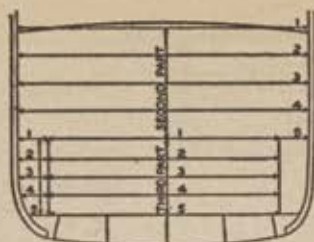


FIGURE 25.

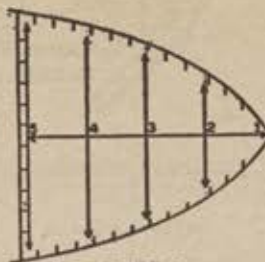


FIGURE 31.

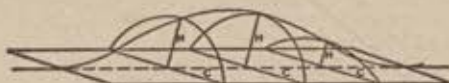


FIGURE 26.



FIGURE 27.

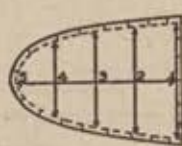


FIGURE 32.

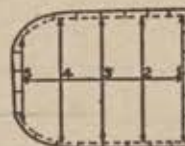


FIGURE 33.



FIGURE 28.

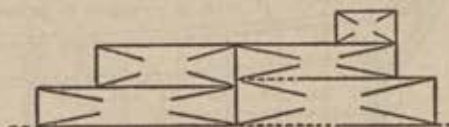


FIGURE 34.

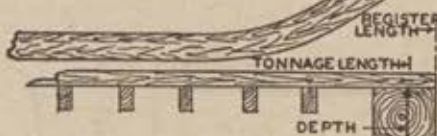


FIGURE 29.

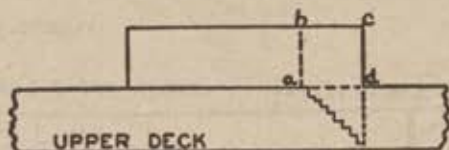


FIGURE 35.



FIGURE 30.

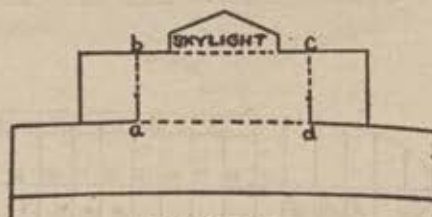


FIGURE 36.

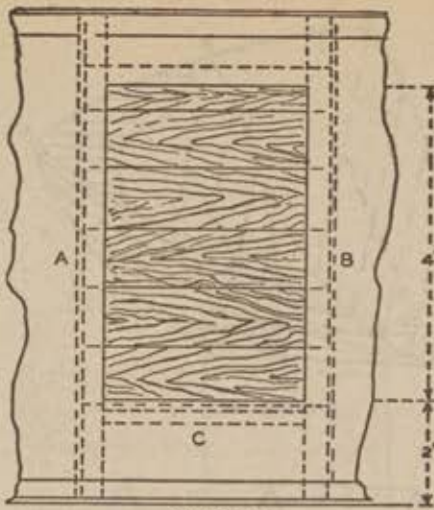


FIGURE 37.

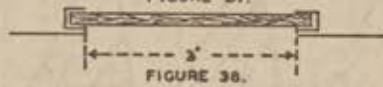


FIGURE 38.

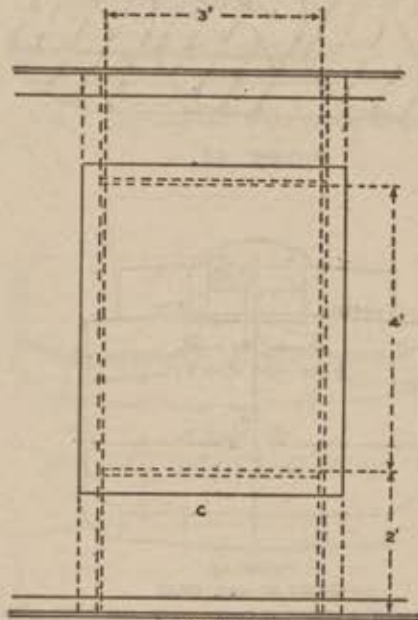


FIGURE 39.

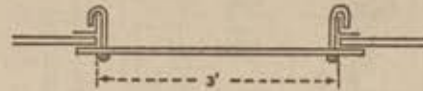


FIGURE 40.

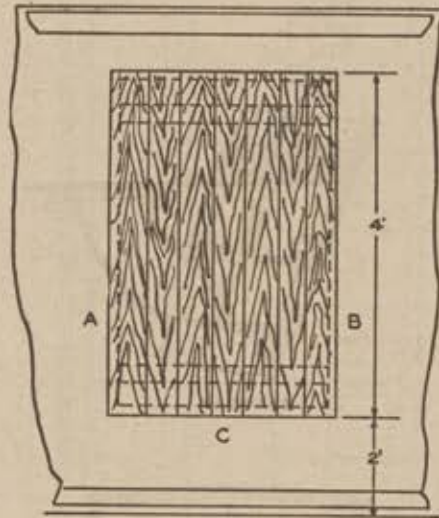


FIGURE 41.

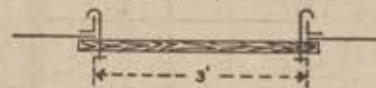


FIGURE 42.

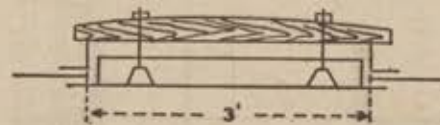


FIGURE 43.

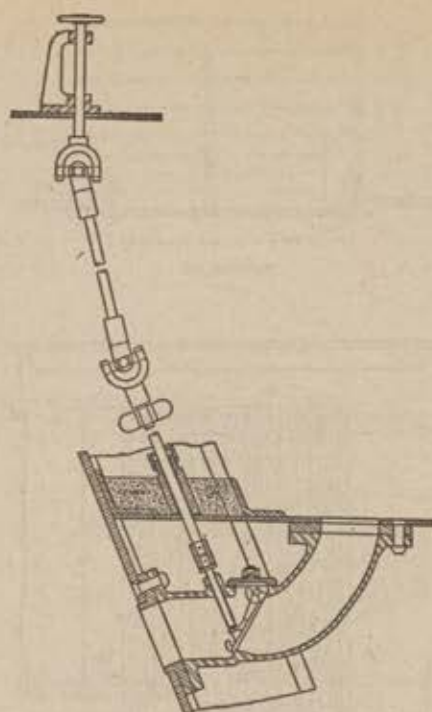


FIGURE 44.

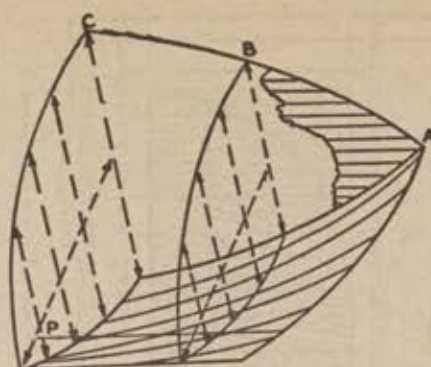


FIGURE 47.

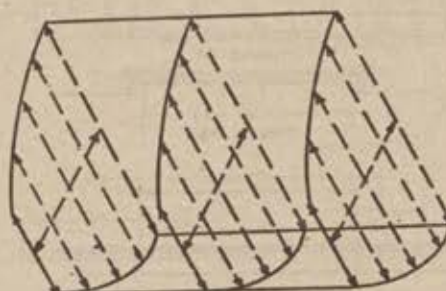


FIGURE 48.

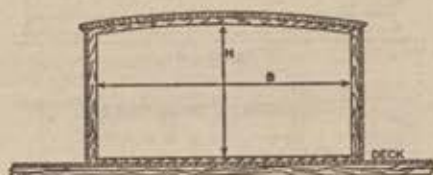


FIGURE 45.



FIGURE 46.

H = HEIGHT OF OPENING
B = BREADTH OF OPENING

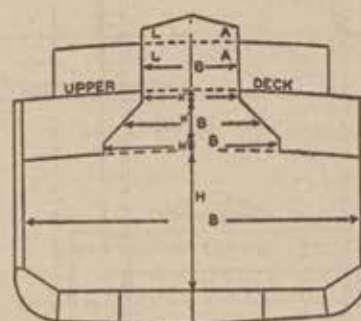


FIGURE 49.

H = HEIGHT OF MAIN SPACE
H' + H' + H' = HEIGHT BETWEEN CROWN AND UPPER DECK
L. A. = LIGHT AND AIR SPACE ABOVE UPPER DECK
B = BREADTH

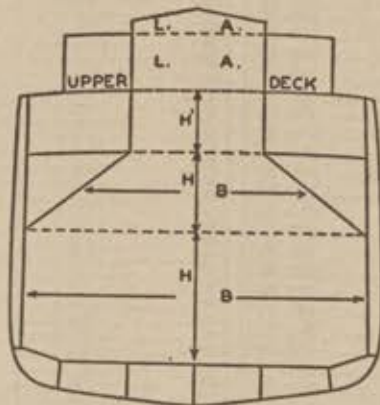


FIGURE 50.

$H + H'$ = HEIGHT OF MAIN SPACE
 H' = HEIGHT TWEEN CROWN & UPPER DK.
 B = BREADTH
 $L. A.$ = LIGHT AND AIR SPACE ABOVE UPPER DK.



FIGURE 51.

$ab = cd$ = THICKNESS OF CEILING

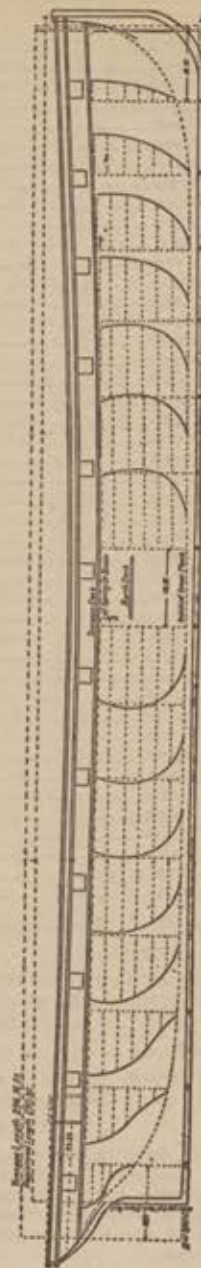


FIGURE 52.

Sectional view of hull structure showing internal bulkheads and structural members.

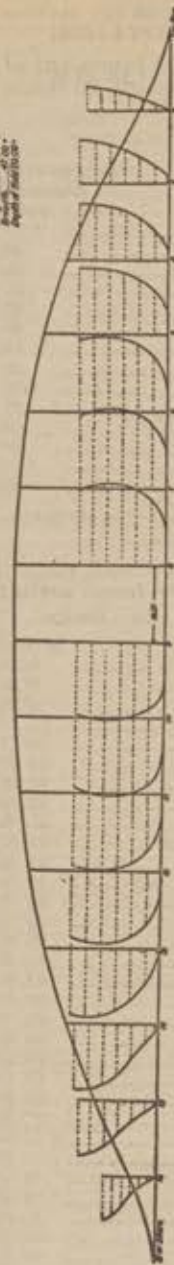


FIGURE 53.

§ 69.07-3 Conversion table for finding the decimal equivalent of inches.

For finding the decimal equivalent of inches, the following table will be found useful:

DECIMAL EQUIVALENT OF INCHES	
	Equivalents in decimals of a foot
11 inches.....	0.92
10 inches.....	.83
9 inches.....	.75
8 inches.....	.67
7 inches.....	.58
6 inches.....	.50
5 inches.....	.42
4 inches.....	.33
3 inches.....	.25
2 inches.....	.17
1 inch.....	.08
$\frac{3}{4}$ inch.....	.06
$\frac{1}{2}$ inch.....	.04
$\frac{1}{4}$ inch.....	.02

§ 69.07-5 Conversion table for reduction of tons to cubic meters.

For converting tons into cubic meters, the following table will be found useful:

REDUCTION OF TONS TO CUBIC METERS	
	Meters
1 ton.....	2.83
2 tons.....	5.66
3 tons.....	8.49
4 tons.....	11.32
5 tons.....	14.15
6 tons.....	16.96
7 tons.....	19.81
8 tons.....	22.64
9 tons.....	25.47
10 tons.....	28.30
11 tons.....	31.13
12 tons.....	33.96
13 tons.....	36.79
14 tons.....	39.62
15 tons.....	42.45
16 tons.....	45.28
17 tons.....	48.11
18 tons.....	50.94
19 tons.....	53.77
20 tons.....	56.60
21 tons.....	59.43
22 tons.....	62.26
23 tons.....	65.09
24 tons.....	67.92
25 tons.....	70.75
26 tons.....	73.58
27 tons.....	76.41
28 tons.....	79.24
29 tons.....	82.07
30 tons.....	84.90
31 tons.....	87.73
32 tons.....	90.56
33 tons.....	93.39
34 tons.....	96.22
35 tons.....	99.05
36 tons.....	101.88
37 tons.....	104.71
38 tons.....	107.54
39 tons.....	110.37
40 tons.....	113.20
41 tons.....	116.03
42 tons.....	118.86
43 tons.....	121.69
44 tons.....	124.52
45 tons.....	127.35
46 tons.....	130.18
47 tons.....	133.01
48 tons.....	135.84
49 tons.....	138.67
50 tons.....	141.50
51 tons.....	144.32
52 tons.....	147.16
53 tons.....	149.99
54 tons.....	152.82
55 tons.....	155.65
56 tons.....	158.48

REDUCTION OF TONS TO CUBIC METERS—CON.

	Meters
57 tons.....	161.31
58 tons.....	164.14
59 tons.....	166.97
60 tons.....	169.80
61 tons.....	172.63
62 tons.....	175.46
63 tons.....	178.29
64 tons.....	181.12
65 tons.....	183.95
66 tons.....	186.78
67 tons.....	189.61
68 tons.....	192.44
69 tons.....	195.27
70 tons.....	198.10
71 tons.....	200.93
72 tons.....	203.76
73 tons.....	206.59
74 tons.....	209.42
75 tons.....	212.25
76 tons.....	215.08
77 tons.....	217.91
78 tons.....	220.74
79 tons.....	223.57
80 tons.....	226.40
81 tons.....	229.23
82 tons.....	232.06
83 tons.....	234.89
84 tons.....	237.72
85 tons.....	240.55
86 tons.....	243.38
87 tons.....	246.21
88 tons.....	249.04
89 tons.....	251.87
90 tons.....	254.70
91 tons.....	257.53
92 tons.....	260.36
93 tons.....	263.19
94 tons.....	266.02
95 tons.....	268.85
96 tons.....	271.68
97 tons.....	274.51
98 tons.....	277.34
99 tons.....	280.17
100 tons.....	283.00

§ 69.07-7 Reduction of cubic meters to tons.

To reduce cubic meters to tons divide the number of cubic meters in question by 2.83, or multiply it by the factor 0.353.

§ 69.07-9 Table A of common intervals when tonnage depth is 16 feet or less.

TABLE A

Showing in feet the common interval and $\frac{1}{4}$ common intervals between tonnage breadths, corresponding to different tonnage depths, when the tonnage depth at the middle of the tonnage length does not exceed 16 feet.

Tonnage depth	Common interval between breadths	$\frac{1}{4}$ common interval between breadths
2.00.....	0.500	0.17
2.05.....	.512	.17
2.10.....	.525	.18
2.15.....	.537	.18
2.20.....	.550	.18
2.25.....	.562	.19
2.30.....	.575	.19
2.35.....	.587	.20
2.40.....	.600	.20
2.45.....	.612	.20
2.50.....	.625	.21
2.55.....	.637	.21
2.60.....	.650	.22
2.65.....	.662	.22
2.70.....	.675	.23
2.75.....	.687	.23
2.80.....	.700	.23
2.85.....	.712	.24
2.90.....	.725	.24
2.95.....	.737	.25
3.00.....	.750	.25
3.05.....	.762	.25

TABLE A—Continued

Tonnage depth	Common interval between breadths	$\frac{1}{4}$ common interval between breadths
3.10.....	0.775	0.26
3.15.....	.787	.26
3.20.....	.800	.27
3.25.....	.812	.27
3.30.....	.825	.28
3.35.....	.837	.28
3.40.....	.850	.28
3.45.....	.862	.29
3.50.....	.875	.29
3.55.....	.887	.30
3.60.....	.900	.30
3.65.....	.912	.30
3.70.....	.925	.31
3.75.....	.937	.31
3.80.....	.950	.32
3.85.....	.962	.32
3.90.....	.975	.33
3.95.....	.987	.33
4.00.....	1.000	.33
4.05.....	1.012	.34
4.10.....	1.025	.34
4.15.....	1.037	.34
4.20.....	1.050	.35
4.25.....	1.062	.35
4.30.....	1.075	.36
4.35.....	1.087	.36
4.40.....	1.100	.37
4.45.....	1.112	.37
4.50.....	1.125	.37
4.55.....	1.137	.38
4.60.....	1.150	.38
4.65.....	1.162	.39
4.70.....	1.175	.39
4.75.....	1.187	.40
4.80.....	1.200	.40
4.85.....	1.212	.40
4.90.....	1.225	.41
4.95.....	1.237	.41
5.00.....	1.250	.42
5.05.....	1.262	.42
5.10.....	1.275	.43
5.15.....	1.287	.43
5.20.....	1.300	.44
5.25.....	1.312	.44
5.30.....	1.325	.45
5.35.....	1.337	.45
5.40.....	1.350	.45
5.45.....	1.362	.46
5.50.....	1.375	.46
5.55.....	1.387	.46
5.60.....	1.400	.47
5.65.....	1.412	.47
5.70.....	1.425	.48
5.75.....	1.437	.48
5.80.....	1.450	.48
5.85.....	1.462	.49
5.90.....	1.475	.49
5.95.....	1.487	.50
6.00.....	1.500	.50
6.05.....	1.512	.51
6.10.....	1.525	.51
6.15.....	1.537	.51
6.20.....	1.550	.52
6.25.....	1.562	.53
6.30.....	1.575	.53
6.35.....	1.587	.53
6.40.....	1.600	.54
6.45.....	1.612	.54
6.50.....	1.625	.55
6.55.....	1.637	.55
6.60.....	1.650	.55
6.65.....	1.662	.56
6.70.....	1.675	.56
6.75.....	1.687	.56
6.80.....	1.700	.57
6.85.....	1.712	.57
6.90.....	1.725	.58
6.95.....	1.737	.58
7.00.....	1.750	.58
7.05.....	1.762	.59
7.10.....	1.775	.59
7.15.....	1.787	.60
7.20.....	1.800	.60
7.25.....	1.812	.61
7.30.....	1.825	.61
7.35.....	1.837	.62
7.40.....	1.850	.62
7.45.....	1.862	.63
7.50.....	1.875	.63
7.55.....	1.887	.63
7.60.....	1.900	.64
7.65.....	1.912	.64
7.70.....	1.925	.65
7.75.....	1.937	.65
7.80.....	1.950	.65
7.85.....	1.962	.66
7.90.....	1.975	.66
7.95.....	1.987	.67
8.00.....	2.000	.67
8.05.....	2.012	.67

TABLE A—Continued

TABLE A—Continued

TABLE A—Continued

Tonnage depth	Common interval between breadths	$\frac{1}{4}$ common interval between breadths	Tonnage depth	Common interval between breadths	$\frac{1}{4}$ common interval between breadths	Tonnage depth	Common interval between breadths	$\frac{1}{4}$ common interval between breadths
1.10	2.025	0.68	13.20	3.300	1.10	18.30	4.575	1.53
1.15	2.037	.68	13.25	3.312	1.10	18.35	4.587	1.53
1.20	2.050	.68	13.30	3.325	1.11	18.40	4.600	1.53
1.25	2.062	.69	13.35	3.337	1.11	18.45	4.612	1.54
1.30	2.075	.69	13.40	3.350	1.12	18.50	4.625	1.54
1.35	2.087	.70	13.45	3.362	1.12	18.55	4.637	1.55
1.40	2.100	.70	13.50	3.375	1.13	18.60	4.650	1.55
1.45	2.112	.71	13.55	3.387	1.13	18.65	4.662	1.55
1.50	2.125	.71	13.60	3.400	1.13	18.70	4.675	1.56
1.55	2.137	.71	13.65	3.412	1.14	18.75	4.687	1.56
1.60	2.150	.72	13.70	3.425	1.14	18.80	4.700	1.57
1.65	2.162	.72	13.75	3.437	1.15	18.85	4.712	1.57
1.70	2.175	.73	13.80	3.450	1.15	18.90	4.725	1.58
1.75	2.187	.73	13.85	3.462	1.15	18.95	4.737	1.58
1.80	2.200	.73	13.90	3.475	1.16	19.00	4.750	1.58
1.85	2.212	.74	13.95	3.487	1.16	19.05	4.762	1.59
1.90	2.225	.74	14.00	3.500	1.17	19.10	4.775	1.59
1.95	2.237	.75	14.05	3.512	1.17	19.15	4.787	1.60
2.00	2.250	.75	14.10	3.525	1.18	19.20	4.800	1.60
2.05	2.262	.75	14.15	3.537	1.18	19.25	4.812	1.60
2.10	2.275	.76	14.20	3.550	1.18	19.30	4.825	1.61
2.15	2.287	.76	14.25	3.562	1.19	19.35	4.837	1.61
2.20	2.300	.77	14.30	3.575	1.19	19.40	4.850	1.62
2.25	2.312	.77	14.35	3.587	1.20	19.45	4.862	1.62
2.30	2.325	.78	14.40	3.600	1.20	19.50	4.875	1.63
2.35	2.337	.78	14.45	3.612	1.21	19.55	4.887	1.63
2.40	2.350	.78	14.50	3.625	1.21	19.60	4.900	1.63
2.45	2.362	.79	14.55	3.637	1.22	19.65	4.912	1.64
2.50	2.375	.79	14.60	3.650	1.22	19.70	4.925	1.64
2.55	2.387	.80	14.65	3.662	1.23	19.75	4.937	1.65
2.60	2.400	.80	14.70	3.675	1.23	19.80	4.950	1.65
2.65	2.412	.81	14.75	3.687	1.23	19.85	4.962	1.65
2.70	2.425	.81	14.80	3.700	1.24	19.90	4.975	1.66
2.75	2.437	.82	14.85	3.712	1.24	19.95	4.987	1.66
2.80	2.450	.82	14.90	3.725	1.25	20.00	5.000	1.67
2.85	2.462	.83	14.95	3.737	1.25	20.05	5.012	1.67
2.90	2.475	.83	15.00	3.750	1.25	20.10	5.025	1.68
2.95	2.487	.83	15.05	3.762	1.25	20.15	5.037	1.68
3.00	2.500	.84	15.10	3.775	1.26	20.20	5.050	1.68
3.05	2.512	.84	15.15	3.787	1.26	20.25	5.062	1.69
3.10	2.525	.84	15.20	3.800	1.27	20.30	5.075	1.69
3.15	2.537	.85	15.25	3.812	1.27	20.35	5.087	1.70
3.20	2.550	.85	15.30	3.825	1.28	20.40	5.100	1.70
3.25	2.562	.85	15.35	3.837	1.28	20.45	5.112	1.71
3.30	2.575	.86	15.40	3.850	1.29	20.50	5.125	1.71
3.35	2.587	.86	15.45	3.862	1.29	20.55	5.137	1.71
3.40	2.600	.87	15.50	3.875	1.30	20.60	5.150	1.72
3.45	2.612	.87	15.55	3.887	1.30	20.65	5.162	1.72
3.50	2.625	.88	15.60	3.900	1.30	20.70	5.175	1.73
3.55	2.637	.88	15.65	3.912	1.31	20.75	5.187	1.73
3.60	2.650	.88	15.70	3.925	1.31	20.80	5.200	1.74
3.65	2.662	.89	15.75	3.937	1.32	20.85	5.212	1.74
3.70	2.675	.89	15.80	3.950	1.32	20.90	5.225	1.74
3.75	2.687	.90	15.85	3.962	1.33	20.95	5.237	1.75
3.80	2.700	.90	15.90	3.975	1.33	21.00	5.250	1.75
3.85	2.712	.91	15.95	3.987	1.33	21.05	5.262	1.75
3.90	2.725	.91	16.00	4.000	1.34	21.10	5.275	1.76
3.95	2.737	.91	16.05	4.012	1.34	21.15	5.287	1.76
4.00	2.750	.92	16.10	4.025	1.35	21.20	5.300	1.77
4.05	2.762	.92	16.15	4.037	1.35	21.25	5.312	1.77
4.10	2.775	.93	16.20	4.050	1.35	21.30	5.325	1.78
4.15	2.787	.93	16.25	4.062	1.36	21.35	5.337	1.78
4.20	2.800	.93	16.30	4.075	1.36	21.40	5.350	1.78
4.25	2.812	.94	16.35	4.087	1.37	21.45	5.362	1.79
4.30	2.825	.94	16.40	4.100	1.37	21.50	5.375	1.79
4.35	2.837	.95	16.45	4.112	1.37	21.55	5.387	1.80
4.40	2.850	.95	16.50	4.125	1.38	21.60	5.400	1.80
4.45	2.862	.95	16.55	4.137	1.38	21.65	5.412	1.81
4.50	2.875	.96	16.60	4.150	1.39	21.70	5.425	1.81
4.55	2.887	.96	16.65	4.162	1.39	21.75	5.437	1.82
4.60	2.900	.97	16.70	4.175	1.40	21.80	5.450	1.82
4.65	2.912	.97	16.75	4.187	1.40	21.85	5.462	1.83
4.70	2.925	.98	16.80	4.200	1.41	21.90	5.475	1.83
4.75	2.937	.98	16.85	4.212	1.41	21.95	5.487	1.84
4.80	2.950	.99	16.90	4.225	1.41	22.00	5.500	1.84
4.85	2.962	.99	16.95	4.237	1.42	22.05	5.512	1.85
4.90	2.975	.99	17.00	4.250	1.42	22.10	5.525	1.85
4.95	2.987	1.00	17.05	4.262	1.43	22.15	5.537	1.85
5.00	3.000	1.00	17.10	4.275	1.43	22.20	5.550	1.86
5.05	3.012	1.01	17.15	4.287	1.44	22.25	5.562	1.86
5.10	3.025	1.01	17.20	4.300	1.44	22.30	5.575	1.87
5.15	3.037	1.01	17.25	4.312	1.45	22.35	5.587	1.87
5.20	3.050	1.02	17.30	4.325	1.45	22.40	5.600	1.88
5.25	3.062	1.02	17.35	4.337	1.45	22.45	5.612	1.88
5.30	3.075	1.03	17.40	4.350	1.46	22.50	5.625	1.89
5.35	3.087	1.03	17.45	4.362	1.46	22.55	5.637	1.89
5.40	3.100	1.04	17.50	4.375	1.47	22.60	5.650	1.90
5.45	3.112	1.04	17.55	4.387	1.47	22.65	5.662	1.90
5.50	3.125	1.05	17.60	4.400	1.48	22.70	5.675	1.91
5.55	3.137	1.05	17.65	4.412	1.48	22.75	5.687	1.91
5.60	3.150	1.06	17.70	4.425	1.49	22.80	5.700	1.92
5.65	3.162	1.06	17.75	4.437	1.49	22.85	5.712	1.92
5.70	3.175	1.07	17.80	4.450	1.50	22.90	5.725	1.93
5.75	3.187	1.07	17.85	4.462	1.50	22.95	5.737	1.93
5.80	3.200	1.08	17.90	4.475	1.51	23.00	5.750	1.94
5.85	3.212	1.08	17.95	4.487	1.51	23.05	5.762	1.94
5.90	3.225	1.09	18.00	4.500	1.52	23.10	5.775	1.95
5.95	3.237	1.09	18.05	4.512	1.52	23.15	5.787	1.95
6.00	3.250	1.10	18.10	4.525	1.53	23.20	5.800	1.96
6.05	3.262	1.10	18.15	4.537	1.53	23.25	5.812	1.96
6.10	3.275	1.10	18.20	4.550	1.54	23.30	5.825	1.97
6.15	3.287	1.10	18.25	4.562	1.54	23.35	5.837	1.97

RULES AND REGULATIONS

TABLE A—Continued

Tonnage depth	Common interval between breadths	$\frac{1}{4}$ common interval between breadths
23.40	5.860	1.95
23.45	5.862	1.95
23.50	5.875	1.96
23.55	5.887	1.96
23.60	5.900	1.97
23.65	5.912	1.97
23.70	5.925	1.98
23.75	5.937	1.98
23.80	5.950	1.99
23.85	5.962	1.99
23.90	5.975	1.99
23.95	5.987	2.00
24.00	6.000	2.00
24.05	6.012	2.00
24.10	6.025	2.01
24.15	6.037	2.01
24.20	6.050	2.02
24.25	6.062	2.02
24.30	6.075	2.03
24.35	6.087	2.03
24.40	6.100	2.03
24.45	6.112	2.04
24.50	6.125	2.04
24.55	6.137	2.05
24.60	6.150	2.05
24.65	6.162	2.05
24.70	6.175	2.06
24.75	6.187	2.06
24.80	6.200	2.07
24.85	6.212	2.07
24.90	6.225	2.08
24.95	6.237	2.08
25.00	6.250	2.08
25.05	6.262	2.09
25.10	6.275	2.09
25.15	6.287	2.10
25.20	6.300	2.10
25.25	6.312	2.10
25.30	6.325	2.11
25.35	6.337	2.11
25.40	6.350	2.12
25.45	6.362	2.12
25.50	6.375	2.13
25.55	6.387	2.13
25.60	6.400	2.13
25.65	6.412	2.14
25.70	6.425	2.14
25.75	6.437	2.15
25.80	6.450	2.15
25.85	6.462	2.15
25.90	6.475	2.16
25.95	6.487	2.16

§ 69.07-11 Table B of common intervals when tonnage depth exceeds 16 feet.

TABLE B

Showing in feet the common interval and $\frac{1}{4}$ common interval between tonnage breadths, corresponding to different tonnage depths, when the tonnage depth at the middle of the tonnage length exceeds 16 feet.

Tonnage depth	Common interval between breadths	$\frac{1}{4}$ common interval between breadths
14.00	2.333	0.78
14.05	2.341	.78
14.10	2.350	.78
14.15	2.358	.79
14.20	2.366	.79
14.25	2.375	.79
14.30	2.383	.79
14.35	2.391	.80
14.40	2.400	.80
14.45	2.408	.80
14.50	2.416	.81
14.55	2.425	.81
14.60	2.433	.81
14.65	2.441	.81
14.70	2.450	.82
14.75	2.458	.82
14.80	2.466	.82
14.85	2.475	.83
14.90	2.483	.83
14.95	2.491	.83
15.00	2.500	.83
15.05	2.508	.84
15.10	2.516	.84
15.15	2.525	.84
15.20	2.533	.84
15.25	2.541	.85
15.30	2.550	.85
15.35	2.558	.85
15.40	2.566	.86
15.45	2.575	.86

TABLE B—Continued

Tonnage depth	Common interval between breadths	$\frac{1}{4}$ common interval between breadths
15.50	2.583	.86
15.55	2.591	.86
15.60	2.600	.87
15.65	2.608	.87
15.70	2.616	.87
15.75	2.625	.88
15.80	2.633	.88
15.85	2.641	.88
15.90	2.650	.88
15.95	2.658	.89
16.00	2.666	.89
16.05	2.675	.89
16.10	2.683	.89
16.15	2.691	.90
16.20	2.700	.90
16.25	2.708	.90
16.30	2.716	.91
16.35	2.725	.91
16.40	2.733	.91
16.45	2.741	.91
16.50	2.750	.92
16.55	2.758	.92
16.60	2.766	.92
16.65	2.775	.93
16.70	2.783	.93
16.75	2.791	.93
16.80	2.800	.93
16.85	2.808	.94
16.90	2.816	.94
16.95	2.825	.94
17.00	2.833	.94
17.05	2.841	.95
17.10	2.850	.95
17.15	2.858	.95
17.20	2.866	.96
17.25	2.875	.96
17.30	2.883	.96
17.35	2.891	.96
17.40	2.900	.97
17.45	2.908	.97
17.50	2.916	.97
17.55	2.925	.98
17.60	2.933	.98
17.65	2.941	.98
17.70	2.950	.98
17.75	2.958	.99
17.80	2.966	.99
17.85	2.975	.99
17.90	2.983	.99
17.95	2.991	1.00
18.00	3.000	1.00
18.05	3.008	1.00
18.10	3.016	1.01
18.15	3.025	1.01
18.20	3.033	1.01
18.25	3.041	1.01
18.30	3.050	1.02
18.35	3.058	1.02
18.40	3.066	1.02
18.45	3.075	1.03
18.50	3.083	1.03
18.55	3.091	1.03
18.60	3.100	1.03
18.65	3.108	1.04
18.70	3.116	1.04
18.75	3.125	1.04
18.80	3.133	1.04
18.85	3.141	1.05
18.90	3.150	1.05
18.95	3.158	1.05
19.00	3.166	1.06
19.05	3.175	1.06
19.10	3.183	1.06
19.15	3.191	1.06
19.20	3.200	1.07
19.25	3.208	1.07
19.30	3.216	1.07
19.35	3.225	1.08
19.40	3.233	1.08
19.45	3.241	1.08
19.50	3.250	1.08
19.55	3.258	1.09
19.60	3.266	1.09
19.65	3.275	1.09
19.70	3.283	1.09
19.75	3.291	1.10
19.80	3.300	1.10
19.85	3.308	1.10
19.90	3.316	1.11
19.95	3.325	1.11
20.00	3.333	1.11
20.05	3.341	1.11
20.10	3.350	1.12
20.15	3.358	1.12
20.20	3.366	1.12
20.25	3.375	1.13
20.30	3.383	1.13
20.35	3.391	1.13
20.40	3.400	1.13
20.45	3.408	1.14
20.50	3.416	1.14
20.55	3.425	1.14

TABLE B—Continued

Tonnage depth	Common interval between breadths	$\frac{1}{4}$ common interval between breadths
20.60	3.433	1.14
20.65	3.441	1.15
20.70	3.450	1.15
20.75	3.458	1.15
20.80	3.466	1.16
20.85	3.475	1.16
20.90	3.483	1.16
20.95	3.491	1.16
21.00	3.500	1.17
21.05	3.508	1.17
21.10	3.516	1.17
21.15	3.525	1.18
21.20	3.533	1.18
21.25	3.541	1.18
21.30	3.550	1.19
21.35	3.558	1.19
21.40	3.566	1.19
21.45	3.575	1.19
21.50	3.583	1.19
21.55	3.591	1.20
21.60	3.600	1.20
21.65	3.608	1.20
21.70	3.616	1.21
21.75	3.625	1.21
21.80	3.633	1.21
21.85	3.641	1.21
21.90	3.650	1.22
21.95	3.658	1.22
22.00	3.666	1.22
22.05	3.675	1.23
22.10	3.683	1.23
22.15	3.691	1.23
22.20	3.700	1.23
22.25	3.708	1.24
22.30	3.716	1.24
22.35	3.725	1.24
22.40	3.733	1.24
22.45	3.741	1.25
22.50	3.750	1.25
22.55	3.758	1.25
22.60	3.766	1.26
22.65	3.775	1.26
22.70	3.783	1.26
22.75	3.791	1.27
22.80	3.800	1.27
22.85	3.808	1.27
22.90	3.816	1.28
22.95	3.825	1.28
23.00	3.833	1.28
23.05	3.841	1.28
23.10	3.850	1.29
23.15	3.858	1.29
23.20	3.866	1.29
23.25	3.875	1.29
23.30	3.883	1.29
23.35	3.891	1.30
23.40	3.900	1.30
23.45	3.908	1.30
23.50	3.916	1.31
23.55	3.925	1.31
23.60	3.933	1.31
23.65	3.941	1.32
23.70	3.950	1.32
23.75	3.958	1.32
23.80	3.966	1.33
23.85	3.975	1.33
23.90	3.983	1.33
23.95	3.991	1.33
24.00	4.000	1.33
24.05	4.008	1.34
24.10	4.016	1.34
24.15	4.025	1.34
24.20	4.033	1.35
24.25	4.041	1.35
24.30	4.050	1.35
24.35	4.058	1.36
24.40	4.066	1.36
24.45	4.075	1.36
24.50	4.083	1.36
24.55	4.091	1.37
24.60	4.100	1.37
24.65	4.108	1.37
24.70	4.116	1.38
24.75	4.125	1.38
24.80	4.133	1.38
24.85	4.141	1.38
24.90	4.150	1.39
24.95	4.158	1.39
25.00	4.166	1.39
25.05	4.175	1.39
25.10	4.183	1.40
25.15	4.191	1.40
25.20	4.200	1.40
25.25	4.208	1.41
25.30	4.216	1.41
25.35	4.225	1.41
25.40	4.233	1.41
25.45	4.241	1.42
25.50	4.250	1.42
25.55	4.258	1.42
25.60	4.266	1.43
25.65	4.275	1.43

TABLE B—Continued

Tonnage depth	Common interval between breadths	1/2 common interval between breadths
25.70	4.283	1.43
25.75	4.291	1.43
25.80	4.300	1.43
25.85	4.308	1.44
25.90	4.316	1.44
25.95	4.325	1.44
26.00	4.333	1.44
26.05	4.341	1.45
26.10	4.350	1.45
26.15	4.358	1.45
26.20	4.366	1.46
26.25	4.375	1.46
26.30	4.383	1.46
26.35	4.391	1.46
26.40	4.400	1.47
26.45	4.408	1.47
26.50	4.416	1.47
26.55	4.425	1.48
26.60	4.433	1.48
26.65	4.441	1.48
26.70	4.450	1.48
26.75	4.458	1.49
26.80	4.466	1.49
26.85	4.475	1.49
26.90	4.483	1.49
26.95	4.491	1.50
27.00	4.500	1.50
27.05	4.508	1.50
27.10	4.516	1.51
27.15	4.525	1.51
27.20	4.533	1.51
27.25	4.541	1.51
27.30	4.550	1.52
27.35	4.558	1.52
27.40	4.566	1.52
27.45	4.575	1.53
27.50	4.583	1.53
27.55	4.591	1.53
27.60	4.600	1.53
27.65	4.608	1.54
27.70	4.616	1.54
27.75	4.625	1.54
27.80	4.633	1.54
27.85	4.641	1.55
27.90	4.650	1.55
27.95	4.658	1.55
28.00	4.666	1.56
28.05	4.675	1.56
28.10	4.683	1.56
28.15	4.691	1.56
28.20	4.700	1.57
28.25	4.708	1.57
28.30	4.716	1.57
28.35	4.725	1.58
28.40	4.733	1.58
28.45	4.741	1.58
28.50	4.750	1.58
28.55	4.758	1.59
28.60	4.766	1.59
28.65	4.775	1.59
28.70	4.783	1.59
28.75	4.791	1.60
28.80	4.800	1.60
28.85	4.808	1.60
28.90	4.816	1.61
28.95	4.825	1.61
29.00	4.833	1.61
29.05	4.841	1.61
29.10	4.850	1.62
29.15	4.858	1.62
29.20	4.866	1.62
29.25	4.875	1.63
29.30	4.883	1.63
29.35	4.891	1.63
29.40	4.900	1.63
29.45	4.908	1.64
29.50	4.916	1.64
29.55	4.925	1.64
29.60	4.933	1.64
29.65	4.941	1.65
29.70	4.950	1.65
29.75	4.958	1.65
29.80	4.966	1.66
29.85	4.975	1.66
29.90	4.983	1.66
29.95	4.991	1.66
30.00	5.000	1.67
30.05	5.008	1.67
30.10	5.016	1.67
30.15	5.025	1.68
30.20	5.033	1.68
30.25	5.041	1.68
30.30	5.050	1.68
30.35	5.058	1.69
30.40	5.066	1.69
30.45	5.075	1.69
30.50	5.083	1.69
30.55	5.091	1.70
30.60	5.100	1.70
30.65	5.108	1.70
30.70	5.116	1.71
30.75	5.125	1.71

TABLE B—Continued

Tonnage depth	Common interval between breadths	1/2 common interval between breadths
30.80	5.133	1.71
30.85	5.141	1.71
30.90	5.150	1.72
30.95	5.158	1.72
31.00	5.166	1.72
31.05	5.175	1.73
31.10	5.183	1.73
31.15	5.191	1.73
31.20	5.200	1.73
31.25	5.208	1.74
31.30	5.216	1.74
31.35	5.225	1.74
31.40	5.233	1.74
31.45	5.241	1.75
31.50	5.250	1.75
31.55	5.258	1.75
31.60	5.266	1.76
31.65	5.275	1.76
31.70	5.283	1.76
31.75	5.291	1.77
31.80	5.300	1.77
31.85	5.308	1.77
31.90	5.316	1.77
31.95	5.325	1.78
32.00	5.333	1.78
32.05	5.341	1.78
32.10	5.350	1.78
32.15	5.358	1.79
32.20	5.366	1.79
32.25	5.375	1.79
32.30	5.383	1.79
32.35	5.391	1.80
32.40	5.400	1.80
32.45	5.408	1.80
32.50	5.416	1.81
32.55	5.425	1.81
32.60	5.433	1.81
32.65	5.441	1.81
32.70	5.450	1.82
32.75	5.458	1.82
32.80	5.466	1.82
32.85	5.475	1.83
32.90	5.483	1.83
32.95	5.491	1.83
33.00	5.500	1.83
33.05	5.508	1.84
33.10	5.516	1.84
33.15	5.525	1.84
33.20	5.533	1.84
33.25	5.541	1.85
33.30	5.550	1.85
33.35	5.558	1.85
33.40	5.566	1.86
33.45	5.575	1.86
33.50	5.583	1.86
33.55	5.591	1.86
33.60	5.600	1.87
33.65	5.608	1.87
33.70	5.616	1.87
33.75	5.625	1.88
33.80	5.633	1.88
33.85	5.641	1.88
33.90	5.650	1.88
33.95	5.658	1.89
34.00	5.666	1.89
34.05	5.675	1.89
34.10	5.683	1.89
34.15	5.691	1.90
34.20	5.700	1.90
34.25	5.708	1.90
34.30	5.716	1.91
34.35	5.725	1.91
34.40	5.733	1.91
34.45	5.741	1.91
34.50	5.750	1.92
34.55	5.758	1.92
34.60	5.766	1.92
34.65	5.775	1.93
34.70	5.783	1.93
34.75	5.791	1.93
34.80	5.800	1.93
34.85	5.808	1.94
34.90	5.816	1.94
34.95	5.825	1.94
35.00	5.833	1.94
35.05	5.841	1.95
35.10	5.850	1.95
35.15	5.858	1.95
35.20	5.866	1.96
35.25	5.875	1.96
35.30	5.883	1.96
35.35	5.891	1.96
35.40	5.900	1.97
35.45	5.908	1.97
35.50	5.916	1.97
35.55	5.925	1.98
35.60	5.933	1.98
35.65	5.941	1.98
35.70	5.950	1.98
35.75	5.958	1.99
35.80	5.966	1.99
35.85	5.975	1.99

TABLE B—Continued

Tonnage depth	Common interval between breadths	1/2 common interval between breadths
35.90	5.983	1.99
35.95	5.991	2.00
36.00	6.000	2.00
36.05	6.008	2.00
36.10	6.016	2.01
36.15	6.025	2.01
36.20	6.033	2.01
36.25	6.041	2.01
36.30	6.050	2.02
36.35	6.058	2.02
36.40	6.066	2.02
36.45	6.075	2.03
36.50	6.083	2.03
36.55	6.091	2.03
36.60	6.100	2.03
36.65	6.108	2.04
36.70	6.116	2.04
36.75	6.125	2.04
36.80	6.133	2.04
36.85	6.141	2.05
36.90	6.150	2.05
36.95	6.158	2.05
37.00	6.166	2.06
37.05	6.175	2.06
37.10	6.183	2.06
37.15	6.191	2.06
37.20	6.200	2.07
37.25	6.208	2.07
37.30	6.216	2.07
37.35	6.225	2.08
37.40	6.233	2.08
37.45	6.241	2.08
37.50	6.250	2.08
37.55	6.258	2.09
37.60	6.266	2.09
37.65	6.275	2.09
37.70	6.283	2.09
37.75	6.291	2.10
37.80	6.300	2.10
37.85	6.308	2.10
37.90	6.316	2.11
37.95	6.325	2.11
38.00	6.333	2.11
38.05	6.341	2.11
38.10	6.350	2.12
38.15	6.358	2.12
38.20	6.366	2.12
38.25	6.375	2.13
38.30	6.383	2.13
38.35	6.391	2.13
38.40	6.400	2.13
38.45	6.408	2.14
38.50	6.416	2.14
38.55	6.425	2.14
38.60	6.433	2.14
38.65	6.441	2.15
38.70	6.450	2.15
38.75	6.458	2.15
38.80	6.466	2.16
38.85	6.475	2.16
38.90	6.483	2.16
38.95	6.491	2.16
39.00	6.500	2.17
39.05	6.508	2.17
39.10	6.516	2.17
39.15	6.525	2.18
39.20	6.533	2.18
39.25	6.541	2.18
39.30	6.550	2.18
39.35	6.558	2.19
39.40	6.566	2.19
39.45	6.575	2.19
39.50	6.583	2.19
39.55	6.591	2.20
39.60	6.600	2.20
39.65	6.608	2.20
39.70	6.616	2.21
39.75	6.625	2.21
39.80	6.633	2.21
39.85	6.641	2.21
39.90	6.650	2.22
39.95	6.658	2.22
40.00	6.666	2.22
40.05	6.675	2.23
40.10	6.683	2.23
40.15	6.691	2.23
40.20	6.700	2.23
40.25	6.708	2.24
40.30	6.716	2.24
40.35	6.725	2.24
40.40	6.733	2.24
40.45	6.741	2.25
40.50	6.750	2.25
40.55	6.758	2.25
40.60	6.766	2.26
40.65	6.775	2.26
40.70	6.783	2.26
40.75	6.791	2.27
40.80	6.800	2.27
40.85	6.808	2.27
40.90	6.816	2.27
40.95	6.825	2.28

TABLE B—Continued

Tonnage depth	Common interval between breadths	$\frac{1}{4}$ common interval between breadths
41.00	6.833	2.28
41.05	6.841	2.28
41.10	6.850	2.28
41.15	6.858	2.29
41.20	6.866	2.29
41.25	6.875	2.29
41.30	6.883	2.29
41.35	6.891	2.30
41.40	6.900	2.30
41.45	6.908	2.30
41.50	6.916	2.31
41.55	6.925	2.31
41.60	6.933	2.31
41.65	6.941	2.31
41.70	6.950	2.32
41.75	6.958	2.32
41.80	6.966	2.32
41.85	6.975	2.32
41.90	6.983	2.33
41.95	6.991	2.33
42.00	7.000	2.33
42.05	7.008	2.34
42.10	7.016	2.34
42.15	7.025	2.34
42.20	7.033	2.34
42.25	7.041	2.35
42.30	7.050	2.35
42.35	7.058	2.35
42.40	7.066	2.36
42.45	7.075	2.36
42.50	7.083	2.36
42.55	7.091	2.36
42.60	7.100	2.37
42.65	7.108	2.37
42.70	7.116	2.37
42.75	7.125	2.38
42.80	7.133	2.38
42.85	7.141	2.38
42.90	7.150	2.38
42.95	7.158	2.39
43.00	7.166	2.39
43.05	7.175	2.39
43.10	7.183	2.39
43.15	7.191	2.40
43.20	7.200	2.40
43.25	7.208	2.40
43.30	7.216	2.41
43.35	7.225	2.41
43.40	7.233	2.41
43.45	7.241	2.41
43.50	7.250	2.42
43.55	7.258	2.42
43.60	7.266	2.42
43.65	7.275	2.43
43.70	7.283	2.43
43.75	7.291	2.43
43.80	7.300	2.43
43.85	7.308	2.44
43.90	7.316	2.44
43.95	7.325	2.44
44.00	7.333	2.44
44.05	7.341	2.45
44.10	7.350	2.45
44.15	7.358	2.45
44.20	7.366	2.46
44.25	7.375	2.46
44.30	7.383	2.46
44.35	7.391	2.46
44.40	7.400	2.47
44.45	7.408	2.47
44.50	7.416	2.47
44.55	7.425	2.48
44.60	7.433	2.48
44.65	7.441	2.48
44.70	7.450	2.48
44.75	7.458	2.49
44.80	7.466	2.49
44.85	7.475	2.49
44.90	7.483	2.49
44.95	7.491	2.50
45.00	7.500	2.50
45.05	7.508	2.50
45.10	7.516	2.51
45.15	7.525	2.51
45.20	7.533	2.51
45.25	7.541	2.51
45.30	7.550	2.52
45.35	7.558	2.52
45.40	7.566	2.52
45.45	7.575	2.53
45.50	7.583	2.53
45.55	7.591	2.53
45.60	7.600	2.53
45.65	7.608	2.54
45.70	7.616	2.54
45.75	7.625	2.54
45.80	7.633	2.54
45.85	7.641	2.55
45.90	7.650	2.55
45.95	7.658	2.55

Subpart 69.09—Definitions of Enclosures on or Above the Upper Deck

§ 69.09-1 Break.

A break is the space above the line of the under side of the upper deck when that deck is cut off and continued at a higher elevation. The height of a break is the distance from the said line to the under side of the break deck.

§ 69.09-3 Bridge.

A decked erection usually from 6 to 8 feet in height and of undefined length, fitted about amidships and extending from side to side over the upper deck of a vessel.

§ 69.09-5 Chart house.

A house, room or space designated for the purpose of navigation in connection with the stowage and use of charts and navigating instruments necessary to the plotting of the course of the vessel.

§ 69.09-7 Deck house.

(Formerly called roundhouse.) An erection on or above the upper deck but not extending from side to side of the vessel, as is the case with a bridge, a fore-castle, a poop, or raised quarter-deck. For descriptive purposes on vessel documents, spaces not extending from side to side of the vessel, such as cabin trunks, and closed-in spaces over the holds of motorboats, etc., may be classed as deck houses.

§ 69.09-9 Excess hatchways.

The difference between one-half of 1 percent of the gross tonnage exclusive of hatchways and the aggregate tonnage of the hatchways.

§ 69.09-11 Fore-castle.

A structure on and located at the extreme forward end of the upper deck and having its sides completely enclosed by a continuation upward of the vessel's outer skin.

§ 69.09-13 Light and air spaces.

The portion of the spaces within the casings around the boiler and engine hatches and above the upper deck to the hull of a vessel when used for admission of light and air to the boilers or machinery below.

§ 69.09-15 Poop.

A structure on and located at the extreme after end of the upper deck and having its sides completely enclosed by a continuation upward of the vessel's outer skin.

§ 69.09-17 Radio house or space.

A structure or space in which the radio apparatus is installed and which may or may not provide accommodations for the operator or operators when off duty.

§ 69.09-19 Side house.

A small house at the side of the upper, fore-castle, bridge, or poop deck, etc., of a vessel.

§ 69.09-21 Superstructure.

Any superstructure the breadth of which (at all points throughout its length) is approximately equivalent to the breadth of the upper deck, and the side frames of which are entirely independent of the main frames of the vessel. This definition is not applicable to fore-castle, bridge, or poop.

Subpart 69.11—Definitions of Items of Deduction

§ 69.11-1 Anchor gear.

The space below deck occupied by chains or cables, machinery, etc., for handling the anchor.

§ 69.11-3 Boatswain's stores.

The spaces for storing paints, oils, blocks, hawsers, rigging, deck gear, etc., in charge of the boatswain and for daily use on the vessel.

§ 69.11-5 Chart house.

(See definition in § 69.09-5.)

§ 69.11-7 Crew spaces.

The space appropriated exclusively to the use of the crew of a vessel, except such spaces as the engineer's workshop, carpenter shop, plumber shop, butcher shop, etc., wherever situated. The total of all crew space deductions will be shown on vessel's documents under the head of "Crew space."

§ 69.11-9 Master's cabin.

A space for the exclusive use of the master, consisting of sleeping room, bathroom, dressing room, office, and passageways serving his accommodations.

§ 69.11-11 Radio house.

(See definition in § 69.09-17.)

§ 69.11-13 Steering gear.

The space below deck occupied by machinery, fittings, etc., for operating the steering gear.

§ 69.11-15 Storage of sails.

The space in a vessel propelled wholly by sails used exclusively for storing the same, subject to the limitation of 2½ percent of the vessel's gross tonnage.

Subpart 69.13—Definitions of Structural Terms, Etc.

§ 69.13-1 After perpendicular.

A vertical straight line at the after edge of the rudder post.

§ 69.13-3 Athwart; athwartship.

In a transverse direction; from side to side at right angles to the fore and aft center line of a vessel.

§ 69.13-5 Batten.

A board several inches in breadth, usually fitted on the side frames in holds and between decks of vessels instead of ceiling.

§ 69.13-7 Beam.

An athwart member supporting a portion of a deck. Also the breadth of the vessel.

§ 69.13-9 Between decks.

For measurement purposes it is the space between the second and third, and third and fourth decks, etc., the decks being numbered from below.

§ 69.13-11 Body plan.

A drawing consisting of a pair of half transverse elevations or end views of a vessel, both having a common vertical middle line, so that the right-hand side represents the vessel as seen from ahead and the left-hand side as seen from astern. On the body plan appear the forms of the various cross sections. The curvature of the rail and deck lines at the sides, and with the water lines, buttock lines, and diagonal lines indicated as straight lines.

§ 69.13-13 Booby hatch.

A small companion fitted with a sliding top.

§ 69.13-15 Break in double bottom.

The point where the line of the inner bottom is broken by being either raised or lowered from the normal line of same.

§ 69.13-17 Bulkhead.

Bulkheads are partitions by which compartments, etc., are formed, or the hold of a vessel is divided.

§ 69.13-19 Bulwark.

A term applied to the strake of shell plating or the side planking above the weather deck and usually extends between the forecabin and the bridge or the bridge and the poop.

§ 69.13-21 Ceiling.

The covering of wood planking on the inboard face of a vessel's side frames, bottom frames, floor timbers, and sometimes on the under side of deck beams.

§ 69.13-23 Cellular double bottom.

A term applied when the double bottom is divided into numerous compartments by the floors and longitudinals.

§ 69.13-25 Coaming.

The vertical boundary around a hatch, skylight, etc., the "sill" below a tonnage opening in a bulkhead.

§ 69.13-27 Cockpit.

A space at the bottom of which is a platform sunk below the line of the upper deck on small craft.

§ 69.13-29 Companion.

A small structure sheltering a deck opening affording entrance to a companionway.

§ 69.13-31 Companionway.

A stairway or ladderway leading to a space above or below.

§ 69.13-33 Covering board.

A plank or a strake of planking fitted horizontally on top of frame heads at the line of weather deck.

§ 69.13-35 Crown.

A term sometimes used to denote the round up or camber of a deck.

§ 69.13-37 Deck hook.

A wooden hook or knee on the level of deck beams on which the extreme forward ends of deck planks rest and to which they are fastened. On iron or steel vessels, a plate connecting the extreme ends of deck stringer plates.

§ 69.13-39 Depth of frame.

The depth of a bottom frame is its perpendicular height. (See d, Figure 1 (§ 69.07-1).) The depth of a side frame is the athwart distance between its inboard and outboard face.

§ 69.13-41 Double bottom.

Compartments at bottom of ship between inner and outer bottom plating, used for ballast tanks, water, fuel oil, etc.

§ 69.13-43 Fiddle hatch.

Hatch around smokestack and uptake.

§ 69.13-45 Flange.

Portion of a plate or shape at, or nearly at right angles to main portion.

§ 69.13-47 Flare.

A spreading outward and upward.

§ 69.13-49 Floor or floor timber.

The lowermost piece of timber connecting the main frames, notched to fit over the keel or keelson and extending the full depth of the frames to which it is fastened. In an iron or steel vessel a plate placed vertically in the bottom, extending from bilge to bilge, in way of each frame, to which it (the frame) is connected. In double bottoms of the usual construction it extends from the outer to the inner bottom thereof.

§ 69.13-51 Frame.

One of the numerous transverse (longitudinal in Isherwood-type vessels) "ribs" that form the framing of a vessel.

§ 69.13-53 Frame bracket.

A plate connecting a side frame to the margin plate.

§ 69.13-55 Freeing port.

An opening in the bulwark or shell plating between the shelter and upper decks for discharging large quantities of water which may be shipped.

§ 69.13-57 General arrangement plans.

Plans showing the various quarters, spaces and compartments into which a vessel is usually divided.

§ 69.13-59 Gudgeon.

Fittings on the sternpost to take the rudder pintles.

§ 69.13-61 Gunwale.

A term applied to the line where an upper deck stringer intersects the shell.

§ 69.13-63 Hatchway.

An aperture in a vessel's deck through which cargo is laden or discharged; in common practice the term "hatch" is also applied.

§ 69.13-65 Hold.

For admeasurement purposes, that portion of the vessel below the tonnage deck.

§ 69.13-67 Horn timber.

The center line frame in the stern of a wooden vessel, extending aft from the sternpost.

§ 69.13-69 Inboard profile.

Drawing of a vessel cut vertically through its longitudinal center line, showing its forward and after perpendiculars, line of deck at center and side, height of decks, tanks, height of bottom frames or floors and their spacing, assignment of various spaces, machinery, etc.

§ 69.13-71 Inner bottom.

Plating forming the upper boundary of the double bottom. Also called the tank top.

§ 69.13-73 Keel.

In wooden and composite vessels it is composed of pieces of timber and extends from stem to sternpost and is the bottom member of the vessel's structure. In iron or steel vessels it consists of long bars fitted vertically or of plates fitted horizontally at the middle line.

§ 69.13-75 Keelson.

In wooden vessels the keelson is composed (like the keel) of various pieces of timber placed on the bottom frames directly over and in line with the keel and extending all fore and aft. In iron or steel vessels the middle-line keelson is the keelson at the centerline, directly over the keel.

§ 69.13-77 Length between perpendiculars.

The length of a vessel measured from the forward edge of the stem where it intersects the load water line to the after perpendicular.

§ 69.13-79 Length over all.

The length of a vessel measured from the foremost part of the stem to the aftermost point of the stern.

§ 69.13-81 Limber strake.

The fore and aft plank of bottom ceiling laid next to the keelson.

§ 69.13-83 Longitudinal framing.

A system of construction in which, in conjunction with deep web frames, the main frames are run fore and aft instead of athwartships.

§ 69.13-85 Longitudinal.

A fore and aft vertical member running parallel, or nearly parallel, to the center vertical keel through the double bottom.

§ 69.13-87 Main rail.

Rail fitted on the upper edge of bulwark plating, or upon the stanchions surrounding an upper deck.

§ 69.13-89 Margin plate.

The outer boundary of the inner bottom, connecting it to the shell plating at the bilge.

§ 69.13-91 Midship cross section.

A drawing of a vessel cut athwartship at about mid-length, showing moulded depth, moulded breadth, round or pitch

of beam, depth of side and bottom frames, floors, etc.

§ 69.13-93 Orlop deck.

The lowest partial deck.

§ 69.13-95 Outboard.

Away from the center line, toward the side of the vessel.

§ 69.13-97 Pintle.

Fitting or pin on the rudder which turns in a gudgeon.

§ 69.13-99 Planking.

A term applied to wood decks and to the outside planking of wood or composite vessels.

§ 69.13-101 Plating.

The plates of the shell, decks, bulkheads, etc.

§ 69.13-103 Quadrant.

A casting, forging or built-up frame in the shape of a sector of a circle attached to the rudder stock and through which the steering gear leads turn the rudder.

§ 69.13-105 Rabbet.

A groove or channel cut in a piece of timber to take the edge of a plank, or the ends of a number of planks.

§ 69.13-107 Rake of the bow.

The inclination of the line of the stem from the forward perpendicular.

§ 69.13-109 Rake of the stern timber.

Its (stern timber) inclination from the after perpendicular.

§ 69.13-111 Reverse frame.

An angle bar or other shape riveted to the top of floors and/or the inner edge of a transverse frame to reinforce it.

§ 69.13-113 Rudder post.

See sternpost.

§ 69.13-115 Rudder stock.

The main piece of the rudder frame, to which the pintles are connected and to the upper end of which the quadrant or tiller is fitted.

§ 69.13-117 Samson post.

A heavy vertical post that supports cargo booms.

§ 69.13-119 Scantlings.

Dimensions of various members that are used in the construction of a vessel.

§ 69.13-121 Scupper.

A round or oval aperture usually fitted in decks for the purpose of drainage.

§ 69.13-123 Settling tanks.

Oil tanks used for separating entrained water from the oil. The oil is allowed to stand for a time, to permit the water to settle at the bottom when it is drained or pumped off.

§ 69.13-125 Shaft tunnel.

Enclosed alley-way around propeller shaft.

§ 69.13-127 Shelf.

A fore and aft timber fitted to the frames and forming a support for the ends of the deck beams.

§ 69.13-129 Shell plating.

The plates forming the outer skin of the hull.

§ 69.13-131 Sheer.

The amount by which the height of the weather deck at the forward and after perpendiculars exceeds this height at the mid-perpendicular.

§ 69.13-133 Skin.

A term usually applied to the outside planking or plating.

§ 69.13-135 Skylight.

A built-up frame of wood or metal having glass lights fitted in the top and installed over a deck opening for the purpose of furnishing light and air to the spaces below.

§ 69.13-137 Stem.

In the case of wooden vessels, it is the heavy piece of timber at which the outside planking terminates at the forward end of the hull. In iron or steel vessels it is the heavy piece of iron or steel extending from the keel to above the uppermost weather deck, and forming the extreme fore end of a vessel.

§ 69.13-139 Stern.

The after end of a vessel.

§ 69.13-141 Sternpost (main).

In wooden vessels, the piece of timber extending from the after end of the keel to the uppermost deck and to which the rudder braces are fixed to receive the pintles by which the rudder is hung. In iron or steel sailing vessels, paddle and twin-screw steamers, the heavy forging or casting of iron or steel extending from the after end of the keel (to which it is scarfed) to an appropriate distance within the hull; in single screw steamers, the after part of the stern frame.

§ 69.13-143 Stiffener.

An angle bar, T-bar, channel bar, etc., used to stiffen plating of the bulkhead, etc.

§ 69.13-145 Strake.

A fore and aft continuous course or row of shell or other plating or planking.

§ 69.13-147 Tank top.

Plating forming the top of a double bottom. The inner bottom.

§ 69.13-149 Transom.

A floor plate extending across the vessel at the forward side of the sternpost and attached thereto.

§ 69.13-151 Transverse framing.

Athwartship and vertical members forming the vessel's framing. Opposite to the longitudinal system of framing.

§ 69.13-153 Tumble home.

An inboard sloping of the vessel's side. (The opposite to flare.)

§ 69.13-155 Web frame.

Members built of plates and angles, spaced at required intervals, and fitted in lieu of main frames for the purpose of local strengthening.

§ 69.13-157 Wheelhouse (or pilot house).

The house in which a steering wheel is located for the steering and navigation of the vessel.

Subpart 69.15—Optional Dual-Tonnage Method for Measurement of Vessels

§ 69.15-1 Definitions of terms used in this subpart.

(a) *Uppermost complete deck.* The term "uppermost complete deck" means the uppermost complete deck of a vessel exposed to sea and weather, which shall be deemed to be that deck which has permanent means of closing all openings in the weather portions thereof. *Provided,* That any opening in the side of the vessel below that deck, other than an opening abaft a transverse watertight bulkhead placed aft of the rudder stock, is fitted with permanent means of a watertight closing.

(b) *Second deck.* The term "second deck" means the deck next below the uppermost complete deck which is continuous in a fore-and-aft direction at least between peak bulkheads, is continuous athwartships, is fitted as an integral and permanent part of the vessel's structure, and has proper covers to all main hatchways. Interruptions in way of propelling machinery space openings, ladder and stairway openings, trunks, chain lockers, cofferdams, or steps not exceeding a total height of 48 inches shall not be deemed to break the continuity of the deck.

(c) *Trunks.* The term "trunks" as used in the definition of second deck shall be deemed to refer to hatch or ventilation trunks which do not extend longitudinally completely between main transverse bulkheads.

(d) *Tonnage deck.* The "tonnage deck" is the "uppermost complete deck" of a single deck vessel and the "second deck" of a vessel having more than one complete deck.

§ 69.15-3 Additional closed-in spaces omitted from gross tonnage.

Upon application by the owner filed with and approved by the Officer in Charge of the marine inspection zone where the vessel is located, a vessel whether or not it has been previously measured shall be measured with the following closed-in spaces omitted from inclusion in the gross tonnage in addition to those spaces omitted under the provisions of §§ 69.03-63 and 69.03-65.

(a) Spaces on or above the uppermost complete deck available for carrying dry cargo and stores.

(b) Cabins and staterooms on the uppermost complete deck assigned for the use of passengers only when a tonnage mark placed and displayed on

each side of the vessel under the provisions of §§ 69.15-19, 69.15-21, and 69.15-23 is not submerged,

(c) Spaces between the uppermost complete deck and the second deck available for carrying dry cargo and stores when the tonnage mark is not submerged, and

(d) Spaces between the uppermost complete deck and the second deck which would be omitted under the provisions of § 69.03-63 if on the uppermost complete deck but only when the tonnage mark is not submerged.

§ 69.15-5 Regulations applicable to vessels measured under the optional dual-tonnage method.

Except as provided for in this subpart, a vessel measured under the provisions of the optional dual-tonnage method is subject to the same requirements as any other vessel which is measured under the pertinent provisions of this part.

§ 69.15-7 Capacity under tonnage deck.

(a) The capacity under the tonnage deck shall be the cubic capacity below the actual tonnage deck less water-ballast spaces which are exemptible under the provisions of § 69.03-63.

(b) If the tonnage deck has one or more steps (breaks), the capacity under tonnage deck shall consist of:

(1) The cubic capacity of the space below the line of the lowest level of the tonnage deck; and

(2) The cubic capacity of spaces lying between that line and the actual tonnage deck.

(c) The tonnage length shall be measured as provided by § 69.03-31.

§ 69.15-9 Capacity between decks.

(a) The space between the actual tonnage deck and the actual uppermost complete deck shall be measured and included in the gross tonnage subject to the omissions provided by §§ 69.03-63 and 69.15-3 (c) and (d).

(b) If there are one or more steps in the tonnage deck or the uppermost complete deck or both, subject to the omissions provided by §§ 69.03-63 and 69.15-3 (c) and (d), the capacity between decks shall be the cubic capacity of the space between the line of the lowest level of the tonnage deck and the line of the lowest level of the uppermost complete deck plus the capacity of the space between the line of the lowest level of the uppermost complete deck and the actual uppermost complete deck minus the capacity of the space above the line of the lowest level of the tonnage deck which was included in the capacity under tonnage deck.

§ 69.15-11 Capacity of deck structures.

Deck structures of permanent nature situated on or above the uppermost complete deck shall be measured and included in the gross tonnage subject to

the omissions provided by §§ 69.03-63, 69.03-65, and 69.15-3 (a) and (b).

§ 69.15-13 Hatchways.

The excess tonnage of hatchways over cargo spaces which are included in the gross tonnage shall be determined in accordance with the provisions of § 69.03-59.

§ 69.15-15 Register tonnages.

(a) The gross tonnage referred to in this subpart is the gross register tonnage which is the sum of the following capacities:

(1) The capacity under tonnage deck as obtained under the provisions of § 69.15-7;

(2) The capacity between decks as obtained under the provisions of § 69.15-9;

(3) The capacity of deck structures as obtained under the provisions of § 69.15-11;

(4) The excess tonnage of hatchways as provided by § 69.15-13; and

(5) Light and air space added to the propelling machinery space under the provisions of § 69.03-95.

(b) The net tonnage referred to in §§ 69.15-17 through 69.15-41 is the net register tonnage which is the tonnage remaining after the authorized deductions have been made from the gross register tonnage.

§ 69.15-17 Single-tonnage and dual-tonnage assignments for vessels measured under the provisions of the optional dual-tonnage method.

(a) A single deck vessel shall be assigned only one gross tonnage and one net tonnage.

(b) A vessel having two or more complete decks may be assigned dual gross and net tonnages as follows:

(1) A higher gross tonnage applicable when the tonnage mark provided by § 69.15-19 is submerged;

(2) A higher net tonnage related to the higher gross tonnage;

(3) A lower gross tonnage applicable when the tonnage mark is not submerged; and

(4) A lower net tonnage related to the lower gross tonnage.

(c) A vessel having two or more complete decks may be assigned one gross tonnage and one net tonnage corresponding to the lower gross and net tonnages if the tonnage mark is placed at the level of the assigned loading mark in accordance with the provisions of § 69.15-23(b).

§ 69.15-19 The tonnage mark and form of identification.

(a) The tonnage mark referred to in § 69.15-3 (b), (c), and (d) shall consist of a horizontal line 15 inches long and 1 inch wide. On the tonnage mark shall be placed for identification purposes an inverted equilateral triangle, each side 12 inches long and 1 inch wide, with its apex on the midpoint of the line. (See figure 54.)

(b) An additional line for fresh water and tropical waters may be assigned at a level higher than the tonnage mark.

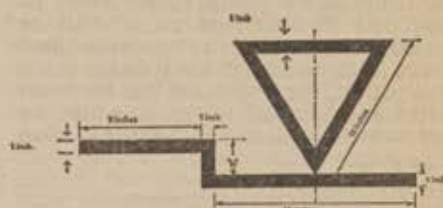


FIGURE 54.—Form and dimensions of tonnage mark (§ 2.89).

w=Allowance for fresh water and tropical waters; $\frac{1}{48}$ of the molded draft to the tonnage mark.

(1) The allowance to be used in fixing the additional line for fresh water and tropical waters shall be one forty-eighth of the molded draft to the tonnage mark.

(2) The additional line for fresh water and tropical waters shall be a horizontal line 9 inches long and 1 inch wide, measured from a vertical line, the latter 1 inch being marked at the after end of, and perpendicular to the tonnage mark.

(c) The upper edge of the tonnage mark and of the additional line for fresh water and tropical waters shall be designated by a welding bead or other similarly permanent means.

(d) The tonnage mark, the additional line for fresh water and tropical waters, the vertical line, and the triangle shall be maintained in a light color on a dark background or a dark color on a light background.

(e) The tonnage mark shall be deemed to be submerged at a salt water or brackish water port when the upper edge of the tonnage mark is submerged.

(f) The tonnage mark shall be deemed to be submerged at a fresh water port (one at which 100 percent of the fresh water allowance for load lines is permitted under tables published by the Coast Guard) when the upper edge of the additional line for fresh water and tropical waters is submerged.

§ 69.15-21 Longitudinal location of the tonnage mark.

The tonnage mark shall be placed on each side of the ship abaft amidships but as near thereto as practicable. In no case shall the apex of the triangle on the tonnage mark be less than 21 inches nor more than 6 feet 6 inches abaft the vertical centerline of the loadline disk. (See k in figures 55 and 56 (§ 69.15-23(b)).)

§ 69.15-23 Vertical location of the tonnage mark.

(a) The upper edge of the tonnage mark shall be at a distance below the molded line of the second deck determined according to the table in § 69.15-31. (See Figure 55 (paragraph (b) of this section).)

(b) When the loadline assigning authority certifies that the loadline is fixed at a place determined as though the sec-

ond deck were the freeboard deck, the tonnage mark may be placed below that deck less than the minimum distance derived from the tonnage mark table. In that case the tonnage mark shall be placed on the level of the uppermost part of the loadline grid. If the tonnage mark is so placed, the additional line for fresh water and tropical waters provided by § 69.15-19(b) shall not be used. (See Figure 56.)

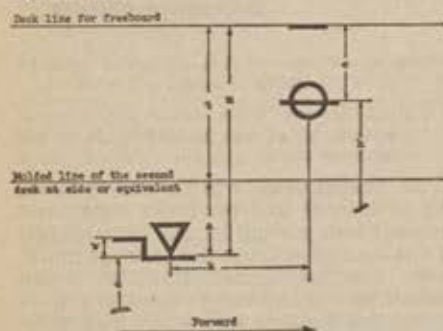


FIGURE 55.—Tonnage mark location for a case in which the loadline is not fixed at a place determined as though the second deck were the freeboard deck.

a=Distance from molded line of second deck to upper edge of tonnage mark.
d=Molded draft to upper edge of tonnage mark.
e=Freeboard from loadline certificate.
h=Molded draft to loadline.
k=Distance from centerline of loadline disk to apex of triangle on tonnage mark.
m=Distance from deck line to tonnage mark.
t=Distance from molded line of second deck to deck line for freeboard.
w=Allowance for fresh water and tropical waters (d/48).

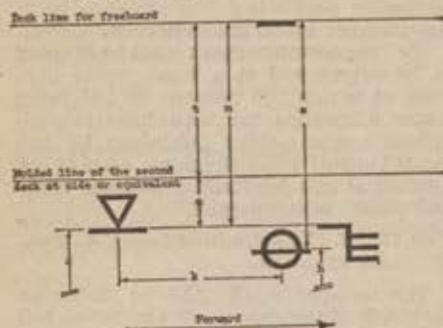


FIGURE 56.—Tonnage mark location for a case in which the loadline is fixed at a place determined as though the second deck were the freeboard deck.

a=Distance from the molded line of second deck to upper edge of tonnage mark.
d=Molded draft to upper edge of tonnage mark.
e=Freeboard from loadline certificate.
h=Molded draft to loadline.
k=Distance from centerline of loadline disk to apex of triangle on tonnage mark.
m=Distance from deck line to tonnage mark.
t=Distance from molded line of second deck to deck line for freeboard.

§ 69.15-25 Depth (D_s) used with the tonnage mark table.

(a) The depth (D_s) to be used with the tonnage mark table in § 69.15-31 shall be the molded depth to the second deck.

(b) If the second deck is stepped, an equivalent depth shall be used. (See Figure 57 (§ 69.15-29(c)).)

(1) If the higher portion of the deck is less than one-half the total length (L) of both portions, the depth for the table (D_s) shall be the molded depth amidships (D) increased by the ratio of the length of the shorter portion (I) to the total length (L) times the height of the step (b).

($D_s = D + \frac{I}{L} b$ in the upper example in fig. 57)

(2) If the lower portion of the deck is less than one-half the total length (L) of both portions, the depth for the table (D_s) shall be the molded depth amidships (D) decreased by the ratio of the length of the shorter portion (I) to the total length (L) times the height of the step (b).

($D_s = D - \frac{I}{L} b$ in the lower example in fig. 57)

§ 69.15-27 Length (L_s) used in the tonnage mark table.

(a) The length (L_s) as used in the tonnage mark table shall be the distance on the second deck between two points, of which the foremost is the point where the underside of that deck or the line thereof at the stem, meets the inner surface of the ceiling, sparring or frames, and the aftermost is the point where the underside of that deck, or the line thereof, meets the inner surface of the ceiling, sparring or frames in the middle plane at the stern.

(b) If the second deck is stepped, an equivalent length (L_s) shall be measured along an equivalent of the molded line parallel to the second deck and passing

through the upper terminal of the depth (D_s). (See Figure 57 (§ 69.15-29(c)).)

§ 69.15-29 Figures in the tonnage mark table.

(a) The figures in the tonnage mark table in § 69.15-31 show the minimum distance from the molded line of the second deck or, if the deck is stepped, from the equivalent of the molded line as set out in § 69.15-27(b), to the upper edge of the tonnage mark.

(b) The tonnage mark table is given for the whole number ratios L_s/D_s from 12 to 20, where D_s and L_s are the depth and length as set out in §§ 69.15-25 and 69.15-27 and for lengths up to 800 feet at intervals of 10 feet.

(c) For intermediate lengths and L_s/D_s ratios, the corresponding distances shall be obtained by linear interpolation. For other cases the distances shall be obtained by extrapolation.

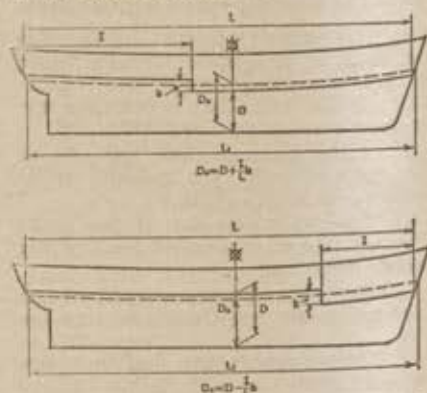


FIGURE 57.—Equivalent depths and lengths in cases of stepped decks (sections 2.92 and 2.93).

b=Height of step in deck.
D=Molded depth from second deck at the side amidships.
 D_s =Equivalent depth used with the tonnage mark table.
L=Total length of portions of stepped deck.
 L_s =Equivalent length used with tonnage mark table.
I=Length of shorter portion of stepped deck.

§ 69.15-31 Tonnage mark table.

(a) Minimum distance from the molded line of the second deck to the upper edge of the tonnage mark.

[In inches]

L_1/D_1	12	13	14	15	16	17	18	19	20
Length L_1 in feet:									
20 and under	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
21	2.2	2.2	2.2	2.2	2.2	2.2	2.2	2.2	2.2
22	2.4	2.4	2.4	2.4	2.4	2.4	2.4	2.4	2.4
23	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6
24	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8
25	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
26	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2
27	3.4	3.4	3.4	3.4	3.4	3.4	3.4	3.4	3.4
28	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6
29	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8
30	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
31	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2
32	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4
33	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6
34	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8
35	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
36	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2
37	5.4	5.4	5.4	5.4	5.4	5.4	5.4	5.4	5.4
38	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6
39	5.8	5.8	5.8	5.8	5.8	5.8	5.8	5.8	5.8
40	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0
41	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2
42	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4
43	6.6	6.6	6.6	6.6	6.6	6.6	6.6	6.6	6.6
44	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8
45	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0
46	7.2	7.2	7.2	7.2	7.2	7.2	7.2	7.2	7.2
47	7.4	7.4	7.4	7.4	7.4	7.4	7.4	7.4	7.4
48	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6
49	7.8	7.8	7.8	7.8	7.8	7.8	7.8	7.8	7.8
50	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0
51	8.2	8.2	8.2	8.2	8.2	8.2	8.2	8.2	8.2
52	8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4
53	8.6	8.6	8.6	8.6	8.6	8.6	8.6	8.6	8.6
54	8.8	8.8	8.8	8.8	8.8	8.8	8.8	8.8	8.8
55	9.0	9.0	9.0	9.0	9.0	9.0	9.0	9.0	9.0
56	9.2	9.2	9.2	9.2	9.2	9.2	9.2	9.2	9.2
57	9.4	9.4	9.4	9.4	9.4	9.4	9.4	9.4	9.4
58	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6
59	9.8	9.8	9.8	9.8	9.8	9.8	9.8	9.8	9.8
60	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0
61	10.2	10.2	10.2	10.2	10.2	10.2	10.2	10.2	10.2
62	10.4	10.4	10.4	10.4	10.4	10.4	10.4	10.4	10.4
63	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6
64	10.8	10.8	10.8	10.8	10.8	10.8	10.8	10.8	10.8
65	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
66	11.2	11.2	11.2	11.2	11.2	11.2	11.2	11.2	11.2
67	11.4	11.4	11.4	11.4	11.4	11.4	11.4	11.4	11.4
68	11.6	11.6	11.6	11.6	11.6	11.6	11.6	11.6	11.6
69	11.8	11.8	11.8	11.8	11.8	11.8	11.8	11.8	11.8
70	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
71	12.2	12.2	12.2	12.2	12.2	12.2	12.2	12.2	12.2
72	12.4	12.4	12.4	12.4	12.4	12.4	12.4	12.4	12.4
73	12.6	12.6	12.6	12.6	12.6	12.6	12.6	12.6	12.6
74	12.8	12.8	12.8	12.8	12.8	12.8	12.8	12.8	12.8
75	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0
76	13.2	13.2	13.2	13.2	13.2	13.2	13.2	13.2	13.2
77	13.4	13.4	13.4	13.4	13.4	13.4	13.4	13.4	13.4
78	13.6	13.6	13.6	13.6	13.6	13.6	13.6	13.6	13.6
79	13.8	13.8	13.8	13.8	13.8	13.8	13.8	13.8	13.8
80	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0
81	14.2	14.2	14.2	14.2	14.2	14.2	14.2	14.2	14.2
82	14.4	14.4	14.4	14.4	14.4	14.4	14.4	14.4	14.4
83	14.6	14.6	14.6	14.6	14.6	14.6	14.6	14.6	14.6
84	14.8	14.8	14.8	14.8	14.8	14.8	14.8	14.8	14.8
85	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0
86	15.2	15.2	15.2	15.2	15.2	15.2	15.2	15.2	15.2
87	15.4	15.4	15.4	15.4	15.4	15.4	15.4	15.4	15.4
88	15.6	15.6	15.6	15.6	15.6	15.6	15.6	15.6	15.6
89	15.8	15.8	15.8	15.8	15.8	15.8	15.8	15.8	15.8
90	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0
91	16.2	16.2	16.2	16.2	16.2	16.2	16.2	16.2	16.2
92	16.4	16.4	16.4	16.4	16.4	16.4	16.4	16.4	16.4
93	16.6	16.6	16.6	16.6	16.6	16.6	16.6	16.6	16.6
94	16.8	16.8	16.8	16.8	16.8	16.8	16.8	16.8	16.8
95	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
96	17.2	17.2	17.2	17.2	17.2	17.2	17.2	17.2	17.2
97	17.4	17.4	17.4	17.4	17.4	17.4	17.4	17.4	17.4
98	17.6	17.6	17.6	17.6	17.6	17.6	17.6	17.6	17.6
99	17.8	17.8	17.8	17.8	17.8	17.8	17.8	17.8	17.8
100	18.0	18.0	18.0	18.0	18.0	18.0	18.0	18.0	18.0

shall be marked abaft amidships above the place on each side of the vessel prescribed in § 69.15-21 for the tonnage mark. Its upper edge shall pass through the point where the continuation outward of the upper surface of the freeboard deck intersects the outer surface of the shell. (See Figure 58 (§ 69.15-39 (a)).) Where the deck is partly sheathed amidships, the upper edge of the deck line shall pass through the point where the continuation outward of the upper surface of the actual sheathing at amidships intersects the outer surface of the shell.

§ 69.15-37 Placing the tonnage mark in relation to the deck line.

(a) As a practical matter, since the molded line of the second deck is not to be marked on the side of the vessel, the position of the tonnage mark shall be determined by reference to the deck line for freeboard or, in the absence of such a line, with reference to the deck line provided by § 69.15-35.

(b) The upper edge of the tonnage mark shall be below the upper edge of the deck line, a distance equivalent to the sum of the vertical distance (determined by reference to the tonnage mark table) from the molded line of the second deck or equivalent to the upper edge of the tonnage mark plus the vertical distance from the molded line of the second deck or equivalent to the upper edge of the deck line. (See in Figures 55 and 56 (§ 69.15-23(b)), $a+t=m$.)

(c) In the case of a vessel for which it is desired to have only one set of tonnages, the tonnage mark shall be placed at the level of the uppermost part of the load line grid as provided by § 69.15-23 (b). (See Figure 56.)

§ 69.15-39 Application for measurement according to the optional dual-tonnage method.

(a) Application of the owner or his agent for measurement of a vessel under the provisions of the optional dual-tonnage method shall be submitted in duplicate together with supporting plans or sketches to the Officer in Charge of the marine inspection zone in which the vessel is or will be located.

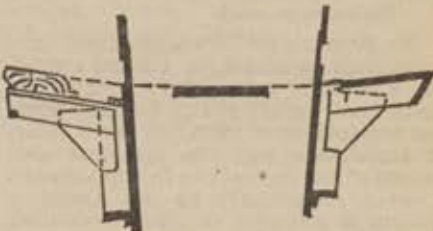


FIGURE 58.—Deck line—12 inches x 1 inch

(b) The application shall include the following information: (See Figures 55, 56, and 57 (§§ 69.15-23(b) and 69.15-29 (c)).)

(b) Examples of use of tonnage mark table.

(1) Consider a vessel in which:

$L_1 = 450$ feet.
 $D_1 = 30$ feet.

$L_1/D_1 = 450/30 = 15$.

In the table under the L_1/D_1 column headed 15 and opposite the L_1 of 450 read 39.6 inches which is the distance from the molded line of the second deck at the side to the place where the upper edge of the tonnage mark should be placed.

(2) Consider a vessel in which:

$L_1 = 424.80$ feet.
 $D_1 = 28.00$ feet.

$L_1/D_1 = 424.80/28.00 = 15.17$.

It will be necessary to interpolate to obtain the distance from the molded line of the second deck to the upper edge of the tonnage mark. Set down figures from the table and from the actual dimensions of the vessel as follows:

L_1	Tabular L_1/D_1 15	Actual L_1/D_1 15.17	Tabular L_1/D_1 16
From table 420.....	30.4	-----	25.2
Actual 424.80.....	r	-----	s
From table 430.....	33.3	-----	27.9

$$r = 30.4 + 0.48(33.3 - 30.4) = 31.79,$$

$$s = 25.2 + 0.48(27.9 - 25.2) = 26.60,$$

$$a = r - 0.17(r - s),$$

$$a = 31.79 - 0.17(31.79 - 26.60) = 30.89 \text{ inches.}$$

§ 69.15-33 Line of the second deck.

No line of the second deck shall be marked on the side of the vessel.

§ 69.15-35 Line of the uppermost complete deck.

(a) For a vessel having no statutory loadline, the line of the uppermost complete deck shall be marked similarly to the deck line provided by the Load Line Convention.

(b) The deck line shall be a horizontal line 12 inches long and 1 inch wide. It

(1) Molded depth at midship section from second deck at side.

(2) Depth used with tonnage mark table.

(3) Length of shorter portion of stepped second deck, if any.

(4) Total length of longer and shorter portions of stepped second deck.

(5) Length used with tonnage mark table.

(6) Height of step (break) in the second deck, if any.

(7) Distance from the molded line of the second deck or equivalent to the upper edge of the tonnage mark.

(8) Molded draft to the upper edge of the tonnage mark.

(9) Freeboard from the loadline certificate.

(10) Molded draft to the loadline.

(11) Horizontal distance from the centerline of the loadline disk to the apex of the triangle on the tonnage mark.

(12) Vertical distance from the deck line to the tonnage mark.

(13) Vertical distance from the molded line of the second deck or equivalent to the deck line for freeboard.

(14) Allowance for fresh water and tropical waters (one forty-eighth of the molded draft to the upper edge of the tonnage mark).

(15) The name and official number of the vessel, if assigned.

(16) Builder's name and hull number if official number has not been assigned.

(17) Time and place vessel will be available for measurement.

(18) Whether two sets of tonnages are desired.

(c) The owner may request confirmation of the proposed location of the tonnage mark based on the information contained in the application.

(d) On a copy of the application or on an attachment thereto, the owner shall be advised:

(1) That the vessel will be measured under the provisions of the optional dual tonnage method; and

(2) Whether the proposed location of the tonnage mark determined according to the information furnished on the application is correct under the provisions of the regulations in this subpart.

§ 69.15-41 Certification as to location of the tonnage mark.

(a) Before a certificate of admeasurement shall be issued for a vessel requiring a tonnage mark, the owner or his agent shall certify that a tonnage mark has been placed on each side of the vessel in accordance with the pertinent provisions of the regulations in this subpart.

(b) A certification by the American Bureau of Shipping or other recognized classification society that the tonnage marks have been placed on the vessel in accordance with the provisions of the regulations in this subpart shall be accepted as evidence of proper marking.

(c) In the absence of a certification by the American Bureau of Shipping or other recognized classification society, the Officer in Charge may at any time cause a tonnage mark to be verified on a vessel in his marine inspection zone.

Subpart 69.17—Optional Simplified Admeasurement Method for Pleasure Vessels

§ 69.17-1 Definition of terms used in this subpart.

(a) *Overall length.* The term "overall length" means the horizontal distance between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments.

(b) *Overall breadth.* The "overall breadth" is the horizontal distance, excluding rub rails, from the outside of the skin (outside planking or plating) on one side to the outside of the skin on the other, taken at the widest part of the hull.

(c) *Overall depth.* The "overall depth" is the vertical distance taken at or near midships from a line drawn horizontally through the uppermost edges of the skin at the sides of the hull (excluding the cap rail and trunks, cabins, or deckhouses) to the outboard face of the bottom skin of the hull. This excludes the keel unless the keel is covered by the skin.

(d) *Measurement of overall length, depth, and breadth.* Overall length and depth are measured in the vertical plane of the centerline; overall breadth, in a line at right angles to the vertical plane of the centerline.

(e) *Register length, breadth, and depth.* The overall length, breadth, and depth, as defined in this section, of a vessel measured under the provisions of this subpart shall be deemed to be the vessel's register length, breadth, and depth.

(f) *Vessel designed for sailing.* The term "vessel designed for sailing" means a vessel, whether or not equipped with an auxiliary motor, which has the fine lines of a sailing craft and is in fact propelled by sail or capable of being propelled by sail, other than a mere steadying sail.

§ 69.17-3 Application for simplified admeasurement.

(a) Upon application by the owner for simplified admeasurement, filed with and approved by the Officer in Charge for the marine inspection zone where the vessel is located, a vessel which is intended to be used exclusively for pleasure shall, whether or not it has been previously admeasured, be admeasured in accordance with the provisions of this subpart. The application shall state the owner's name and address, the vessel's name and rig, her overall length, breadth, and depth, as defined in § 69.17-1, the name of the builder, and the vessel's model, serial, and official number, if any. Where the vessel appears to be subject to admeasurement under the provisions of § 69.17-5 (b) or (d), or both, the application shall be accompanied by dimensioned sketches, not necessarily to scale of the arrangement, profile, and cross section of the vessel, indicating thereon the points to which the dimensions were taken.

(b) Dimensions shall be stated on the application in feet and inches or in feet and decimal fractions of feet. The register length (L), breadth (B), and depth (D) used in calculating the vessel's tonnages and shown on the vessel's document shall be in feet and decimal fractions of feet.

§ 69.17-5 Calculation of gross tonnage.

(a) Except as provided in paragraphs (b) and (d) of this section, the gross tonnage of a vessel designed for sailing shall be one-half (LBD/100), and the gross tonnage of a vessel not designed for sailing shall be two-thirds (LBD/100), LBD being the product of overall length, breadth, and depth.

(b) Where a vessel's hull approximates in shape a regular geometric solid, the gross tonnage of the hull shall be her volume as calculated by the use of appropriate geometric formulae, expressed in tons of 100 cubic feet.

(c) The gross tonnage of a catamaran or trimaran shall be arrived at by adding the gross tonnages of her hulls as calculated under this section.

(d) Where the volume of the deckhouse is disproportionate to the volume of the hull, as in the case of certain houseboats, the volume of the deckhouse, calculated by the use of appropriate geometric formulae, expressed in tons of 100 cubic feet, shall be added to the gross tonnage of the hull as previously calculated.

§ 69.17-7 Calculation of net tonnage.

(a) Except as provided in paragraph (b) of this section, the net tonnage of a vessel designed for sailing shall be nine-tenths of her gross tonnage, and the net tonnage of a vessel not designed for sailing shall be eight-tenths of her gross tonnage.

(b) The net tonnage of a vessel which has no propelling machinery in the hull shall be the same as her gross tonnage.

§ 69.17-9 Readmeasurement of vessels admeasured under this subpart.

(a) A vessel admeasured under the provisions of this subpart may, upon application by the owner, be readmeasured under the appropriate provisions of §§ 69.03-1 through 69.15-41.

(b) A vessel admeasured under the provisions of this subpart which is thereafter to be documented for use other than exclusively as a pleasure vessel shall be readmeasured under the appropriate provisions of §§ 69.03-1 through 69.15-41.

Effective date. These amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: December 17, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[P.R. Doc. 69-15196; Filed, Dec. 22, 1969;
8:45 a.m.]