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Title 7—AGRICULTURE

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

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products

Notice is hereby given that the U.S. Department of Agriculture is revising the "Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products," Part 58, Subpart A, §§ 58.1 through 58.63, as presented below pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Statement of consideration. On June 8, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (F.R. Vol. 37, No. 111, 11476) to revise the "Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products," Part 58, Subpart A, §§ 58.1 through 58.63. Comments were requested by July 10, 1972. Requests for additional time were received and the deadline date was extended to September 6, 1972 (F.R., Vol. 37, No. 140, June 20, 1972, 14390).

Comments were received from three parties, all of whom questioned the meaning of the term "deleterious substance" in § 58.22(b) as it related to appeal inspection or grading and reinspection or regrading. This section read in part "* * * when as a result of the original inspection the commodity was found to be contaminated with filth or to contain a deleterious substance." The comments were acknowledged and this section has been revised to read "* * * when as a result of the original inspection the commodity was found to be contaminated with filthy, putrid and decomposed material."

No comments were received on the other eight changes as published in the notice of proposed rule making. The changes included the deletion of the word "Secretary" from § 58.1, addition of the words "inspection of dairy processing plants and the" to § 58.2(a), deletion of the words "by the Secretary" and substitution of the word "countersigned" for "signed" in § 58.33, deletion of the word "Secretary" and modification of the first sentence to eliminate the reference to the Secretary in § 58.34, deletion of Figures 2 and 3 and the addition of new Figures 2 and 3 in § 58.50(b), modification of § 58.51 to abbreviate the wording, modification of § 58.58 to show the rules of practice governing withdrawals of inspection and grading services and the recent name change of the Agency to Agricultural Marketing Service.

Pursuant to the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627) the Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products, 7 CFR 58.1 through 58.63 are hereby amended to read as follows:

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58.2 Designation of official certificates, memoranda, marks, identifications, and devices for purpose of the Agricultural Marketing Act.

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INSPECTION OR GRADING SERVICE

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58.58 Debarment of service.

MISCELLANEOUS

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AUTHORITY: The provisions of this Subpart A issued under Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

DEFINITIONS

§ 58.1 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to import the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

"Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat 1087, as amended; 7 U.S.C. 1621–1627) or any other act of Congress conferring like authority.

"Administrator" means the Administrator of the Agricultural Marketing Service or any other officer or employee

of the Agricultural Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

"Applicant" means any interested party who has applied for inspection or grading service.

"Approved laboratory" means a laboratory in which the facilities and equipment used for official testing have been approved by the Administrator as being adequate to perform the necessary official tests in accordance with this part.

"Approved laboratory" means a laboratory in which the facilities and equiprising a single plant at one location in which the facilities and methods of operation therein have been surveyed and approved by the Administrator as suitable and adequate for inspection or grading service in accordance with this part.

"Area Supervisor" means any employee of the Branch in charge of dairy inspection or grading service in a designated geographical area.

"Branch" means the Inspection and Grading Branch of the Division.

"Chief" means the Chief of the Branch, or any officer or employee of the Branch to whom authority has been heretofore delegated, or to whom authority may hereafter be delegated, to act in his stead.

"Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind or method of processing.

"Condition of container" means the degree of acceptability of the container with respect to freedom from defects which affect its serviceability, including appearance as well as usability, of the container for its intended purpose.

"Condition of product" or "Condition" is an expression of the extent to which a product is free from defects which affect its usability, including but not limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food.

"Agricultural Marketing Service" or "AMS" means the Agricultural Marketing Service of the Department.

"Continuous resident service" or "resident service" is inspection or grading service performed at a dairy manufacturing plant or grading station by an inspector or grader assigned to the plant or station on a continuous, year-round, resident basis.

"Continuous nonresident service" is inspection or grading service performed by an inspector or grader temporarily assigned to a plant on a continuous, short-term, nonresident basis to perform service such as supervision of packaging or processing products for contract delivery.

"Department" or "USDA" means the U.S. Department of Agriculture.

"Director" means the Director of the Dairy Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

"Division" means the Dairy Division of the Agricultural Marketing Service.

"Inspection or grading service" or "service" means in accordance with this part, the act of (a) drawing samples of any product; (b) determining the class, grade, quality, composition, size, quantity, or condition of any product by examining each unit or representative samples; (c) determining condition of product containers; (d) identifying any product or packaging material by means of official identification; (e) regrading or appeal grading of a previously graded product; (f) inspecting dairy plant facilities, equipment, and operations; such as, processing, manufacturing, packaging, repackaging, and quality control; (g) supervision of packaging inspected or graded product; (h) reinspection or appeal inspection; and (i) issuing an inspection or grading certificate or sampling, inspection, or other report related to any of the foregoing.

"Inspector or grader" means any Federal or State employee to whom a license has been issued by the Administrator to perform one or more types of inspection or grading services.

"Inspection or grading office" means the office of any inspector or grader.

"Interested party" means any person financially interested in a transaction involving any inspection or grading service.

"Licensed plant employee" means an employee of an approved plant to whom a license is issued by the Administrator to supervise packaging of officially inspected or graded product, perform laboratory tests, or perform other duties as assigned by the Administrator. A licensed plant employee is not authorized to issue any inspection or grading certificate.

"Product" means butter, cheese (whether natural or processed), milk, cream, milk products (whether dried, frozen, evaporated, stabilized, or condensed), ice cream, dry whey, dry buttermilk, and any other food product, which is prepared or manufactured in whole or in part from any of the aforesaid products, as the Administrator may hereafter designate.

"Person" means any individual, partnership, association, business, trust, corporation, or any organized group of persons, whether incorporated or not.

"Plant survey" means an appraisal of the plant to determine extent to which facilities, equipment, method of operation, and raw material being received are in accordance with the provisions of this part. The survey shall be used to determine suitability of the plant for inspection or grading service.

"Quality" means the inherent properties of any product which determine its relative degree of excellence.

"Regulations" means the provisions of this subpart.

"Sampling report" means a statement issued by an inspector or grader identifying samples taken by him for inspection or grading service.

"Supervisor of packaging" means an employee of the Department or other person licensed by the Administrator to supervise the packaging and official identification of product or any repackaging of bulk product.

§ 58.2 Designation of official certificates, memoranda, marks, identifications, and devices for purpose of the Agricultural Marketing Act.

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said Act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed (including that prescribed in § 58.18) used under the regulations in this subpart to certify with respect to the inspection of dairy processing plants and the inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products and packaging material with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of inspecting, grading, determining compliance, or sampling pursuant to the regulations in this subpart, any processing or plant-operation report made by an authorized person in connection with inspecting, grading, determining compliance, or sampling under the regulations in this subpart, and any report made by an authorized person of services performed pursuant to the regulations in this subpart.

(c) "Official identification" or "other official marks" means any form of identification or mark (including, but not limited to, those in §§ 58.49 through 58.51) approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product certifying the inspection, class, grade, quality, size, quantity, or condition of the products (including the compliance of products with applicable specifications) or to maintain the identity of the product for which service is provided under the regulations in this subpart.

(d) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purposed of applying any official mark or other identification to any product or the packaging material thereof.

ADMINISTRATION

§ 58.3 Authority.

The Administrator shall perform such duties as may be required in the enforcement and administration of the provisions of the Act and this part.

INSPECTION OR GRADING SERVICE

§ 58.4 Basis of service.

Inspection or grading service shall be performed in accordance with the provisions of this part, the instructions and procedures issued or approved by the Administrator, U.S. standards for grades, Federal specifications, and specifications as defined in a specific purchase contract.

§ 58.5 Where service is offered.

Subject to the provisions of this part, inspection or grading service may be performed when a qualified inspector or grader is available, and when the facilities and conditions are satisfactory for the conduct of the service.

§ 58.6 Supervision of service.

All inspection or grading service shall be subject to supervision by a supervisory inspector or grader, Area Supervisor, or by the Chief, or such other person of the Branch as may be designated by the Chief. Whenever there is evidence that inspection or grading service has been incorrectly performed, a supervisor shall immediately make a reinspection or regrading, and he shall supersede the previous inspection or grading certificate or report with a new certificate or report showing the corrected information.

§ 58.7 Who may obtain service.

An application for inspection or grading service may be made by any interested person, including, but not limited to, the United States, any State, county, municipality, or common carrier, or any authorized agent of the foregoing.

§ 58.8 How to make application.

(a) *On a fee basis.* An application for inspection or grading service may be made in any inspection or grading office or with any inspector or grader. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

(b) *On a continuous basis.* Application for inspection or grading service on a continuous basis as provided in § 58.45 shall be made in writing on application forms as approved by the Administrator and filed with the Administrator.

§ 58.9 Form of application.

Each application for inspection or grading service shall include such information as may be required by the Administrator in regard to the type of service; kind of products and place of manufacture, processing, or packaging; and location where service is desired.

§ 58.10 Filing of application.

An application for inspection or grading service shall be regarded as filed only when made pursuant to this subpart.

§ 58.11 Approval of application.

An application for inspection or grading service may be approved when (a) a qualified inspector or grader is available, (b) facilities and conditions are satisfactory for the conduct of the service, and (c) the product has been manufactured or processed in a plant approved for inspection or grading service in accordance with the provisions of this part and instructions issued thereunder.

§ 58.12 When application may be rejected.

An application for inspection or grading service may be rejected by the Administrator (a) when the applicant fails to meet the requirements of the regulations in this subpart prescribing the conditions under which the service is made available; (b) when the product is owned by, or located on the premises of, a person currently denied the benefits of the Act; (c) when an individual holding office or a responsible position with or having a substantial financial interest or share with the applicant is currently denied the benefits of the Act or was responsible in whole or in part for the current denial of the benefits of the Act to any person; (d) when the application is an attempt on the part of a person currently denied the benefits of the Act to obtain inspection or grading service; (e) when the product was produced from unwholesome raw material or was produced under insanitary or otherwise unsatisfactory conditions; (f) when the product is of illegal composition or is lacking satisfactory keeping quality; (g) when the product has been produced in a plant which has not been surveyed and approved for inspection or grading service; (h) when payment of fees is delinquent over 60 days; or (i) when there is noncompliance with the Act or this part or instructions issued hereunder. When an application is rejected, the applicant shall be notified in writing by the Area Supervisor or his designated representative, the reason or reasons for the rejection.

§ 58.13 When application may be withdrawn.

An application for inspection or grading service may be withdrawn by the applicant at any time before the service is performed upon payment, by the applicant, of all expenses incurred by AMS in connection with such application.

§ 58.14 Authority of applicant.

Proof of the authority of any person applying for any inspection or grading service may be required in the discretion of the Administrator.

§ 58.15 Accessibility and condition of product.

Each lot of product for which inspection or grading service is requested shall be so conditioned and placed as to permit selection of representative samples and proper determination of the class, grade, quality, quantity, or condition of such product. In addition, if sample packages are furnished by the applicant, such samples shall be representative of the lot to be inspected or graded and additional samples shall be made available for verification. The room or area where the service is to be performed shall be clean and sanitary, free from foreign odors, and shall be provided with adequate lighting, ventilation, and temperature control.

§ 58.16 Disposition of samples.

Any sample of product used for inspection or grading may be returned to the applicant at his request and at his expense if such request was made at the time of the application for the service. In the event the aforesaid request was not made at the time of application for the service, the sample of product may be destroyed, disposed of to a charitable organization, or disposed of by any other method prescribed by the Administrator.

§ 58.17 Order of service.

Inspection or grading service shall be performed, insofar as practicable and subject to the availability of qualified inspectors or graders, in the order in which applications are made except that precedence may be given to any application for an appeal inspection or grading.

§ 58.18 Inspection or grading certificates, memoranda, or reports.

Inspection or grading certificates and sampling, plant survey, and other memoranda or reports shall be issued on forms approved by the Administrator.

§ 58.19 Issuance of inspection or grading certificates.

An inspection or grading certificate shall be issued to cover a product inspected or graded in accordance with instructions issued by the Administrator and shall be signed by an inspector or grader. This does not preclude an inspector or grader from granting a power of attorney to another person to sign in his stead, if such grant of power of attorney has been approved by the Administrator: *Provided,* That in all cases any such certificate shall be prepared in accordance with the facts set forth in the official memorandum defined in § 58.2(b): *And provided further,* That whenever a certificate is signed by a person under a power of attorney the certificate should so indicate. The signature of the holder of the power shall appear under the name of the grader or inspector who personally graded or inspected the product.

§ 58.20 Disposition of inspection or grading certificates or reports.

The original of any inspection or grading certificate or report issued pursuant to § 58.19, and not to exceed four copies thereof, shall immediately upon issuance be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the inspection and grading office serving the area in which the service was performed and all other copies shall be filed in such

manner as the Administrator may approve. Additional copies of any such certificate or report may be supplied to any interested party as provided in § 58.41.

§ 58.21 Advance information.

Upon request of an applicant, all or part of the contents of any inspection or grading certificate or report issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at applicant's expense.

APPEAL INSPECTION OR GRADING AND REINSPECTION OR REGRADING

§ 58.22 When appeal inspection or grading may be requested.

(a) An application for an appeal inspection or grading may be made by any interested party who is dissatisfied with any determination stated in any inspection or grading certificate or report if the identity of the samples or the product has not been lost; or the conditions under which inspection service was performed have not changed. Such application for appeal inspection or grading shall be made within 2 days following the day on which the service was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

(b) An appeal inspection shall be limited to a review of the sampling procedure and an analysis of the official sample used, when, as a result of the original inspection, the commodity was found to be contaminated with filthy, putrid, and decomposed material. If it is determined that the sampling procedures were improper, a new sample shall be obtained.

§ 58.23 How to obtain appeal inspection or grading.

Appeal inspection or grading may be obtained by filing a request therefore, (a) with the Administrator, (b) with the inspector or grader who issued the inspection or grading certificate or report with respect to which the appeal service is requested, or (c) with the supervisor of such inspector or grader. The application for appeal inspection or grading shall state the reasons therefore, and may be accompanied by a copy of the aforesaid inspection or grading certificate or report or any other information the applicant may have secured regarding the product or the service from which the appeal is requested. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

§ 58.24 Record of filing time.

A record showing the date and hour when each such application for appeal inspection or grading is received shall be maintained in such manner as the Administrator may prescribe.

§ 58.25 When an application for appeal inspection or grading may be refused.

The Administrator may refuse an application for an appeal inspection or grading when (a) the quality or condition of the products has undergone a material change since the time of original service, (b) the identical products inspected or graded cannot be made accessible for reinspection or regrading, (c) the conditions under which inspection service was performed have changed, (d) it appears that the reasons for an appeal inspection or grading are frivolous or not substantial, or (e) the Act or this part have not been complied with. The applicant shall be promptly notified of the reason for such refusal.

§ 58.26 When an application for an appeal inspection or grading may be withdrawn.

An application for appeal inspection or grading may be withdrawn by the applicant at any time before the appeal inspection or grading is made upon payment, by the applicant, of all expenses incurred by AMS in connection with such application.

§ 58.27 Order in which appeal inspections or gradings are performed.

Appeal inspections or gradings shall be performed, insofar as practicable, in the order in which applications therefor are received; and any such application may be given precedence pursuant to § 58.17.

§ 58.28 Who shall make appeal inspections or gradings.

An appeal inspection or grading of any product or service shall be made by any inspector or grader (other than the one from whose service the appeal is made) designated for this purpose by the Administrator; and, whenever practical, such appeal inspection or grading shall be conducted jointly by two such inspectors or graders.

§ 58.29 Appeal inspection or grading certificate or report.

Immediately after an appeal inspection or grading has been completed, an appeal inspection or grading certificate or report shall be issued showing the results of the inspection or grading. Such certificate or report shall thereupon supersede the previous certificate or report and will be effective retroactive to the date of the previous certificate or report. Each appeal certificate or report shall clearly set forth the number and the date of the previous certificate or report which it supersedes. The provisions of §§ 58.18 through 58.21 shall, whenever applicable, also apply to appeal certificates or reports except that copies shall be furnished each interested party of record.

§ 58.30 Application for reinspection or regrading.

An application for the reinspection or regrading of any previously inspected or graded product may be made at any time by any interested party; and such application shall clearly indicate the reasons for requesting the reinspection or regrading. The provisions of the regulations in this subpart relative to inspection or grading service shall apply to reinspection or regrading service.

§ 58.31 Reinspection or regrading certificate or report.

Immediately after a reinspection or regrading has been completed, a reinspection or a regrading certificate or report shall be issued showing the results of such reinspection or regrading; and such certificate or report shall thereupon supersede, as of the time of issuance, the inspection or grading certificate or report previously issued. Each reinspection or regrading certificate or report shall clearly set forth the number and date of the inspection or grading certificate or report that it supersedes. The provisions of §§ 58.18 through 58.21 shall, whenever applicable, also apply to reinspection or regrading certificates or reports except that copies shall be furnished each interested party of record.

§ 58.32 Superseded certificates or reports.

When any inspection or grading certificate or report is superseded in accordance with this part, such certificate or report shall become null and void and, after the effective time of the supersedure, shall no longer represent the class, grade, quality, quantity, or condition described therein. If the original and all copies of such superseded certificate or report are not returned to the inspector or grader issuing the reinspection or regrading or appeal inspection or grading certificate or report, the inspector or grader shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate or report.

LICENSING OF INSPECTORS OR GRADERS

§ 58.33 Who may be licensed.

Any person possessing proper qualifications, as determined by an examination for competency, held at such time and in such manner as may be prescribed by the Administrator, may be licensed to perform specified inspection or grading service. Each license issued shall be signed by the Administrator. Each prospective licensee, other than a Federal or State employee, who is not under immediate supervision of a USDA licensed Federal or State employee located at the same manufacturing plant or grading station, shall, prior to the issuance of the license, procure and deliver to AMS a surety bond, issued by such surety as may be approved by the Administrator, in the amount of $1,000 for the proper performance of the duties of such person as a licensee under the regulations in this subpart.

§ 58.34 Suspension or revocation of license.

For good cause and in instances of willful wrongdoing, the Administrator may suspend any license issued under the regulations in this subpart by giving notice of such suspension to the respective individual involved, accompanied by a statement of reasons therefor. Within 10 days after receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal in writing with the Administrator supported by any argument or evidence that he may

wish to offer as to why his license should not be suspended or revoked. In conjunction therewith, he may request and, in such event, shall be accorded an oral hearing. After consideration of such argument and evidence, the Administrator will take such action as warranted with respect to such suspension or revocation. When no appeal is filed within the prescribed 10 days, the license is revoked.

§ 58.35 Surrender of license.

Each license which is suspended or revoked shall be surrendered promptly by the licensee to his supervisor. Upon termination of the services of a licensee, the license shall be surrendered promptly by the licensee to his supervisor.

§ 58.36 Identification.

Each licensee shall have his license card in his possession at all times while performing any function under the regulations in this subpart and shall identify himself by such card upon request.

§ 58.37 Financial interest of licensees.

No licensee shall render service on any product in which he is financially interested.

FEES AND CHARGES

§ 58.38 Payment of fees and charges.

(a) Fees and charges for any inspection or grading service shall be paid by the interested party, making the application for such service, in accordance with the applicable provisions of this section and §§ 58.39 through 58.46 and, if so required by the inspector or grader, such fees and charges shall be paid in advance.

(b) Fees and charges for any inspection or grading service performed by any inspector or grader who is a salaried employee of the Department shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by the interested party making application for such inspection or grading service by check, draft, or money order payable to the Agricultural Marketing Service and remitted promptly to the office indicated on the bill.

(c) Fees and charges for any inspection or grading service under a cooperative agreement with any State or person shall be paid in accordance with the terms of the cooperative agreement by the interested party making application for the service.

§ 58.39 Fees for holiday or other nonworktime.

If an applicant requests that inspection or grading service be performed on a holiday, Saturday, or Sunday or in excess of each 8-hour shift Monday through Friday, he shall be charged for such service at a rate of 1½ times the rate which would be applicable for such service if performed during normal working hours.

§ 58.40 Fees for appeal inspection or grading.

The fees to be charged for any appeal inspection or grading shall be double the fees specified on the inspection or grading certificate from which the appeal is taken: *Provided,* That the fee for any appeal grading requested by any agency of the U.S. Government shall be the same as set forth in the certificate from which the appeal is taken. If the result of any appeal inspection or grading discloses that a material error was made in the inspection or grading appealed from, no fee shall be required.

§ 58.41 Fees for additional copies of certificates.

Additional copies of any inspection or grading certificates (including takeoff certificates), other than those provided for in § 58.20, may be supplied to any interested party upon payment of a fee based on time required to prepare such copies at the hourly rate specified in § 58.43 or § 58.44.

§ 58.42 Travel expenses and other charges.

Charges shall be made to cover the cost of travel and other expenses incurred by AMS in connection with the performance of any inspection or grading service. Such charges shall include the costs of travel, per diem, and other expenses, plus a charge of 10 percent of the amount charged for said travel, per diem, and other expenses to cover administrative costs of AMS. When the Administrator determines it feasible, he may set a minimum average charge for specific locations or markets.

§ 58.43 Fees for inspection, grading, and sampling.

Except as otherwise provided in this section and §§ 58.39, 58.44, 58.45, and 58.46, charges shall be made for inspection, grading, and sampling service at the hourly rate of $10.60 for service performed between 6 a.m. and 6 p.m., and $11.60 for service performed between 6 p.m. and 6 a.m., for the time required to perform the service calculated to the nearest 15-minute period, including the time required for preparation of certificates and reports, and travel of the inspector or grader in connection with the performance of the service. When the Administrator determines it feasible, he may set a minimum charge based on average time for specific types of service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued.

§ 58.44 Fees for laboratory analysis.

Except as otherwise provided in this section and §§ 58.45 and 58.46, charges shall be made for laboratory analysis at the hourly rate of $11.60 for the time required to perform the service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued. The following minimum rates based on average time required to perform the test specified shall apply unless the actual time required to perform the test is greater than the minimum set forth:

(a) Dry milk and related products:

Total fat (ether extractions)	$2.10
Moisture	1.60
Titratable acidity	.80
Solubility index	1.05
Scorched particles	1.05
Bacterial plate count	2.10
Bacterial direct microscopic count	3.15
Flavor	.55
Whey protein nitrogen	5.25
Vitamin A	10.50
Alkalinity of ash	11.60
Dispersibility	5.25
Coliform (solid media)	2.10
Salmonella	8.40
Phosphatase	11.60
Oxygen	6.30
Density	.80

(b) Condensed milk and related products:

Fat (ether extraction)	$3.15
Total solids	2.10
Sugar (sucrose)	11.60
Net weight (per can)	1.30
Flavor, color, body, texture	.80

(c) Cheese and related products:

Moisture	$2.10
Moisture in duplicate	3.15
Total fat (ether extraction)	3.70
Moisture and fat (dry basis) complete	5.80

(d) Butter and related products:

Moisture	$2.10
Fat	4.20
Salt	2.10
Complete Kohman analysis	6.30
Fat and moisture (same sample)	5.25
Flavor, odor, body, texture	1.05
Peroxide value	11.60
Free fatty acid	5.25
Yeast and mold	2.65
Proteolytic count	2.65

(e) Corn soya milk:

Sieve test	$2.10
Density	.80
Bostwick—uncooked	2.65
Bostwick—cooked	5.25
Protein (Kjeldahl)	5.25
Fat (Soxhlet)	3.70
Moisture	1.60
Crude fiber	7.35
Flavor	.55

§ 58.45 Charges for continuous inspection or grading service.

Irrespective of fees and charges provided in §§ 58.38 through 58.44, the Administrator may approve applications for continuous resident or continuous nonresident inspection or grading service. Charges for this service; shall be as provided in the application and shall be on such basis as will reimburse AMS for the cost of performing the respective service.

§ 58.46 Fees for service performed under cooperative agreement.

The fees to be charged and collected for any service performed under cooperative agreement shall be those provided for by such agreement.

MARKING, BRANDING, AND IDENTIFYING PRODUCT

§ 58.49 Authority to use official identification.

Whenever the Administrator determines that the granting of authority to any person to package any product, inspected or graded pursuant to this part,

and to use official identification, pursuant to §§ 58.49 through 58.57, will not be inconsistent with the Act and this part, he may authorize such use of official identification. Any application for such authority shall be submitted to the Administrator in such form as he may require.

§ 58.50 Approval and form of official identification.

(a) Any package label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe, and such official identification shall be of such form and contain such information as the Administrator may require. No label or packaging material bearing official identification shall be used unless finished copies or samples thereof have been approved by the Administrator.

(b) Inspection or grade mark permitted to be used to officially identify packages containing dairy products which are inspected or graded pursuant to this part shall be contained in a shield in the form and design indicated in Figures 1, 2, and 3 of this section or such other form, design, or wording as may be approved by the Administrator.

FIGURE 1

FIGURE 2

FIGURE 3

The official identification illustrated in Figure 1 is designed for use on graded product packed under USDA inspection. Figure 2 is designed for graded product processed and packed under USDA inspection. Figure 3 is designed for inspected product (when U.S. standards for grades are not established) processed and packed under USDA quality control service. The official identification shall be printed on the package label, on the carton or on the wrapper and, preferably, on one of the main panels of the carton or wrapper. The shield identification shall be not less than ¾ inch by ¾ inch in size, and preferably 1 inch by 1 inch on 1-pound cartons or wrappers. Consideration will be given by the Administrator of a smaller shield on special packages where the size of the label does not permit use of the ¾ inch by ¾ inch shield.

(c) Official identification under this subpart shall be limited to U.S. Grade B or higher or to an equivalent standard of quality for U.S. name grades or numerical score grades of a product have not been established.

(d) A sketch, proof, or photocopy of each proposed label or packaging material bearing official identification shall be submitted to the Chief of the Inspection and Grading Branch, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, for review and tentative approval prior to acquisition of a supply of material.

(e) The firm packaging the product shall furnish to the Chief four copies of the printed labels and packaging materials bearing official identification for final approval prior to use.

§ 58.51 Information required on official identification.

Each official identification shall conspicuously indicate the U.S. grade of the product it identifies, if there be a grade, or such other appropriate terminology as may be approved by the Administrator. Also, it shall include the appropriate phrase: "Officially graded," "Officially Inspected," or "Federal-State graded." When required by the Administrator, the package label, carton, or wrapper bearing official identification for dairy products shall be stamped or perforated with the date packed and the certificate number or a code number to indicate lot and date packed. Such coding shall be made available to and approved by the Administrator.

§ 58.52 Time limit for packaging inspected or graded products with official identification.

Any lot of butter which is graded for packaging with official grade identification shall be packaged within 10 days immediately following the date of grading, and any lot of natural cheese or dry milk shall be packaged within 30 days immediately following date of grading provided the product is properly stored during the 10- or 30-day period. Time limit for packaging other inspected or graded products shall be as approved by the Administrator. If inspected or graded product is moved to another location, a reinspection or regrading shall be required.

PREREQUISITES TO PACKAGING PRODUCTS WITH OFFICIAL IDENTIFICATION

§ 58.53 Supervisor of packaging required.

The official identification of any inspected or graded product, as provided in §§ 58.50 through 58.52, this section, and §§ 58.54 through 58.57, shall be done only under the supervision of a supervisor of packaging. The authority to use official identification may be granted by the Administrator only to applicants who utilize the services of a supervisor of packaging in accordance with this subpart. The supervisor of packaging shall have jurisdiction over the use and handling of all packaging material bearing any official identification.

§ 58.54 Packing and packaging room and equipment.

Each applicant who is granted authority to package any product with official identification and who operates, for such purpose, a packaging room shall maintain the room and the equipment therein in accordance with this part.

§ 58.55 Facilities for keeping quality samples.

Each applicant granted authority, as aforesaid, to package product with official identification shall provide and maintain suitable equipment for the purpose of incubating samples of product.

§ 58.56 Incubation of product samples.

(a) Samples of product may be taken from any lot of product which is submitted for inspection or grading and packaging with official identification, or sample may be taken after packaging for the purpose of determining in accordance with provisions of this part if such product possesses satisfactory keeping quality.

(b) Samples of product may be taken for keeping quality tests in accordance with provisions of this part from any lot of product submitted for inspection or grading. Issuance of the inspection or grading certificate may be withheld pending completion of the tests.

§ 58.57 Product not eligible for packaging with official identification.

(a) When a lot of inspected or graded product shows unsatisfactory keeping quality, other lots from the same manufacturing plant shall not be packaged with official identification. Packaging with official identification may be resumed only when it is determined that product from such plant possesses satisfactory keeping quality.

(b) Any manufacturing or processing plant supplying product, directly or indirectly, for packaging with official identification shall be surveyed and approved for inspection or grading service.

VIOLATIONS

§ 58.58 Debarment of service.

(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 debarment action.

(1) *Fraud or misrepresentation.* Any willful misrepresentation or deceptive or fraudulent practice or act found to be made or committed by any person in connection with:

(i) The making or filing of any application for any inspection or grading service, appeal reinspection, or regrading service;

(ii) The making of the product accessible for inspection or grading service;

(iii) The making, issuing, or using or attemptng to issue or use any inspection or grading certificate issued pursuant to the regulations in this subpart or the use of any official stamp, label, or identification;

(iv) The use of the terms, "United States," "U.S.," "Officially graded," "Officially Inspected," "Federal-State graded," or "Government graded," or terms of similar import in the labeling or advertising of any product without stating in conjunction therewith the official U.S. grade of the product; or

(v) The use of any of the aforesaid terms or an official stamp, label, or identification in the labeling or advertising of any product that has not been inspected or graded pursuant to this part.

(2) *Use of facsimile form.* Using or attempting to use a form which simulates in whole or in part any official identification for the purpose of purporting to evidence the U.S. grade of any product; or the unauthorized use of a facsimile form which simulates in whole or in part any official inspection or grading certificate, stamp, label, or other official inspection mark; and

(3) *Mislabeling.* The use of any words, numerals, letters, or facsimile from which simulates in whole or in part any identification purporting to be a grade when such product does not comply with any recognized standards in general use for such grade, and such activity may be deemed sufficient cause for debarring such person from any or all benefits of the Act.

(4) *Willful violation of the regulations in this subpart.* Willful violation of the provisions in this part or the Act, or the instructions or specifications issued thereunder.

(5) *Interfering with an inspector or grader.* Any interference with or obstruction or any attempted interference or obstruction of any inspector or grader in the performance of his duties by intimidation, threat, bribery, assault, or other improper means.

MISCELLANEOUS

§ 58.61 Political activity.

All inspectors or graders are forbidden during the period of their respective appointments or licenses to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 58.62 Report of violations.

Each inspector, grader, and supervisor of packaging shall report, in the manner prescribed by the Administrator, all violations and noncompliances under the Act and this part of which such inspector, grader, or supervisor of packaging has knowledge.

§ 58.63 Other applicable regulations.

Compliance with the provisions in this part shall not excuse failure to comply with any other Federal, or any State, or municipal applicable laws or regulations.

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of October 1972.

E. L. PETERSON,
Administrator.

[FR Doc.72-17718 Filed 10-18-72;8:45 am]

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

[Valencia Orange Reg. 414]

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

Limitation of Handling

§ 908.714 Valencia Orange Regulation 414.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the Committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such Committee meeting was held on October 17, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period October 20, through October 26, 1972, are hereby fixed as follows:

(i) District 1: 364,000 cartons;

(ii) District 2: 286,000 cartons;

(iii) District 3: Unlimited.

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

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

Dated: October 18, 1972.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-18074 Filed 10-18-72;2:58 p.m.]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[AL-118(444)]

PART 1890o—WAIVER OF USE OF COUNTY COMMITTEE IN CONNECTION WITH SECTIONS 502 AND 504, RURAL RENTAL HOUSING (RRH), RURAL COOPERATIVE HOUSING (RCH), LABOR HOUSING (LH), AND RURAL HOUSING SITE (RHS) LOANS

Notice is hereby given that the Farmers Home Administration is amending Subchapter G of Chapter XVIII, Title 7, Code of Federal Regulations. This part authorizes State Directors to waive the use of county committees in those counties in which no special problems exist that warrant the use of county committees to determine eligibility. Inasmuch as the amendment involves rules of agency procedure, organization and practice, public comment is not required.

The new Part 1890o will read as follows:

Sec.
1890o.1 General.
1890o.2 State requirements.

AUTHORITY: The provisions of this Part 1890o issued under sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Order of Act. Sec. of Agr., 36 F.R. 21529; Order of Asst. Sec. of Agr. for Rural Development and Conservation, 36 F.R. 21529.

§ 1890o.1 General.

This part modifies Part 1801 and Subparts A, B, C, D, E, F, and G of Part 1822 of this chapter. State Directors are authorized to waive the use of county committees in those counties in which no special problems exist that warrant the use of county committees to determine the eligibility of applicants for all types of housing loans.

§ 1890o.2 State requirements.

The State Director will issue a State requirement identifying the counties in which the use of county committees will be waived for housing loan applications.

(a) Such a State requirement will specify any types of applications for which county committees will continue to be used such as applicants whose eligibility is questionable, those who are not eligible, or those individuals who want to finance a farm dwelling or farm service building.

(b) The State requirement also will specify changes prescribed in the guidelines available in all FHA offices used to notify an applicant of the action taken on his application.

Dated: October 12, 1972.

DARREL A. DUNN,
Associate Administrator,
Farmers Home Administration.

[FR Doc.72-17862 Filed 10-18-72;8:52 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF LIVESTOCK OR POULTRY DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

Payment of Indemnities

Pursuant to the provisions of sections 3, 4, 5, 11, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, and 134b), Part 51, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 51.9, paragraph (n) is deleted.

(Secs. 3, 4, 5, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693, sec. 11, 58 Stat. 734, as amended; sec. 3, 76 Stat. 130; 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, 134b; 29 F.R. 16210, as amended, 37 F.R. 6327, 6505)

Effective date. The foregoing amendment shall become effective upon issuance.

The purpose of this amendment is to provide for the payment of Federal indemnity for exposed calves destroyed because of brucellosis which are under 6 months of age and are the progeny of brucellosis infected dams and are a possible means of disseminating such disease.

Because of the urgency involved in eradicating brucellosis and preventing the dissemination of this disease among livestock of the country, it is essential that the provisions of this amendment be placed in effect without delay.

It is believed the amendment will expedite the eradication of brucellosis and will protect gains made in the State-Federal cooperative brucellosis eradication program and will therefore be of benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of October 1972.

F. J. MULHERN,
Administrator, Animal and Plant
Health Inspection Service.

[FR Doc.72-17825 Filed 10-18-72;8:45 am]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 78—BRUCELLOSIS

Subchapter D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

Alabama. The entire State.
Alaska. The entire State.
Arizona. The entire State.
Arkansas. The entire State.
California. The entire State.
Colorado. The entire State.
Connecticut. The entire State.
Delaware. The entire State.
Florida. The entire State.
Georgia. The entire State.
Hawaii. The entire State.
Idaho. The entire State.
Illinois. The entire State.
Indiana. The entire State.
Iowa. The entire State.
Kansas. The entire State.
Kentucky. The entire State.
Louisiana. The entire State.
Maine. The entire State.
Maryland. The entire State.
Massachusetts. The entire State.
Michigan. The entire State.
Minnesota. The entire State.
Mississippi. The entire State.
Missouri. The entire State.
Montana. The entire State.
Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Boyd, Brown, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lancaster, Logan, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Pierce, Polk, Red Willow, Richardson, Rock, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties.
Nevada. The entire State.
New Hampshire. The entire State.
New Jersey. The entire State.
New Mexico. The entire State.
New York. The entire State.
North Carolina. The entire State.
North Dakota. The entire State.
Ohio. The entire State.
Oklahoma. The entire State.
Oregon. The entire State.
Pennsylvania. The entire State.
Rhode Island. The entire State.
South Carolina. The entire State.
South Dakota. Aurora, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, Marshall, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Spink, Stanley, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation.
Tennessee. The entire State.
Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bekar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadelupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Has-

kell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Kleberg, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Regan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties.

Utah. The entire State.

Vermont. The entire State.

Virginia. The entire State.

Washington. The entire State.

West Virginia. The entire State.

Wisconsin. The entire State.

Wyoming. The entire State.

Puerto Rico. The entire area.

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended; secs. 1, 2, 32, Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 37 F.R. 6327, 6505, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (10–19–72).

The amendment deletes the following areas from the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Custer, Holt, Lincoln, Phelps, Platte, and Sheridan Counties in Nebraska; Beadle and Shannon Counties in South Dakota; and Dawson, Knox, and Terry Counties in Texas.

Bailey and Limestone Counties in Texas were deleted from the list of Modified Certified Brucellosis Areas on July 14, 1972. Since said date, it has been determined that these counties again come within the definition of § 78.1(i); and, therefore, they have been redesignated as Modified Certified Brucellosis Areas.

The amendment adds the following additional area to the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such area comes within the definition of § 78.1(i): Willacy County in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedures provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of October 1972.

E. E. SAULMON,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.72-17856 Filed 10-18-72;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72-SW-53, Amdt. 39-1541]

PART 39—AIRWORTHINESS DIRECTIVES

Airplanes Having Wings, Tail, or Control Surfaces Covered With Fiberglass Using "Razorback" Method

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive applicable to airplanes having wings, tail, or control surfaces covered with fiberglass using the "razorback" method was published in 37 F.R. 16106.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Certain detail changes were requested and the intent of these changes have been incorporated.

In considertion of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Applies to airplanes having wings, tail, or control surfaces covered with fiberglass using the "razorback" method, certificated in all categories. This covering process has been approved by numerous Supplemental Type Certificates and FAA Forms 337 as complying with Advisory Circular 20-44, "Glass Fiber Fabric For Aircraft Covering."

Compliance required within the next 50 hours' time in service after the effective date of this airworthiness directive, unless already accomplished.

To determine if the fabric is attached with plastic coated glass rib stitch cord, inspect the interior of the wings, tail, or control surfaces through inspection openings or by cutting small holes in the fabric. The plastic coating on the rib stitch cord is black in color.

a. If the fabric is attached with the plastic coated rib stitch cord, replace the stitching with MIL-C-5649 cord or FAA approved equivalent before 50 hours' time in service from the effective date of this airworthiness directive.

b. If the fabric is attached with MIL-C-5649 cord, or FAA approved equivalent, no further action is required.

c. All work required, including patching holes, may be accomplished in accordance with FAA Advisory Circular 43.13-1. Razorback Fabrics, Inc., Service Bulletin 1-1 dated March 11, 1964, covers the same subject.

NOTE: Copies of Razorback Fabrics, Inc., Service Bulletin 1-1 may be obtained from the company at Manila, Ark. 72442.

This supersedes Amendment 39-1531, 37 F.R. 20673, October 3, 1972.

This amendment becomes effective November 15, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on October 4, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-17811 Filed 10-18-72;8:45 am]

[Docket No. 72-CE-31-AD; Amdt. 39-1544]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 33, 35, 36, 45, 55, and 95 Series Airplanes

Amendment 39-1501 (AD 72-17-2) published in the FEDERAL REGISTER on August 6, 1972, is an airworthiness directive applicable to Beech Models 33, 35, 36, 45, 55, and 95 series airplanes which requires the installation of hollow zerk-ended mounting bolts on the uplock rollers and repetitive lubrication of the uplock mechanism in accordance with Beechcraft Service Instructions No. 0448-211.

Subsequent to the issuance thereof the manufacturer has advised the FAA that some airplanes affected by the AD are equipped with nongreasible uplock rollers having a solid inner race which renders lubrication of the uplock roller mechanism ineffective. Accordingly, since the condition described herein may exist in other airplanes of the same type design, in the interest of safety, and to provide clarification, an AD is being issued, superseding AD 72-17-2, applicable to Beech Models 33, 35, 36, 45, 55, and 95 series airplanes which in addition to including the present provisions of AD 72-17-2 shall contain an additional requirement that the uplock rollers be of the greasible type.

Since a situation exists which requires immediate adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to the following:

Models	*Serial numbers*
35-33, 35-A33, 35-B33, 35-C33, E33, F33, and G33.	CD-1—CD-1256.
35-C33A, E33A, and F33A	CE-1—CE-349.
E33C and F33C	CJ-1—CJ-30.
35, A35, B35, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35TC, V35A, V35-A-TC, V35B, and V35B-TC.	D-1—D-9287.
36 and A36	E-1—E-283.
A45(T-34A), B45, and D45 (T-34B).	All.
95-55, 95-A55, 95-B55, and 95-B55A.	TC-1—TC-1402.
95-C55, 95-C55A, D55, D55A, E55, and E55A.	TE-1—TE-846.
56TC and A56TC	TG-1—TG-94.
58	TH-1—TH-174.
95, B95, B95A, D95A, and E95.	TD-2—TD-721.

Compliance: Required as indicated, unless already accomplished:

To decrease the possibility of gear-up landings caused by seizure of the uplock rollers, accomplish the following:

(A) Within the next 300 hours' time in service after the effective date of this AD, determine if each uplock roller is of the greasible type (one having a drilled and grooved inner race) and replace any non-greasible uplock roller (one having a solid inner race) with the greasible type prior to further flight.

NOTE: This determination may be made by lubricating the uplock rollers and verifying that grease passes between the inner and outer races.

(B) Within the next 300 hours' time in service after the effective date of this AD, install hollow zerk-ended mounting bolts on the uplock rollers in accordance with Beech Service Instructions No. 0448-211 or any FAA-approved equivalent.

(C) Within the next 300 hours' time in service after the effective date of this AD, and thereafter at 100 hour intervals, lubricate the uplock mechanism in accordance with Beech Service Instruction No. 0448-211.

This AD supersedes AD 72-17-2 (Amendment 39-1501).

This amendment becomes effective October 25, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 10, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-17807 Filed 10-18-72;8:48 am]

[Airspace Docket No. 72-AL-7]

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

Alteration of Control Zone and Transition Area

On June 3, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 11185) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Homer, Alaska, control zone and transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

The requirement to establish a 700-foot floor transition area to coincide with the 5-mile radius control zone was inadvertently omitted in the notice of proposed rule making. The 700-foot floor transition area is needed to provide protected airspace for aircraft conducting instrument approaches when the control zone is not effective. Since this alteration to the airspace is minor in nature and no substantive change in the regulation or its effect upon the operation of aircraft is effected, further notice and public procedures thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 7, 1972, as hereinafter set forth.

1. In § 71.171 (37 F.R. 2056) the Homer, Alaska, control zone is amended to read as follows:

HOMER, ALASKA

Within a 5-mile radius of the Homer Airport (latitude 59°38'35" N., longitude 151°-28'52" W.). This control zone is effective during the specific dates and times established in advance by notice to airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

2. In § 71.181 (37 F.R. 2143) the Homer, Alaska, transition area is amended to read as follows:

HOMER, ALASKA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Homer Airport (latitude 59°38'35" N., longitude 151°28'52" W.), and within 2 miles each side of the 234° bearing from the Homer Airport, extending from the 5-mile radius area to 8.5 miles southwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 8.5 miles south and 5.5 miles north of the 265° and 085° bearings from the Homer RR, extending from 17.5 miles west to 7 miles east of the RR; within 7.5 miles northwest and 12 miles southeast of the Homer VORTAC 224° and 044° radials, extending from 22.5 miles southwest to 10 miles northeast of the VORTAC; and within a 55.5-mile radius of the Homer VORTAC extending counterclockwise from the south boundary of V436E west of Homer, to the west boundary of V438W southwest of Homer.

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

Issued in Anchorage, Alaska, on October 5, 1972.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.72-17802 Filed 10-18-72;8:48 am]

[Airspace Docket No. 72-AL-11]

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

Alteration of Control Zone and Transition Area

On June 3, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 11187) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would alter the Kodiak, Alaska, terminal airspace structure.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 7, 1972, as hereinafter set forth.

1. In § 71.171 (37 F.R. 2056) the Kodiak control zone is amended to read:

KODIAK, ALASKA

Within a 5-mile radius of the Kodiak Airport (latitude 57°45'02" N., longitude 152°-29'19" W.), and within 3 miles north and 3.5 miles south of the Kodiak VORTAC 072° and 252° radials extending from the 5-mile radius zone to 9.5 miles east of the VORTAC.

2. In § 71.181 (37 F.R. 2143) the Kodiak transition area is amended to read:

KODIAK, ALASKA

That airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Kodiak Airport (latitude 57°45'02" N., longitude 152°29'19" W.), and within a 35-mile radius of the Kodiak Airport, extending clockwise from the 029° to the 085° bearing from the airport.

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

Issued in Anchorage, Alaska, on October 5, 1972.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.72-17803 Filed 10-18-72;8:48 am]

[Airspace Docket No. 72-AL-14]

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

Alteration of Control Zone and Transition Area

On June 9, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 11590) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would alter the Kenai, Alaska, control zone and transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901, G.m.t., December 7, 1972, as hereinafter set forth.

1. In § 71.171 (37 F.R. 2056) the Kenai control zone is amended to read:

KENAI, ALASKA

Within a 5-mile radius of the Kenai Municipal Airport (latitude 60°34'21" N., longitude 151°14'44" W.), and within 2 miles northwest and 2.5 miles southeast of the Kenai VORTAC 031° radial extending from the 5-mile radius zone to 8.5 miles northeast of the VORTAC.

2. In § 71-181 (37 F.R. 2143) the Kenai transition area is amended to read:

KENAI, ALASKA

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Kenai Municipal Airport (latitude 60°34'21" N., longitude 115°14'44" W.), extending clockwise from the 048° to the 290° bearing from the airport.

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

Issued in Anchorage, Alaska, on October 5, 1972.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.72-17804 Filed 10-18-72;8:48 am]

[Airspace Docket No. 72-AL-15]

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

Alteration of Control Zone and Transition Area

On June 9, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 11590) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would alter the Anchorage, Alaska, terminal airspace structure.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 7, 1972, as hereinafter set forth.

1. In § 71.171 (37 F.R. 2056) the Anchorage control zone is amended to read:

ANCHORAGE, ALASKA (ANCHORAGE INTERNATIONAL AIRPORT)

Within a 5-mile radius of the Anchorage International Airport (latitude 61°10'16" N., longitude 149°58'48" W.); within 2.5 miles each side of the Anchorage RR southwest course extending from the 5-mile radius zone to 8.5 miles southwest of the RR; within 2 miles each side of the Anchorage VORTAC 079° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Anchorage ILS localizer west course extending from the 5-mile radius zone to the OM; excluding the portion within the Anchorage (Merrill Field/Elmendorf AFB) control zone.

2. § 71.181 (37 F.R. 2143) the Anchorage transition area is amended to read as follows:

ANCHORAGE, ALASKA

That airspace extending upward from 700 feet above the surface within an 18-mile radius of the Anchorage International Airport (latitude 61°10'16" N., longitude 149°58'48" W.); that airspace extending upward from 1,200 feet above the surface within an 85-mile radius of the Anchorage VORTAC; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Anchorage VORTAC, excluding the portions within the United States, Federal Airways, Control 1218, Control 1310, the Cordova, Alaska, and Middleton Island, Alaska, control area extensions, the King Salmon, Alaska, transition area, and the Anchorage Oceanic Control Area.

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

Issued in Anchorage, Alaska, on October 5, 1972.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.72-17805 Filed 10-18-72;8:48 am]

[Airspace Docket No. 72-SO-53]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Jackson, Miss., transition area.

The Jackson transition area is described in § 71.181 (37 F.R. 2143). An RNAV Runway 17 Instrument Approach Procedure to Bruce Campbell Field, effective November 2, 1972, requires approximately 2 square miles of additional controlled airspace protection. It is necessary to alter the description by designating an extension 3 miles in width and extending from the 5.5-mile radius area to 5.5 miles north of the end of Runway 17. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 2, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Jackson Miss., transition area is amended as follows: "* * * 5.5-mile radius area to the VORTAC * * *" is deleted and "* * * 5.5-mile radius area to the VORTAC; within 1.5 miles each side of Runway 17 extended centerline, extending from the 5.5-mile radius area to 5.5 miles north of the runway end * * *" is substituted therefor.

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

Issued in East Point, Ga., on October 10, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-17808 Filed 10-18-72;8:48 am]

[Docket No. 12318, Amdt. 834]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective October 6, 1972:

Grand Rapids, Mich.—Kent County Airport VOR Runway 18, Amdt. 1; Revised.
Grand Rapids, Mich.—Kent County Airport, VOR Runway 36, Amdt. 5; Revised.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective October 10, 1972:

Tuscaloosa, Ala.—Van De Graaff Airport, VOR Runway 4, Amdt. 2; Revised.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAP's effective October 12, 1972:

San Juan, P.R.—Puerto Rico International Airport, VOR–A, Amdt. 14; Revised.

4. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAP's effective November 30, 1972:

El Monte, Calif.—El Monte Airport, VOR–A, Amdt. 2; Revised.

5. Section 97.25 is amended by establishing, revising, or canceling the following SDF–LOC–LDA SIAP's effective November 2, 1972:

Gulfport, Miss.—Gulfport Municipal Airport, LOC Runway 13, Amdt. 2; Canceled.

6. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective November 2, 1972:

Gulfport, Miss.—Gulfport Municipal Airport, NDB Runway 13, Amdt. 1; Revised.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's effective November 2, 1972:

Gulfport, Miss.—Gulfport Municipal Airport, ILS Runway 13, Orig.; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on October 12, 1972.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610), approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-17806 Filed 10-18-72;8:48 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FORMETANATE HYDROCHLORIDE

Correction

In F.R. Doc. 72-17118, appearing on page 21150, in the issue of Friday, October 6, 1972, in the fourth line of § 121.1245, after "methylene]", insert "amino]".

PART 121—FOOD ADDITIVES

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

POLYPHENYLENE SULFIDE RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2637) filed by Phillips Petroleum Co., 588 Frank Phillips Building, Bartlesville, OK 74003, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of polyphenylene sulfide resins (poly(1,4-phenylene sulfide) resins) as coatings or components of coatings of articles intended to contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2621 Polyphenylene sulfide resins.

Polyphenylene sulfide resins (poly(1,4-phenylene sulfide) resins) may be safely used as coatings or components of coatings of articles intended for repeated use in contact with food, in accordance with the following prescribed conditions.

(a) Polyphenylene sulfide resins consist of basic resins produced by the reaction of equimolar parts of *p*-dichlorobenzene and sodium sulfide, such that the finished resins meet the following specifications as determined by methods available upon request from the Commissioner of Food and Drugs.

(1) Sulfur content: 28.2–29.1 percent by weight of finished resin.

(2) Minimum inherent viscosity: 0.13 deciliters per gram.

(3) Maximum residual *p*-dichlorobenzene: 0.8 ppm.

(b) Subject to any limitations prescribed in this Part 121, the following optional substances may be added to the polyphenylene sulfide basic resins in an amount not to exceed that reasonably required to accomplish the intended physical or technical effect.

(1) Substances generally recognized as safe in food.

(2) Substances used in accordance with prior sanction or approval.

(3) Substances the use of which is permitted in coatings under regulations in this Part 121.

(c) The finished coatings are thermally cured at temperatures of 700° F. and above.

(d) Polyphenylene sulfide resin coatings may be used in contact with food at temperatures not to exceed the boiling point of water; provided that the finished cured coating, when extracted at reflux temperatures for 8 hours separately with distilled water, 50 percent ethanol in water, and 3 percent acetic acid, yields total extractives in each extracting solvent not to exceed 0.02 milligram per square inch of surface and when extracted at reflux temperature for 8 hours with heptane yields total extractives not to exceed 0.1 milligram per square inch of surface.

(e) Polyphenylene sulfide resin coatings containing perfluorocarbon resins complying with § 121.2555 may be used in contact with food at temperatures up to and including normal baking and frying temperatures; provided that the finished cured coating, when extracted at reflux temperatures for 2 hours separately with distilled water, 50 percent ethanol in water, 3 percent acetic acid and heptane, yields total extractives in each extracting solvent not to exceed 0.2 milligram per square inch of surface and when extracted at reflux temperature for 1 hour with diphenyl ether yields total extractives not to exceed 4.5 milligrams per square inch of surface.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (10–19–72).

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

Dated: October 10, 1972.

ROBERT C. BRANDENBURG,
Acting Associate Commissioner
for Compliance.

[FR Doc.72-17777 Filed 10-18-72;8:49 am]

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Topical Combination Drug

The Commissioner of Food and Drugs has evaluated a new animal drug application (15–433V) filed by The Upjohn Co., Kalamazoo, Mich. 49001, proposing the safe and effective use of a topical powder containing neomycin sulfate and

other drugs for treating certain conditions in animals. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding a new section as follows:

§ 135a.30 Neomycin sulfate, 9-fluoroprednisolone acetate, tetracaine hydrochloride, and myristyl-gamma-picolinium chloride, topical powder, veterinary.

(a) *Specifications.* The product contains 5 milligrams of neomycin sulfate, equivalent to 3.5 milligrams of neomycin base, 1 milligram of 9-fluoroprednisolone acetate, 5 milligrams of tetracaine hydrochloride and .2 milligram of myristyl-gamma-picolinium chloride in each gram of the product in a special adherent powder base.

(b) *Sponsor.* See code No. 037 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used in horses, dogs, and cats in the treatment or adjunctive therapy of certain ear and skin conditions when such conditions are caused by or associated with neomycin-susceptible organisms and/or allergy. In addition the product is indicated as superficial dressing applied to minor cuts, wounds, lacerations, abrasions, and for postsurgical application where reduction of pain and inflammatory response is deemed desirable. The product may be used as a dusting powder following amputation of tails, claws, and dewclaws and following ear trimming, castrating, and such surgical procedures as ovariohysterectomies. The product may also be used in the treatment of acute otitis externa in dogs, acute moist dermatitis and interdigital dermatitis in dogs.

(2) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (10–19–72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: October 11, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72–17778 Filed 10–18–72;8:49 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGD 72–87a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Blackwater River, Fla.

This amendment changes the regulations for the Florida State Road 10 drawbridge across Blackwater River to provide that the draw open on signal if at least 12 hours notice has been given. This amendment was circulated as a public notice dated 15 May 1972 by the Commander, Eighth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 72–87) on May 10, 1972 (37 F.R. 9404). One comment was received that had no objection to the proposed change.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding subparagraph (6–c) to paragraph (i) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(6–c) Blackwater River, Fla., State Road 10 bridge at Milton. The draw shall open promptly on signal if at least 12 hours notice has been given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Effective date. This revision shall become effective on November 20, 1972.

Dated: October 12, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard
Chief, Office of Marine Environment and Systems.

[FR Doc.72–17830 Filed 10–18–72;8:50 am]

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Oklawaha River, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.169 governing the operation of a lock on the Oklawaha River at Moss Bluff, Fla., is hereby amended with respect to paragraph (a) to change the hours of operation, effective upon publication in the FEDERAL REGISTER (10–19–72), as follows:

§ 207.169 Oklawaha River, navigation lock and dam at Moss Bluff, Fla.; use, administration and navigation.

(a) The owner of or agency controlling the lock shall not be required to operate the navigation lock except from 5:30 a.m. to 8 p.m. daily. During the above hours the lock shall be opened upon demand for the passage of vessels. The hours of operation are based on local time.

* * * * *

[Regs., October 2, 1972, 1522–01 DAEN–CWO–N] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

E. W. GANNON,
Lieutenant Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.72–17773 Filed 10–18–72;8:50 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7209]

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Appreciated Property Used To Redeem Stock; Correction

On October 4, 1972, Treasury Decision 7209 with respect to appreciated property used to redeem stock appeared in the FEDERAL REGISTER (37 F.R. 20799; F.R. Doc. 72–16831 filed October 3, 1972; 8:45 a.m.). The following changes should be made:

1. The word "complex" appearing in the last line of paragraph (a) of § 1.311–1 appearing at 37 F.R. 20801 should be changed to read "complete".

2. The following "[, without regard to section 318 (relating to constructive ownership of stock),]" beginning in the fifth line of subparagraph (2) of paragraph (b) of § 1.311–2 appearing at 37 F.R. 20802, should be deleted.

JAMES F. DRING,
Director, Legislation and Regulations Divisions.

[FR Doc.72–17881 Filed 10–18–72;8:54 am]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75—MANDATORY SAFETY STANDARDS — UNDERGROUND COAL MINES

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Federal Standards for Qualification of Persons Performing Electrical Work in Coal Mines

Pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 811(a); 83 Stat. 745), there was published in the FEDERAL REGISTER for October 28, 1971 (36 F.R. 20699), proposed revisions of § 75.153 of Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, and § 77.103 of

Part 77, Subchapter O, Chapter I, Title 30, Code of Federal Regulations. These proposed revisions prescribed the standards pertaining to underground coal mines, and surface coal mines and surface work areas of underground coal mines respectively, under which persons must be qualified in order to perform electrical work on low-, medium-, or high-voltage distribution circuits or equipment, or to examine, test, and maintain electrical equipment.

Interested persons were afforded a period of 45 days within which to submit written comments, suggestions, or objections to the proposed standards.

In light of the written comments, suggestions, and objections submitted to the Bureau of Mines concerning these proposed revisions, and in view of consultation meetings held, in accordance with section 101(c) of the Federal Coal Mine Health and Safety Act of 1969, since publication of the proposal, several changes have been made in the standards.

The proposed standards would have required all persons eligible for qualification to eventually attain a satisfactory grade on a series of written tests approved by the Secretary and administered by the Bureau prior to obtaining qualification.

Many persons performing electrical work have a great amount of practical experience with only a relatively insignificant amount of formal electrical training, or none whatsoever. The Bureau has conducted oral, written, and open-book examination surveys and has concluded that the examination scores achieved by individuals with little or no formal electrical training, but a great deal of practical experience, do not accurately represent their abilities to properly perform electrical work in coal mines. Therefore, the standards, as set forth below, would permit persons eligible for qualification to become qualified upon satisfactory completion of a coal mine electrical training program approved by the Secretary. The optional use of approved coal mine electrical training programs will enable those individuals with practical experience who perform poorly on formal examinations to become qualified. The approved coal mine electrical training programs will be similar in format to the approved coal mine electrical retraining programs which are required to be taken annually in order to retain qualification. Interested persons are advised that concurrently with the promulgation of these standards, there is published in the notices section of the FEDERAL REGISTER, requirements for approval by the Secretary of coal mine electrical training and retraining programs.

The standards, as set forth below, also permit a person to become qualified for Federal purposes if he has been qualified as a coal mine electrician by a State that has a coal mine electrical qualification program approved by the Secretary. The purpose of this change is to prevent an unnecessary duplication of time, effort, and funds by both the Bureau and persons seeking to obtain qualification in those States having a coal mine electrical qualification program as stringent as, or more stringent than, the Federal requirements. Interested persons are advised that concurrently with the promulgation of these standards, there is published in the notices section of the FEDERAL REGISTER, requirements for approval by the Secretary of State coal mine electrical qualification programs.

The proposed standards would have permitted individuals who had been qualified to perform electrical work prior to the effective date of these revisions to continue to be qualified until December 31, 1972. To remain qualified after this date such individuals would have had to attain a satisfactory grade on the series of written tests approved by the Secretary and administered by the Bureau. The standards, as set forth below, now permit such individuals to remain qualified until June 30, 1973. To remain qualified after this date such persons would either have to: (1) Have been qualified by a State that has a coal mine electrical training program approved by the Secretary; (2) have attained a satisfactory grade on the series of written tests approved by the Secretary; or (3) have satisfactorily completed a coal mine electrical training program approved by the Secretary.

Since the categories of the series of tests approved by the Secretary will require a great deal of study and preparation, it is deemed advisable to eliminate those subjects not directly connected to the performance of electrical work in coal mines. Consequently, the categories of fire protection and mine maps have been deleted. It should be noted, however, that training in fire protection is already required in underground coal mines, and in surface mines and the surface work areas of underground coal mines (30 CFR 75.1107–14, 77.1100).

One of the most common electrical repair tasks occurring in coal mines is the making of temporary and permanent splices in low-voltage trailing cables. It has been determined, partially based on information received during the course of consultation meetings regarding the subject of this notice, that no reduction of safety will occur if separate standards are developed for qualification of persons making such splices. Such standards will be proposed in the future, and it is believed that they will be beneficial because: (1) They will require training to perform such work in training programs approved by the Secretary; and (2) they will permit those individuals qualified to perform electrical work in coal mines to devote more time to the more complex electrical tasks involved in coal mining.

Effective date. These revisions shall become effective on November 1, 1972.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

OCTOBER 12, 1972.

1. Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations is hereby amended by revising § 75.153 as follows:

§ 75.153 Electrical work; qualified person.

(a) Except as provided in paragraph (f) of this section, an individual is a qualified person within the meaning of §§ 75.511 and 75.512 to perform electrical work (other than work on energized surface high-voltage lines) if:

(1) He has been qualified as a coal mine electrician by a State that has a coal mine electrical qualification program approved by the Secretary; or,

(2) He has at least 1 year of experience in performing electrical work underground in a coal mine, in the surface work areas of an underground coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry, or in any other industry using or manufacturing similar equipment, and has satisfactorily completed a coal mine electrical training program approved by the Secretary; or,

(3) He has at least 1 year of experience, prior to the date of the application required by paragraph (c) of this section, in performing electrical work underground in a coal mine, in the surface work areas of an underground coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry, or in any other industry using or manufacturing similar equipment, and he attains a satisfactory grade on each of the series of five written tests approved by the Secretary and prescribed in paragraph (b) of this section.

(b) The series of five written tests approved by the Secretary shall include the following categories:

(1) Direct current theory and application;

(2) Alternating current theory and application;

(3) Electric equipment and circuits;

(4) Permissibility of electric equipment; and,

(5) Requirements of Subparts F through K of this Part 75.

(c) In order to take the series of five written tests approved by the Secretary, an individual shall apply to the District Manager of any Coal Mine Health and Safety District and shall certify that he meets the requirements of paragraph (a)(3) of this section. The tests will be administered in the Coal Mine Health and Safety Districts at regular intervals, or as demand requires.

(d) A score of at least 80 percent of each of the five written tests will be deemed to be a satisfactory grade. Recognition shall be given to practical experience in that 1 percentage point shall be added to an individual's score in each test for each additional year of experience beyond the 1 year minimum requirement specified in paragraph (a)(3) of this section; however, in no case shall an individual be given more than 5 percentage points for such practical experience.

(e) An individual may, within 30 days from the date on which he received notification from the Bureau of his test

scores, repeat those on which he received an unsatisfactory score. If further retesting is necessary after this initial repetition, a mininum of 30 days from the date of receipt of notification of the initial retest scores shall elapse prior to such further retesting.

(f) An individual who has, prior to November 1, 1972, been qualified to perform electrical work specified in §§ 75.511 and 75.512 (other than work on energized surface high-voltage lines) shall continue to be qualified until June 30, 1973. To remain qualified after June 30, 1973, such individual shall meet the requirements of either subparagraph (1), (2), or (3) of paragraph (a) of this section.

(g) An individual qualified in accordance with this section shall, in order to retain qualification, certify annually to the District Manager of the Coal Mine Health and Safety District wherein he is employed, that he has satisfactorily completed a coal mine electrical retraining program approved by the Secretary.

2. Part 77, Subchapter O, Chapter I, Title 30, Code of Federal Regulations is hereby amended by revising § 77.103 as follows:

§ 77.103 Electrical work; qualified person.

(a) Except as provided in paragraph (f) of this section, an individual is a qualified person within the meaning of Subparts F, G, H, I, and J of this Part 77 to perform electical work (other than work on energized surface high-voltage lines) if:

(1) He has been qualified as a coal mine electrician by a State that has a coal mine electrical qualification program approved by the Secretary; or,

(2) He has at least 1 year of experience in performing electrical work underground in a coal mine, in the surface work areas of an underground coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing to perform electrical work (other than industry, or in any other industry using or manufacturing similar equipment, and has satisfactorily completed a coal mine electrical training program approved by the Secretary; or,

(3) He has at least 1 year of experience, prior to the date of the application required by paragraph (c) of this section, in performing electrical work underground in a coal mine, in the surface work areas of an underground coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry, or in any other industry using or manufacturing similar equipment, and he attains a satisfactory grade on each of the series of five written tests approved by the Secretary as prescribed in paragraph (b) of this section.

(b) The series of five written tests approved by the Secretary shall include the following categories:

(1) Direct current theory and application;

(2) Alternating current theory and application;

(3) Electric equipment and circuits;

(4) Permissibility of electric equipment; and,

(5) Requirements of Subparts F through J and S of this Part 77.

(c) In order to take the series of five written tests approved by the Secretary, an indivdual shall apply to the District Manager of any Coal Mine Health and Safety District and shall certify that he meets the requirements of paragraph (a)(3) of this section. The tests will be administered in the Coal Mine Health and Safety Districts at regular intervals, or as demand requires.

(d) A score of at least 80 percent on each of the five written tests will be deemed to be a satisfactory grade. Recognition shall be given to practical experience in that 1 percentage point shall be added to an individual's score in each test for each additional year of experience beyond the 1 year requirement specified in paragraph (a)(3) of this section; however, in no case shall an individual be given more than 5 percentage points for such practical experience.

(e) An individual may, within 30 days from the date on which he received notification from the Bureau of his test scores, repeat those on which he received an unsatisfactory score. If further retesting is necessary after his initial repetition, a minimum of 30 days from the date of receipt of notification of the initial retest scores shall elapse prior to such further retesting.

(f) An individual who has, prior to November 1, 1972, been qualified to perform electrical work specified in Subparts F, G, H, I, and J of this Part 77 (other than work on energized surface high-voltage lines) shall continue to be qualified until June 30, 1973. To remain qualified after June 30, 1973, such individual shall meet the requirements of either subparagraph (1), (2), or (3) of paragraph (a) of this section.

(g) An individual qualified in accordance with this section shall, in order to retain qualification, certify annually to the District Manager of the Coal Mine Health and Safety District wherein he is employed, that he has satisfactorily completed a coal mine electrical retraining program approved by the Secretary.

(Sec. 101(a), Federal Coal Mine Health and Safety Act of 1969; 30 U.S.C. 811(a); 83 Stat. 745)

[FR Doc.72-17789 Filed 10-18-72;8:46 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1-62]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Authority With Respect to the Retired Serviceman's Survivor Benefit Plan

The purpose of this amendment is to delegate to the Commandant of the Coast Guard authority vested in the Secretary by a recently enacted statute, Public Law 92-425, providing for a Survivor Benefit Plan for retired servicemen, and the related Executive Order 11687.

Since this amendment relates to departmental management, procedures, and practices, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended, effective September 21, 1972, as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(p) Carry out the responsibilities and exercise the authority vested in the Secretary by Public Law 92-425 and Executive Order 11687 (37 F.R. 21479), relating to the Retired Serviceman's Survivor Benefit Plan.

This action is taken under the authority of sections 3(e) and 9(e) of the Department of Transportation Act (49 U.S.C. 1652(e) and 1657(e)).

Issued in Washington, D.C., on October 11, 1972.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.72-17774 Filed 10-18-72;8:50 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Rev. S.O. 1105]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of October 1972.

It appearing, that an acute shortage of plain boxcars exists on the Maine Central Railroad Co.; that shippers located on lines of this carrier are being deprived of such cars required for loading, resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by this railroad are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1105 Service Order 1105.

(a) *Distribution of Boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act

shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in subparagraphs (4), (5), (6), and (7) of this paragraph, all plain boxcars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 384, issued by W. J. Trezise, or reissues thereof, as having mechanical designation XM, bearing reporting marks issued to the Maine Central Railroad Co.

(2) Plain boxcars described in subparagraph (1) of this paragraph include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(3) [Deleted]

(4) Boxcars described in paragraph (1) herein, may be loaded only to stations on the lines of the car owner or to any station which is a junction with the car owner. After unloading at a junction with the car owners, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(5) [Deleted]

(6) Boxcars described in paragraph (1) herein shall not be back-hauled empty from a junction with the car owner.

(7) *Exception.* The provisions of this order shall not apply to Maine Central cars in series 30000 to 30249, inclusive.

(8) The return to the owner of a boxcar described in paragraph (1) herein shall be accomplished when it is delivered to the car owner, either empty or loaded.

(9) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, I.C.C., R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(10) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraph (4) of this paragraph.

(b) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) Effective date: This order shall become effective at 11:59 p.m., October 17, 1972.

(d) Expiration date: This order shall expire at 11:59 p.m., November 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101 as amended, 54 Stat. 911; 49 U.S.C. 1 (10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-17876 Filed 10-18-72;8:54 am]

[No. MC-C-6829 (Sub-No. 1)]

PART 1064—NOTICE OF AND PROCEDURES FOR BAGGAGE EXCESS VALUE DECLARATION

Notice of Conference Regarding Reasonableness of $50 Limitation of Free Baggage Allowance

OCTOBER 13, 1972.

The Commission's new regulations (49 CFR Part 1064) governing the baggage excess valuation procedures of interstate motor common carriers of passengers subject to its jurisdiction, promulgated in Limitation of Free Baggage Allowance—Greyhound, 115 M.C.C. 566 (1972), are now scheduled to become effective on December 20, 1972. Concurrently with the adoption of such regulations, the Commission instituted the instant proceding: (1) To inquire into the adequacy of the present $50 "free" baggage allowance, (2) to investigate the possibility of adopting a regulation requiring a $250 or some other "free" baggage allowance limitation, and (3) to take such other and further action as the facts and circumstances may justify or require. The Bureau of Enforcement was directed to participate in this proceeding and, following publication in the FEDERAL REGISTER on August 31 and September 9, 1972, the parties identified in the appendix to this notice have filed statements of their intention so to participate.

By letter dated October 4, 1972, copies of which were mailed to all such parties, the National Association of Motor Bus Owners and the National Bus Traffic Association have requested the Commission to schedule an informal conference (or if necessary, a prehearing conference) for the purpose of permitting an open discussion of the relationship between the Commission's prescribed regulations and the present proceeding. The Associations express the hope that, in the course of such discussion, various aspects of the adopted regulations might be clarified through the exchange of views between the interested parties and the Commission. They further believe that the nature of the available data relating to the current proceeding can be discussed with a view toward arriving at a mutual understanding among all such parties and the Commission as to the extent of the evidence which should be submitted herein. These Associations take the position that an informal discussion between all interested parties and the Commission will go far toward clarifying the matters to be considered herein and to expedite the proceeding to a final conclusion satisfactory to the parties and the Commission.

It is believed that an informal discussion of the type requested by the Associations may prove beneficial to the efficient and expeditious resolution of this proceeding in the public interest. Such a conference is hereby scheduled to begin at 10 a.m., e.d.t., on Tuesday, October 24, 1972, at the Offices of the Commission at 12th and Constitution Avenue, Washington, D.C. The conference will be conducted by appropriate staff members of the Commission's Office of Proceedings, in a room to be hereafter designated, and the participation of such staff members will be limited to the furtherance of the orderly progress of the informal discussions. The Commission's Bureau of Enforcement will participate as a party to the proceeding. A transcript of the discussions will be made and will be available for public inspection in the public docket in this proceeding as soon as possible after the close of the discussions.

ROBERT L. OSWALD, *Secretary.*

LIST OF PARTIES

Mr. P. J. Campbell, Chairman, National Bus Traffic Association, Inc., 506 South Wabash Avenue, Chicago, IL 60605.

Mr. John S. Fessenden, Suite 618 Perpetual Building, 1111 E Street NW., Washington, DC 20004.

Mr. John H. O'Brien, Assistant Director, Bureau of Enforcement, Interstate Commerce Commission, Washington, D.C. 20423.

Mr. W. L. McCracken, Assistant General Council—Transportation, The Greyhound Corp., Greyhound Tower—17th Floor, Phoenix, Ariz. 85077.

Mr. John Mathis, California Public Utilities Commission, 5072 State Building, San Francisco, Calif. 94102.

Dr. Lincoln Smith, New York University, Department of Politics, Government House, New York, N.Y. 10453.

Mr. Charles A. Webb, National Association of Motor Bus Owners, 1025 Connecticut Avenue NW., Washington, DC 20036.

[FR Doc.72-17878 Filed 10-18-72;8:54 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

[Docket No. R-72-215]

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

DIRECTOR AND DEPUTY DIRECTOR OF THE HONOLULU INSURING OFFICE

Part 200 is being amended to add a new § 200.123 to redelegate to the Director and Deputy Director of the Honolulu

Insuring Office the authority to perform the functions and exercise the authorities necessary for the production of low-rent public housing.

Accordingly, Part 200, Subpart D is amended in the table of contents and text by adding a new § 200.123 as follows:

§ 200.123 Director and Deputy Director of the Honolulu Insuring Office.

To the Director of the Honolulu Insuring Office and under his general supervision to the position of Deputy Director of the Honolulu Insuring Office, with respect to the production of low-rent public housing, there is redelegated the authority to perform the functions and exercise the authorities set forth in §§ 200.113, 200.115, and 200.116.

(Secretary's delegation of authority, 36 F.R. 5006, March 16, 1971, as amended 37 F.R. 15444, August 2, 1972)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (10-19-72).

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.72-17823 Filed 10-18-72;8:46 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Merritt Island National Wildlife Refuge, Florida

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (10-19-72).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

FLORIDA

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Merritt Island National Wildlife Refuge, Fla., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 45,395 acres, are delineated on a map available at the refuge headquarters, Merritt Island National Wildlife Refuge, Fla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) Security requirements deemed necessary by the Director, Kennedy Space Center, may preclude hunting in any of the areas for all or portions of the 1972-73 waterfowl season.

(2) As security requirements allow, hunting will be permitted:

(a) In public hunting Areas Nos. 2, 3, and 4 from one-half hour before sunrise to sunset, on Tuesdays, Thursdays, Saturdays, and Sundays, from November 23, 1972, through January 20, 1973.

(b) In public hunting Area No. 1 from one-half hour before sunrise to 12 o'clock noon on Tuesdays, Thursdays, Saturdays, and Sundays from November 23, 1972, through January 20, 1973.

(3) Hunting from permanent blinds is prohibited in Areas 2, 3, and 4. Hunting in Area No. 1 shall be only from Government-provided blinds.

(4) Air thrust boats are not permitted on the refuge.

(5) Hunters under 16 years of age, must be accompanied by an adult 21 years of age or older.

(6) No shooting is permitted from or across railroad rights-of-way or any paved road.

(7) Vehicular use of the refuge beach will be limited. No vehicles will be allowed on the outer beach above the mean high tide line.

(8) No camping will be allowed.

(9) Shooting from dikes in Area No. 4 is prohibited.

(10) Vehicles will be parked only in designated parking area.

(11) A refuge permit is required of all hunters in all hunt areas on holidays, Saturdays, and Sundays. Applications must be received no later than 2 weeks prior to the hunt date in the office of the Merritt Island National Wildlife Refuge. Details concerning permit applications may be obtained by writing the Refuge Manager, Merritt Island National Wildlife Refuge, Post Office Box 6504, Titusville, FL 32780.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 20, 1973.

JACK E. HEMPHILL,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 11, 1972.

[FR Doc.72-17801 Filed 10-18-72;8:48 am]

PART 32—HUNTING

Pocasse National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10-19-72).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

SOUTH DAKOTA

POCASSE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Pocasse National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Firearms season—November 25 through December 3, 1972, both dates inclusive.

(2) All hunters must exhibit their hunting license, deer tag, and vehicle contents to Federal and State officers upon request.

(3) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles outside the refuge and hunt on foot.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 3, 1972.

LYLE J. SCHOONOVER,
Refuge Manager, Sand Lake National Wildlife Refuge.

OCTOBER 10, 1972.

[FR Doc.72-17819 Filed 10-18-72;8:46 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10-19-72).

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

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of deer on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from 12 noon to sunset November 10, 1972, and from sunrise to sunset November 11, 1972, through November 19, 1972, only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres, is delineated on a map available at the refuge headquarters, Upham, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

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

and are effective through November 19, 1972.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer N.W. Refuge, Upham, N. Dak. 58789.

OCTOBER 13, 1972.

[FR Doc.72-17817 Filed 10-18-72;8:46 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10-19-72).

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

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of gray partridge, sharptailed grouse and pheasant on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from sunrise to sunset November 20, 1972 through December 10, 1972, only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres of the total refuge area is delineated on a map available at the refuge headquarters, Upham, N. Dak. 58789, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of gray partridge, sharptailed grouse and pheasant subject to the following special condition:

(1) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 10, 1972.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer N.W. Refuge, Upham, N. Dak 58789.

OCTOBER 13, 1972.

[FR Doc.72-17818 Filed 10-18-72;8:46 am]

PART 32—HUNTING

Noxubee National Wildlife Refuge, Miss.; Correction

In F.R. Doc. 72-14817, appearing on page 17721 of the issue for Thursday, August 31, 1972, under § 32.32, subparagraphs (1) and (2) under special conditions should read as follows:

(1) Gun and bow hunting for bucks only is permitted November 18-December 1, 1972, excluding Sundays.

(2) Gun and bow hunting for either sex is permitted December 26-30, 1972.

JACK E. HEMPHILL,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 10, 1972.

[FR Doc.72-17776 Filed 10-18-72;8:50 am]

Title 11—FEDERAL ELECTIONS

Chapter I—Comptroller General

SUBCHAPTER A—CAMPAIGN COMMUNICATIONS

PART 4—EXPENDITURE LIMITATIONS FOR USE OF COMMUNICATIONS MEDIA

Expenditures for or on Behalf of a Federal Candidate

Section 4.4 is revised to make it clear that a communications media expenditure by or on behalf of a Federal candidate is covered under title I of the Act only if it is an expenditure for a use which identifies the candidate and advocates or supports the candidate's nomination or election. It is not intended that this section shall apply to funds spent by a broadcasting station or a newspaper or a magazine in reporting the news or in taking editorial positions.

This amendment is effective on the date of its publication in the FEDERAL REGISTER (10-19-72).

Section 4.4 is amended by revising paragraph (a) thereof to read as follows:

§ 4.4 Expenditures for or on behalf of a Federal candidate.

(a) Any expenditure by any person for the use of communications media on behalf of the candidacy of any legally qualified candidate for nomination or election to Federal elective office is deemed, for the purposes of section 104 of the Act and this part, to have been spent by such candidate, whether or not the person making the expenditure is authorized by the candidate to do so. An expenditure for the use of communications media is deemed to be "on behalf of the candidacy" of such Federal candidate if the use identifies the candidate, directly or by implication, and advocates or supports the nomination or election of the candidate. Any such expenditure by or on behalf of any legally qualified candidate for the office of Vice President of the United States is deemed, for the purposes of section 104 of the Act and this part, to have been spent by the candidate for the office of President with whom he or she is running.

* * * * *

(Sec. 105, 86 Stat. 7, 47 U.S.C. 804. Interpret or apply section 104(a), 86 Stat. 5, 47 U.S.C. 803)

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.72-18049 Filed 10-18-72;11:52 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 18, 21, 24, 112, 125, 172]

BONDING OF CARRIERS, CARTMEN, AND LICENSING OF LIGHTERMEN, AND CARTAGE AND LIGHTERAGE OF MERCHANDISE

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in sections 551, 565, and 624 of the Tariff Act of 1930, as amended (46 Stat. 742, as amended, 747, as amended, 759; 19 U.S.C. 1551, 1565, 1624), it is proposed to revise the Customs Regulations relating to the bonding of carriers and licensing of cartmen and lightermen, and the cartage and lighterage of merchandise.

This revision is part of the general revision of the Customs Regulations and replaces the provisions of § 18.1 and Part 21 with two new parts, Parts 112 and 125. Proposed Part 112, Carriers, Cartmen, and Lightermen, concerns the bonding of cariers and licensing of cartmen and lightermen, the issuance of identification cards to cartmen and lightermen employees and the revocation or suspension of licenses and identification cards. Proposed Part 125, Cartage and Lighterage of Merchandise, sets forth the procedures governing cartage and lighterage, and the duties and liabilities of cartmen and lightermen in the cartage of merchandise.

The principal changes reflected in proposed Parts 112 and 125 from those set forth in § 18.1 and Part 21 are as follows:

1. A list of definitions has been added as § 112.1.

2. Section 112.13 has been added in order to specify the conditions under which applications for designation as bonded carriers and carrier bonds will be approved.

3. Section 112.15 has been added incorporating the current practice of publishing notice of approvals and terminations of carrier bonds in the Customs Bulletin.

4. Section 112.23 has been added to reflect the practice of referring the application for license to the Customs special agent in charge for investigation.

5. In § 112.27(c)(1), concerning the marking of carting vehicles, the word "permanent" has been added requiring that such markings be permanently affixed to the vehicles used for cartage.

6. In § 112.30, concerning the causes for suspension, revocation, and termination of cartman and lighterman licenses, the causes found in §§ 21.1(a) and 21.8(a), have been listed along with those found in § 21.6(b).

7. In § 125.31, the forms and documents used in cartage and lighterage are listed.

8. Section 112.49 has been added incorporating the current practice governing the issuing of temporary identification cards to employees of cartmen and lightermen.

Accordingly, it is proposed to amend the Customs Regulations as follows:

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

§ 18.1 [Amended]

Section 18.1 is amended by deleting paragraphs (c), (d), (e), and (f).

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 21—CARTAGE AND LIGHTERAGE [DELETED]

Chapter I of Title 19, Code of Federal Regulations, is amended by deleting Part 21—Cartage and Lighterage.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

§ 24.12 [Amended]

In § 24.12, paragraph (a)(1) is amended by deleting subdivisions (ii) and (iv).

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 112—CARRIERS, CARTMEN, AND LIGHTERMEN

Chapter I of Title 19, Code of Federal Regulations, is amended by adding Part 112 entitled "Carriers, Cartment, and Lightermen" to read as follows:

Sec.

112.0 Scope.

Subpart A—General Provisions

112.1 Definitions.
112.2 Bond or license required.

Subpart B—Authorization of Carriers To Carry Bonded Merchandise

112.11 Carriers which may be authorized.
112.12 Application for authorization.
112.13 Approval of applications.
112.14 Discontinuance of carrier bonds.
112.15 Publication of approvals and discontinuance of carrier bonds.

Subpart C—Licensing of Cartmen and Lightermen

112.21 License required.
112.22 Application for license.
112.23 Investigation of applicant.
112.24 Issuance of license.
112.25 Bonded carriers.
112.26 Duration of license.
112.27 Marking of vehicles and vessels.
112.28 Production of license.
112.29 Records.
112.30 Suspension or revocation of license.

Subpart D—Identification Cards

112.41 Identification cards required.
112.42 Application for identification card.
112.43 Form of identification card.
112.44 Changes in information on identification cards.
112.45 Surrender of identification cards.
112.46 Report of loss or theft.
112.47 Wrongful presentation.
112.48 Revocation or suspension of identification cards.
112.49 Temporary identification cards.

AUTHORITY: The provisions of this Part 112 issued under R.S. 251, as amended, secs. 551, 565, 624, 46 Stat. 742, as amended, 747, as amended, 759; 19 U.S.C. 66, 1551, 1565, 1624.

§ 112.0 Scope.

This part sets forth regulations providing for the bonding of carriers which will receive merchandise for transportation in bond, and the licensing of cartmen and lightermen for the cartage of merchandise entered for warehouse, designated for examination, or taken into custody as unclaimed, and the procedures in applying for such bonds or licenses. This part also sets forth the regulations concerning the obtaining of identification cards by cartmen and lightermen, and their employees and the procedures for revoking or suspending licenses and identification cards. Provisions setting forth the duties and responsibilities of cartmen and lightermen are set forth in Part 125 of this chapter.

Subpart A—General Provisions

§ 112.1 Definitions.

When used in this part, the following terms shall have the meaning indicated:

(a) *Carrier.* A "carrier" is one who undertakes to transport goods, merchandise or people.

(b) *Cartman.* A "cartman" is one who undertakes to transport goods or merchandise within the limits of the port.

(c) *Common carrier.* A "common carrier" is a carrier owning or operating a railroad, steamship, or other transportation line or route which undertakes to transport goods or merchandise for all of the general public who choose to employ him.

(d) *Contract carrier.* A "contract carrier" is a carrier which undertakes to transport specific goods or merchandise for a specific person or group of persons,

and is authorized to operate as such by any agency of the United States.

(e) *Freight forwarder.* A "freight forwarder" is one who engages in the business of dispatching shipments on behalf of other persons, for a consideration, in foreign or domestic commerce between the United States, its territories or possessions, and foreign countries, and of handling the formalities incident to such shipments, and is authorized to operate as such by any agency of the United States.

(f) *Lighterman.* A "lighterman" is one who transports goods or merchandise on a barge, scow, or other small vessel to or from a vessel within the port, or from place to place within a port.

(g) *Private carrier.* A "private carrier" is a carrier of his own goods or merchandise.

§ 112.2 Bond or license required.

(a) *Carriers.* A bond provided for in this part is required to transact business as a carrier receiving merchandise for transportation in bond.

(b) *Cartmen and lightermen.* A bond and license provided for in this part are required to transact business as a cartman or lighterman for the cartage of merchandise entered for warehouse, designated for examination, taken to container stations, or taken into custody as unclaimed.

Subpart B—Authorization of Carriers To Carry Bonded Merchandise

§ 112.11 Carriers which may be authorized.

(a) *From port to port in the United States.* The district director may authorize the following types of carriers to receive merchandise for transportation in bond from one port to another in the United States upon compliance with the provisions of this subpart:

(1) Common carriers.

(2) Contract carriers.

(3) Freight forwarders.

(4) Private carriers, if:

(i) The private carrier is the proprietor of a Customs bonded warehouse;

(ii) The merchandise to be transported is his property, having been imported by him or purchased from another importer; and

(iii) The merchandise is to be transported from the port of importation or port of entry for warehouse to the private carrier's Customs bonded warehouse for physical deposit.

(b) *Between ports in Canada or Mexico through the United States.* Canadian and Mexican motor vehicle common carriers may be authorized to transport merchandise under bond between ports in Canada or Mexico through the United States (see Part 123 of this chapter), upon compliance with the provisions of this subpart.

§ 112.12 Application for authorization.

(a) *General requirements.* All carriers and freight forwarders desiring to be authorized to receive merchandise for transportation in bond shall file with the district director concerned a bond on Customs Form 3587 (except private carriers which file on Customs Form 3588 and airline companies which have the option to file a consolidated aircraft bond, Customs Form 7605 or the Customs Form 3587), in a sum specified by the district director accompanied by a fee of $50. The check or money order shall be made payable to the Bureau of Customs.

(b) *Special requirements.* In addition to the requirements in paragraph (a) of this section, the specified carriers shall also file with the district director the following documents:

(1) *Common carriers other than railroad, steamship, or airline companies.* Common carriers other than railroad, steamship, or airline companies generally known to be engaged in common carriage, shall file a certified extract of its articles of incorporation or charter showing that it is authorized to engage in common carriage, and a statement that it is operating or intends to operate as a common carrier.

(2) *Contract carriers and freight forwarders.* Contract carriers and freight forwarders shall file a certificate from the appropriate agency of the United States showing that the applicant is authorized to operate as a contract carrier or freight forwarder by that agency and a statement showing that the applicant is operating or intends to operate as such.

(3) *Private carriers.* If the private carrier is the proprietor of Customs bonded warehouses in two or more Customs districts to which important merchandise will be transported, he shall file the bond with the district director for one of such districts, accompanied by a statement showing the location of each such warehouse and an additional copy of the bond for each additional district.

(4) *Motor carriers.* All motor carriers shall file:

(i) A detailed description of the terminal facilities employed by the principal at the points of origin and destination on the routes covered; and

(ii) A statement showing that facilities are available for the segregation and safeguarding of the packages designated by the district director for examination from a particular shipment.

§ 112.13 Approval of applications.

The district director shall approve an application for authorization as carriers of bonded merchandise and the bond filed, authorizing the applicant to act as a carrier of bonded merchandise provided he is satisfied that:

(a) The amount of the bond is sufficient.

(b) All documents required by this subpart have been furnished and are in proper form; and

(c) The fee prescribed has been paid.

§ 112.14 Discontinuance of carrier bonds.

Carrier bonds may be discontinued at any time by the Commissioner of Customs or by the district director of the district where the bond is filed. Authorized carriers desiring to terminate such bonds shall make application therefor to such district director.

§ 112.15 Publication of approvals and discontinuances of carrier bonds.

Approvals and discontinuances of carrier's bonds will be published from time to time in the weekly Customs Bulletin.

Subpart C—Licensing of Cartmen and Lightermen

§ 112.21 License required.

A customhouse cartage or lighterage license issued by the district director in accordance with this part or specific authorization of the Commissioner of Customs shall be required to perform Customs cartage or lighterage, except as provided for in §§ 18.3 and 125.12 of this chapter.

§ 112.22 Application for license.

(a) *General requirements.* An applicant for a customhouse cartage or lighterage license shall file with the district director for the district in which he proposes to conduct business the following:

(1) A bond on Customs Form 3855 in a sum specified by the district director.

(2) Payment of a fee of $50. The check or money order shall be made payable to the Bureau of Customs.

(3) If required by the district director, a list showing the names and addresses of the managing officers and members of the organization or of the persons who will receive or transport imported merchandise which has not been released from Customs custody, or a list of all such persons and their addresses.

(b) *Special requirements*—(1) *Cartman licensed by city or State.* Any cartman licensed by city or State authorities shall present to the district director his city or State license, after which such documents shall be returned.

(2) *Lighterman.* A lighterman shall present his vessel's marine documents, if any have been issued, to the district director for examination, after which such documents shall be returned.

§ 112.23 Investigation of applicant.

The district director may refer the application for a cartman's or lighterman's license to the Customs special agent in charge for the district in which the application is filed for investigation and report concerning the character, qualification, and experience of the applicant as well as the nature and fitness of the equipment to be used.

§ 112.24 Issuance of license.

The district director shall issue a customhouse cartage and lighterage license on Customs Form 3857 provided he is satisfied that:

(a) The character, qualifications, and experience of the applicant and fitness of his equipment are satisfactory.

(b) The applicant has complied with all the requirements of § 112.22.

§ 112.25 Bonded carriers.

A carrier or freight forwarder who has filed a carrier's bond, Customs Form

3587, or a carrier who has filed a private carrier's bond, Customs Form 3588, may be appointed or licensed as a Customs cartman or lighterman for a port for which such bond provides coverage, upon compliance with § 112.22. Investigation pursuant to § 112.23 may apply.

§ 112.26 Duration of license.

A license issued in accordance with this subpart shall remain in force and effect as long as the required bond is considered sufficient or until the license is suspended, revoked, or terminated pursuant to § 112.30.

§ 112.27 Marking of vehicles and vessels.

(a) *Marking required.* Every vehicle licensed by Customs for cartage and every barge, scow, or other lighter licensed by Customs for lighterage shall be marked with the legend "Customhouse License No. _____", and the name of the person or firm to whom the license has been issued. The abbreviated legend "C.H.L. No. _____" may be used.

(b) *Size of marking.* The marking required by this section shall appear in letters and figures not less than 3 inches high.

(c) *Place of marking—(1) Carts, trucks, drays, and other vehicles.* Every cart, truck, dray, or other vehicle used for Customs cartage by a licensed cartman shall be marked with the required legend and name on each side by painting directly onto the vehicle, or by the permanent attachment of signs bearing the required marking. However, if such marking is found by the district director to be impractical, he may designate some other conspicuous place upon the vehicle where the marking shall appear.

(2) *Barges, scows, lighters, and other vessels.* Every barge, scow, lighter, or other vessel used for Customs lighterage by a licensed lighterman shall be conspicuously marked with the required legend and name.

(d) *Removal of marking upon termination of license.* The markings required by this section shall be removed upon termination of the license in accordance with the provisions of the bond, Customs Form 3855, or the cartman or lighterman shall be liable for the payment of liquidated damages as provided in such bond.

§ 112.28 Production of license.

Inspectors or other Customs officers may require any person claiming to be a licensed customhouse cartman or lighterman to produce his license for inspection.

§ 112.29 Records.

(a) *Records of cartage and lighterage.* The district director may require that licensed Customs cartmen and lightermen shall make, keep, and promptly submit for Customs inspection and examination upon request therefor such current written records relating to cartage and lighterage as may be needed for purposes of local Customs administration.

(b) *Current list of officers, members, or employees.* The district director may require a licensee to furnish, at such times and intervals as the district director deems necessary, a current list showing the names and addresses of the managing officer and members of the organization or of the persons who will receive or transport imported merchandise which has not been released from Customs custody, or a list of all such persons and their addresses.

§ 112.30 Suspension or revocation of license.

(a) *Causes for suspension or revocation of licenses.* The district director may revoke or suspend the license of a cartman or lighterman if:

(1) His license is not promptly produced upon demand;

(2) His vehicle or vessel is not properly marked, as required by § 112.27;

(3) The cartman or lighterman refuses or neglects to obey any proper order of a Customs officer of any Customs order, rule, or regulation relative to the cartage or lighterage of merchandise, including the making, keeping, and submitting of current written records relating to cartage and lighterage;

(4) The license was obtained through fraud or the misstatement of a material fact;

(5) The holder of such a license or an officer of a corporation holding such a license is convicted of a felony, or is convicted of a misdemeanor involving theft, smuggling, or a theft-connected crime;

(6) The holder of such license permits it to be used by any other person;

(7) The holder of such license fails to surrender promptly, or satisfactorily explain the failure to surrender, to the district director, identification cards of persons no longer employed by him where identification cards are required pursuant to § 112.41;

(8) The holder of such license fails to furnish a current list of names and addresses of officers and members or employees when required by the district director pursuant to § 112.29;

(9) The holder is guilty of any negligence, dishonest or deceptive practices or carelessness in the conduct of his business; or

(10) If the district director determines that the bond is not sufficient in amount or lacks sufficient sureties, and a satisfactory new bond with good and sufficient sureties is not furnished within a reasonable time.

(b) *Notice of revocation or suspension.* The district director shall suspend or revoke a license by serving notice of the proposed action in writing upon the holder of the license. Such notice shall be in the form of a statement specifically setting forth the grounds for revocation or suspension of the license and shall be final and conclusive upon the licensee unless he shall file with the district director a written notice of appeal in accordance with paragraph (c) of this section.

(c) *Notice of appeal.* The licensee may file a written notice of appeal from the revocation or suspension within 10 days following receipt of the notice of revocation or suspension. The notice of appeal shall be filed in duplicate, and shall set forth the response of the licensee to the statement of the district director. The licensee in his notice of appeal may request a hearing.

(d) *Hearing on appeal—(1) Notification of and time of hearing.* If a hearing is requested, it shall be held before a hearing officer designated by the Secretary of the Treasury or his designee within 30 days following application therefor. The licensee shall be notified of the time and place of the hearing at least 5 days prior thereto.

(2) *Conduct of hearing.* The holder of the license may be represented by counsel at the revocation or suspension hearing. All evidence and testimony of witnesses in such proceeding, including substantiation of charges and the answer thereto, shall be presented with both parties having the right of cross-examination. A stenographic record of the proceedings shall be made and a copy thereof shall be delivered to the licensee. At the conclusion of such proceedings or review of a written appeal, the hearing officer or the district director, as the case may be, shall forthwith transmit all papers and the stenographic record of the hearing, if held, to the Commissioner of Customs, together with his recommendation for final action.

(3) *Additional arguments.* Following a hearing and within 10 calendar days after delivery of a copy of the stenographic record, the licensee may submit to the Commissioner of Customs in writing additional views and arguments on the basis of such record.

(4) *Failure to appear.* If neither the licensee nor his attorney appear for a scheduled hearing, the hearing officer shall conclude the hearing and transmit all papers with his recommendation to the Commissioner of Customs.

(e) *Decision on the appeal.* The Commissioner shall render his decision, in writing, stating his reasons therefor, with respect to the action proposed by the hearing officer or the district director. Such decision shall be transmitted to the district director and served by him on the licensee.

Subpart D—Identification Cards

§ 112.41 Identification cards required.

A district director may require each licensed cartman or lighterman and each employee thereof who receives, transports, or otherwise handles imported merchandise which has not been released from Customs custody to carry and display upon request of a Customs officer, an identification card issued by the Bureau of Customs. The card shall be in the possession of the person in whose name it is issued at all times when he is engaged in transactions with respect

to imported merchandise. An identification card shall not be issued to any person whose employment in connection with the transportation of bonded merchandise will, in the judgment of the district director, endanger the revenue.

§ 112.42 Application for identification card.

An application for an identification card required pursuant to § 112.41, shall be filed personally by the applicant with the district director on Customs Form 3078 together with two 1¼" x 1¼" color photographs of himself. The fingerprints of the applicant shall also be required on Standard Form 87 at the time of the filing of the application. The application may be referred to the Customs special agent in charge as provided in § 112.23.

§ 112.43 Form of identification card.

The identification card shall be issued on Customs Form 3873 and shall not be valid unless signed by the employee and a Customs officer and the U.S. Customs seal is impressed thereon. The holder shall encase the card in protective transparent plastic so that both sides are clearly visible.

§ 112.44 Changes in information on identification cards.

Where there has been a change in the name, address, or employer of the holder, the card shall be promptly submitted by the cardholder to the district director, supported by application in proper form indicating the change so that it may be officially changed on the Customs records. New cards shall be issued when necessary.

§ 112.45 Surrender of identification card.

The identification card shall be surrendered by the holder or licensee to the district director when:

(a) The employee holder leaves the employment of the licensed cartman or lighterman;

(b) The cartman or lighterman bond or license is terminated; or

(c) The card is revoked or suspended pursuant to § 112.48.

§ 112.46 Report of loss or theft.

The loss or theft of an identification card shall be promptly reported by the cardholder to the district director.

§ 112.47 Wrongful presentation.

If an identification card is presented by a person other than the one to whom it was issued, such card shall be forthwith confiscated.

§ 112.48 Revocation or suspension of identification cards.

(a) *Causes for revocation or suspension of identification cards.* An identification card issued pursuant to this part may be revoked or suspended by the district director for any of the following causes:

(1) Such card was obtained through fraud or the misstatement of a material fact;

(2) The holder of such card is convicted of a felony, or convicted of a misdemeanor involving theft, smuggling, or any theft-connected crime;

(3) The holder permits the card to be used by any other person, or refuses to produce it upon the proper demand of a Customs officer; or

(4) The holder fails to abide by the rules and regulations prescribed in Part 125 of this chapter.

(b) *Notice of revocation or suspension.* The district director shall suspend or revoke an identification card by serving notice of the proposed action in writing upon the holder of the card. Such notice shall be in the form of a statement specifically setting forth the grounds for revocation or suspension of the card and shall be final and conclusive upon the holder unless he shall file with the district director a written notice of appeal in accordance with paragraph (c) of this section.

(c) *Notice of appeal.* The holder may file a written notice of appeal from the revocation or suspension within 10 days following receipt of the notice of revocation or suspension. The notice of appeal shall be filed, in duplicate, and shall set forth the response of the holder to the statement of the district director. The holder in his notice of appeal may request a hearing.

(d) *Hearing on appeal*—(1) *Notification of and time of hearing.* If a hearing is requested, it shall be held before a hearing officer designated by the Secretary of the Treasury or his designee within 30 days following application therefor. The holder shall be notified of the time and place of hearing at least 5 days prior thereto.

(2) *Conduct of hearing.* The holder of the card may be represented by counsel at the revocation or suspension hearing. All evidence and testimony of witnesses in such proceeding, including substantiation of charges and the answer thereto, shall be presented with both parties having the right of cross-examination. A stenographic record of the proceedings shall be made and a copy thereof shall be delivered to the cardholder. At the conclusion of such proceedings or review of a written appeal, the hearing officer or the district director, as the case may be, shall forthwith transmit all papers and the stenographic record of the hearing, if held, to the Commissioner of Customs, together with his recommendation for final action.

(3) *Additional arguments.* Following a hearing and within 10 calendar days after delivery of a copy of the stenographic record, the holder of the card may submit to the Commissioner of Customs in writing additional views and arguments on the basis of such record.

(4) *Failure to appear.* If neither the cardholder nor his attorney appear for a scheduled hearing, the hearing officer shall conclude the hearing and transmit all papers with his recommendation to the Commissioner of Customs.

(e) *Decision on the appeal.* The Commissioner shall render his decision, in writing, stating his reasons therefor, with respect to the action proposed by the hearing officer or the district director. Such decision shall be transmitted to the district director and served by him on the cardholder.

§ 112.49 Temporary identification cards.

(a) *Issuance.* When an identification card is required by the district director under § 112.41, and the district director determines that the application for the identification card cannot be administratively processed in a reasonable period of time, any licensed cartman or lighterman may upon written request have a temporary identification card issued by the district director to his employee if he can show to the satisfaction of the district director that a hardship to his business would result pending issuance of an identification card.

(b) *Validity and renewal.* The temporary identification card shall be valid for a period of 60 days. The district director may renew the temporary identification card for additional 30-day periods if he feels that the circumstances under which the temporary identification card was originally issued continue to exist. The temporary identification card shall be returned by the holder or licensee to the district director when the identification card is issued or the privileges granted thereby are withdrawn.

(c) *Withdrawal of temporary card.* The temporary identification card may be withdrawn at any time if in the judgment of the district director continuation of the privileges granted thereby would endanger the revenue or if the holder of the temporary identification card refuses or neglects to obey any proper order of a Customs officer or any Customs order, rule, or regulation.

(d) *Bond.* The licensed cartman or lighterman shall as a condition precedent to the issuance of a temporary identification card to his employee be required to post a bond in a penal sum, the amount to be determined by the district director, to guarantee return of the temporary identification card by the holder upon its withdrawal or upon issuance of a permanent identification card and to cover any loss or damage caused to the United States by the holder of the temporary identification card. The bond shall be in the following format:

District _____
No. _____

BUREAU OF CUSTOMS

BOND OF CUSTOMS CARTMAN FOR ISSUANCE OF TEMPORARY IDENTIFICATION CARD

Know all men by these presents that *_____ of _____, as principal, and *_____, of _____ and _____, of _____ as sureties, are held and firmly bound unto the United States of America in the sum of _____ dollars ($ _____), for payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this _____ day of _____, 19_____

*If the principal or surety is a corporation, the name of the State in which incorporated also shall be shown.

Whereas, the said principal has requested the issuance of a temporary identification card for _____; and
(Name of employee)

Whereas, the said principal has satisfied the district director that a hardship to his business would result from the nonissuance of a temporary identification card for the said employee; and

Whereas, the said temporary identification card may be withdrawn at any time by the district director if he believes the continuation of the privileges granted thereby would endanger the revenue or the holder of the temporary identification card refuses or neglects to obey any proper order of a Customs officer or any Customs order, rule, or regulation; and

Whereas, the said principal has executed this obligation as a condition precedent to the issuance of said temporary identification card;

Now, therefore, the condition of this obligation is such that—

(1) If the above-bounden principal for whose benefit the temporary identification card has been issued, shall return the said card upon notice of demand made by the district director or upon the issuance of a permanent card to the said employee; and

(2) If the said principal shall exonerate and hold harmless the United States and its officers from or on account of any risk, loss, damage, or expense of any kind or description caused by the holder of the temporary identification card; and

(3) If the said principal fails to comply with any of the foregoing conditions, shall pay the amount of this obligation as liquidated damages;

Then this obligation to be void; otherwise to remain in full force and effect.

Signed, sealed, and delivered in the presence of—

(Name) (Address)		
(Name) (Address)	_____ (Seal)	(Principal)
(Name) (Address)		
(Name) (Address)	_____ (Seal)	(Surety)
(Name) (Address)		
(Name) (Address)	_____ (Seal)	(Surety)

PART 125—CARTAGE AND LIGHTERAGE OF MERCHANDISE

Chapter I of Title 19, Code of Federal Regulations, is amended by adding Part 125 entitled "Cartage and Lighterage of Merchandise" to read as follows:

Sec.
125.0 Scope.

Subpart A—General Provisions

125.1 Classes of cartage.
125.2 Supervision of cartage and lighterage.
125.3 Contracts for Government cartage.

Subpart B—Cartage of Packages for Examination

125.11 Cartage for examination in public stores.
125.12 Cartage for examination at importers' premises or other place.
125.13 Cartage of merchandise withdrawn from general order for regular entry.
125.14 Cartage of unclaimed merchandise.

Subpart C—Importers' Cartage

125.21 Cartage other than for examination.
125.22 Designation of cartman or lighterman.
125.23 Failure to designate.
125.24 Failure of designated cartman or lighterman to appear.

Subpart D—Delivery and Receipt

125.31 Documents used.
125.32 Merchandise delivered to a bonded store or bonded warehouse.
125.33 Procedure on receiving merchandise.
125.34 Countersigning of documents and notation of bad order or discrepancy.
125.35 Report of loss, detention or accident.
125.36 Inability to deliver merchandise.

Subpart E—Liability

125.41 Liability of cartman or lighterman.
125.42 Cancellation of liability.

AUTHORITY: The provisions of this Part 125 issued under R.S. 251, as amended, secs. 565, 624, 46 Stat. 747, as amended, 759; 19 U.S.C. 66, 1565, 1624.

§ 125.0 Scope.

This part is concerned with cartage and lighterage of merchandise and the duties and liabilities of cartmen and lightermen. Provisions for licensing cartmen and lightermen are in Part 112 of this chapter.

Subpart A—General Provisions

§ 125.1 Classes of cartage.

(a) *Government cartage.* Government cartage must be done by a licensed customhouse cartman under contract or other specific authority for that purpose (except as provided for in § 125.12).

(b) *Importers' cartage.* Importers' cartage may be done by any licensed customhouse cartman.

§ 125.2 Supervision of cartage and lighterage.

All licensed vehicles or lighters shall be subject to the control and direction of the officer having charge of the merchandise being carried.

§ 125.3 Contracts for Government cartage.

Contracts for Government cartage shall be procured by formally advertised solicitation for bids and award of contract or by negotiation in accordance with the appropriate provisions of the Federal Procurement Regulations, as supplemented by the special procurement requirements of the Bureau of Customs.

Subpart B—Cartage of Packages for Examination

§ 125.11 Cartage for examination in public stores.

(a) *Government cartage.* The cartage of merchandise in Customs custody designated for examination at the public stores shall be done by a licensed customhouse cartman under contract or other specific authority for that purpose.

(b) *Where there is no contract for Government cartage.* At ports where there is no contract for Government cartage in effect, the cartage of packages designated for examination at the public stores shall be done by a licensed customhouse cartman designated by the district director for this purpose.

(c) *Payment for Government cartmen.* The cost of the cartage shall be paid from the appropriation "Salaries and Expenses; Bureau of Customs."

§ 125.12 Cartage for examination at importers' premises or other place.

Merchandise designated for examination at an importer's premises or other place not in the charge of a Customs officer may be carted, lightered, or carried to any such place by the importer without a cartman's or lighterman's license, when in the judgment of the district director the revenue will not be endangered. Otherwise, such transfer shall be done by a licensed cartman, who shall be the contract cartman whenever practicable.

§ 125.13 Cartage of merchandise withdrawn from general order for regular entry.

When merchandise withdrawn from general order for regular entry is to be conveyed to a place designated by the district director for examination, the cartage shall be at the expense of the importer and shall be under the cartage arrangements established at the port for hauling examination packages under the provisions of § 125.11 (a) and (b). Reimbursement of the cost of the cartage shall be collected from the importer prior to release of the merchandise from Customs custody.

§ 125.14 Cartage of unclaimed merchandise.

Unclaimed merchandise shall be carted to the public stores or a bonded warehouse designated by the district director under the cartage arrangements established at the port for hauling examination packages under the provisions of § 125.11 (a) and (b). Reimbursement of the cost of the cartage shall be collected from the importer prior to release if entry is made or from the proceeds of sale of the merchandise.

Subpart C—Importers' Cartage

§ 125.21 Cartage other than for examination.

Any licensed customhouse cartman, including an importer licensed to cart his own imported merchandise, at the expense of the importer or other party in interest, may transfer merchandise from the importing vessel or other conveyance to bonded warehouse, from one vessel or conveyance to another, from one bonded warehouse to another, from the public stores to a bonded warehouse, from warehouse for transportation or for exportation, and from an internal revenue warehouse for exportation under the internal revenue laws without payment of tax. Nothing in this section shall apply to the cartage of examination packages to the place of examination.

§ 125.22 Designation of cartman or lighterman.

Importers and exporters shall designate on the entry and permit of bonded merchandise the bonded cartman or lighterman by whom they wish their merchandise to be conveyed. Approval of such designation shall be indicated on the entry papers by the initials of the appropriate Customs officer placed in close proximity to the designation.

§ 125.23 Failure to designate.

If an importer does not cart his merchandise or designate a licensed customhouse cartman for the purpose, it shall be carted by a public store cartman authorized by contract or designated by the district director for that purpose. The cost of such cartage shall be paid by the importer or owner of the merchandise before its release from Customs custody.

§ 125.24 Failure of designated cartman or lighterman to appear.

The cartman or lighterman designated to convey the merchandise shall be present to take the merchandise when the Customs officer in charge is ready to send it. If the designated vehicle or lighter is not present, after waiting a reasonable time, such officer shall send the merchandise by any licensed cartman or lighterman available.

Subpart D—Delivery and Receipt

§ 125.31 Documents used.

When merchandise is carted or lightered to and received from a bonded store or bonded warehouse, it shall be accompanied by one of the following tickets or documents:

(a) Customs Form 6043—Delivery Ticket.

(b) Customs Form 7502–A—Warehouse or Rewarehouse Entry (Permit).

(c) Customs Form 7505–A—Warehouse Withdrawal for Consumption (Permit).

(d) Customs Form 7505–B—Order to Release Merchandise on Order of the Warehouse Proprietor.

(e) Customs Form 7506—Warehouse Withdrawal Conditionally Free of Duty, and Permit.

(f) Customs Form 7512—Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit.

§ 125.32 Merchandise delivered to a bonded store or bonded warehouse.

When merchandise is carted or lightered to and received in a bonded store or bonded warehouse, the proprietor or his representative shall check the goods against the accompanying delivery ticket, Customs Form 6043, or copy of warehouse or rewarehouse permit, Customs Form 7502–A, and countersign the document acknowledging receipt of the merchandise as listed thereon.

§ 125.33 Procedure on receiving merchandise.

(a) *From public or bonded store.* A receipt shall be taken from the cartman or lighterman for all goods delivered to him from public store or bonded store. The receipt may be taken on Customs Form 6043, or on the appraising officer's release ticket at the time delivery is made.

(b) *From bonded warehouse.* In case of withdrawals from bonded warehouse for consumption, the merchandise shall be released only to or upon the order of the proprietor of the warehouse, who shall acknowledge such release on Customs Form 7505–A or 7505–B.

(c) *All other cases.* A receipt shall be taken for all goods delivered from Customs custody in any other case where the district director deems such receipt necessary.

§ 125.34 Countersigning of documents and notation of bad order or discrepancy.

When a cartman or lighterman receives merchandise remaining in Customs custody, he shall countersign the appropriate document in the space provided and shall note thereon any bad order or discrepancy. When available, the importing carrier's tally slip for the merchandise shall be attached to the delivery ticket which accompanies the merchandise while it is being carted or lightered in bond, for the use of Customs officers only at destination.

§ 125.35 Report of loss, detention, or accident.

Any loss or detention of bonded merchandise, or any accident happening to a licensed vehicle or lighter while carrying bonded merchandise shall be immediately reported by the cartman or lighterman to the district director.

§ 125.36 Inability to deliver merchandise.

If the warehouse is closed or the warehouseman refuses to receive the merchandise, the cartman shall notify the appropriate Customs inspector. The inspector shall promptly report the facts to the district director or his delegated representative for instructions. The merchandise shall then be returned to the Customs inspector, deposited in the public stores for safekeeping, or handled as ordered by the district director.

Subpart E—Liability

§ 125.41 Liability of cartman or lighterman.

The cartman or lighterman conveying the merchandise, including merchandise covered by a TIR carnet which has not been "taken on charge" (see § 114.22(c)(2) of this chapter), shall be liable under his bond for its prompt delivery in sound condition, or in no worse than the damaged condition noted on the delivery ticket, if damage is so noted.

(Sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1623)

§ 125.42 Cancellation of liability.

The district director may cancel liquidated damages not in excess of $20,000 incurred under a cartman's bond or lighterman's bond upon the payment of such lesser amount, or without the payment of any amount, as he may deem appropriate under the circumstances. Application for cancellation if liquidated damages incurred shall be made in accordance with the provisions of Part 172 of this chapter.

(Sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1623)

PART 172—LIQUIDATED DAMAGES

§ 172.21 [Amended]

In § 172.21, paragraph (b)(4) is amended by substituting "112.12(a)" for "18.1".

In § 172.21, paragraph (b)(5) is amended by substituting "112.21, 112.22, and 112.25" for "21.1", and "125.42" for "21.8(c)".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

For ready comparison there is annexed to this notice a parallel reference table showing the relation of sections in the proposed Parts 112 and 125 to 19 CFR Parts 18, 21, and 24.

Prior to the adoption of the revision, consideration will be given any relevant data, views, or arguments which are submitted in writing to the Comissioner of Customs, Washington, D.C. 20226, and received not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER. Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)), at the Bureau of Customs, Division of Regulations, Washington, D.C., during regular business hours.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: October 11, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

ANNEX TO NOTICE OF PROPOSED RULE MAKING

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in proposed Part 112 to 19 CFR Parts 18, 21, 24, and 25)

Proposed Part 112 section	*19 CFR section*
112.0	New
112.1	New
112.2	18.1(c)(1); 21.1(a)
112.11	18.1
112.12	18.1 (a) and (d) 24.12; 25.4(35)
112.13	New
112.14	18.1(f)
112.15	New
112.21	21.1(a)
112.22 (a) and (b)	21.1 (a) and (b)
112.23	New
112.24	New
112.25	21.1(a)
112.26	21.1(a)
112.27	21.1(c)
112.28	21.6
112.29	21.6(a)
112.30(a)(1)–(6)	21.6(b)
112.30(a) (7) and (8)	21.1(a)
112.30(a)(9)	21.8(a)
112.30(a)(10)	21.1; 21.1(a)C.M.
112.30 (b) and (c)	21.6(c)
112.30(d)	21.6(d)
112.41	21.2(a)(d)
112.42	21.2(b)
112.43	21.2 (c) and (d)
112.44	21.2(f)
112.45	21.2(g)
112.46	21.2(h)
112.47	21.2(e)
112.48(a)–(e)	21.2a(a)–(c)
112.49	New

(This table shows the relation of sections in proposed Part 125 to 19 CFR Part 21)

Proposed Part 125 section	*19 CFR section*
125.0	New
125.1	21.3
125.2	21.7(a)
125.3	21.4(a)
125.11(a)–(c)	21.4(a)
125.12	21.4(b)
125.13	21.4(c)
125.14	21.4(d)
125.21	21.5 (a) and (b)
125.22	21.5(c)
125.23	21.5(d)
125.24	21.7(b)
125.31	New, 21.9
125.32	21.9(a)
125.33	21.9 (a) and (b)
125.34	21.9 (a) and (b)
125.35	21.9(b)
125.36	21.10
125.41	21.8(a)
125.42	21.8(c)

[FR Doc.72-17854 Filed 10-18-72;8:52 am]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Expenses of Work Incentive Programs

Correction

In F.R. Doc. 72-16627 appearing on page 20700 of the issue for Tuesday, October 3, 1972, in § 1.50B-3(a)(1), the last line in the third column, reading "expenses allocated to him. If a benefi-", should read, "expenses. The WIN expenses for each".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Proposed Expenses and Rate of Assessment

Notice is hereby given of a proposal regarding expenses of the California Date Administrative Committee for the 1972–73 crop year and rate of assessment for that crop year. This notice is pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, Calif., and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The California Date Administrative Committee has unanimously recommended for the 1972–73 crop year a budget of administrative expenses in the total amount of $29,899 and an assessment rate of 10 cents per hundredweight on assessable dates. The assessable poundage is estimated by the Committee at 30 million pounds.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 31, 1972. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 987.317 Expenses of the California Date Administrative Committee and rate of assessment for the 1972–73 crop year.

(a) *Expenses.* Expenses in the amount of $29,899 are reasonable and likely to be incurred by the California Date Administrative Committee during the 1972–73 crop year beginning October 1, 1972, for its maintenance and functioning, and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the California Date Administrative Committee as his pro rata share of the expenses is fixed at 10 cents per hundredweight of all assessable dates. Assessable dates are dates which the handler has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

Dated: October 16, 1972.

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

[FR Doc.72-17855 Filed 10-18-72;8:52 am]

Commodity Exchange Authority

[17 CFR Part 16]

REPORTS BY CLEARING MEMBERS

Information To Be Furnished; Time and Place of Filing Reports

Notice is hereby given, in accordance with Administrative Procedure Provisions of 5 U.S.C. Section 553, that the Secretary of Agriculture, pursuant to the authority of section 8a(5) of the Commodity Exchange Act (7 U.S.C. 12a(5)), is considering the amendment of §§ 16.00 and 16.01 of Part 16 of the regulations under the Commodity Exchange Act (17 CFR 16.00 and 16.01) to read as follows:

§ 16.00 Information to be furnished by clearing members.

Each clearing member of each contract market shall, on each business day, report the following information, separately for each contract market and for each future of each commodity, on the applicable Series 00 form as specified in § 15.02 of this chapter:

(a) The total of all long-open contracts and the total of all short-open contracts carried by such clearing member at the beginning and at the end of the day covered by the report;

(b) The quantity of such contracts bought and the quantity sold during the day covered by the report;

(c) The quantity of purchase transfer trades and the quantity of sale transfer trades, which are included in the total quantity of contracts bought and sold during the day covered by the report, and the name of the clearing member with whom the transfer was made;

(d) The quantity of purchases of futures for the cash commodity and the quantity of sales of futures for the cash commodity, which are included in the total quantity of contracts bought and sold during the day covered by the report,

and the name of the clearing member with whom the exchange was made; and

(e) The quantity of the commodity delivered and the quantity received in fulfillment of such contracts during the day covered by the report.

§ 16.01 Time and place of filing reports.

(a) If the clearing member is located in a city where the market involved in the reported transactions is located and where the Commodity Exchange Authority maintains an office, he shall file his reports with such office. Reports shall be filed not later than 30 minutes before the official opening of the market on the following business day, except that reports with respect to cotton shall be filed not later than 30 minutes before the official opening of the market on the following business day or 9:30 a.m., local time, on such following business day, whichever is earlier.

(b) If the clearing member is located elsewhere, he shall mail his reports to the office of the Commodity Exchange Authority in the city in which the market involved in the reported transactions is located. All such reports must be postmarked not later than midnight of the day covered by the report.

(c) If there is no Community Exchange Authority office in a city in which the market involved in the reported transactions is located, the clearing member shall file his reports in accordance with instructions of the Commodity Exchange Authority. All reports transmitted by mail must be postmarked not later than midnight of the day covered by the report.

The purpose in amending § 16.00 is to make minor revisions in the information to be reported by exchange clearing members on Series 00 forms. The changes would (1) remove the requirement for reporting the net open position, long or short, at the end of the day covered by the report, and (2) include the requirement for the separate reporting of transfers and exchanges of futures for the cash commodity, and the name of the clearing member with whom such transfers or exchanges are made. The additional information requested will enable the Commodity Exchange Authority to determine the actual volume of trades executed competitively for regulatory purposes and for release to the public.

The purpose in amending § 16.01 is to clarify the language as to time and place of filing reports.

It is proposed that these amendments, if adopted, be made effective 30 days after publication of a notice of the amendments in the FEDERAL REGISTER.

Any person who wishes to submit written data, views, or arguments on the proposed amendments to the regulations may do so by filing them with the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be available for public inspection in the Office of the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, between the hours of 8:30 a.m. and 5 p.m. on any business day.

Issued: October 13, 1972.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.72-17859 Filed 10-18-72;8:52 am]

[17 CFR Parts 16, 17, 18]

REPORTS BY CLEARING MEMBERS, FUTURES COMMISSION MERCHANTS, AND TRADERS

Reporting Required Information by Data-Processing Media

Notice is hereby given, in accordance with the Administrative Procedure Provisions of 5 U.S.C. section 553, that the Secretary of Agriculture, pursuant to the authority of section 8a(5) of the Commodity Exchange Act (7 U.S.C. 12a(5)), is considering the following amendment of Parts 16, 17, and 18 of the regulations under the Commodity Exchange Act.

PART 16—REPORTS BY CLEARING MEMBERS

1. The following new § 16.04 is added to Part 16:

§ 16.04 Use of data-processing media.

Any clearing member of a contract market may provide the required series 00 information on compatible data-processing punched cards, magnetic tapes, or magnetic discs, provided that the format and coding structure used thereon have been approved in writing by the Act Administrator.

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

2. The following new § 17.03 is added to Part 17:

§ 17.03 Use of data-processing media.

Any futures commission merchant may provide the required series 01 information on compatible data-processing punched cards, magnetic tapes, or magnetic discs, provided that the format and coding structure used thereon have been approved in writing by the Act Administrator.

PART 18—REPORTS BY TRADERS

3. The following new § 18.06 is added to Part 18.

§ 18.06 Use of data-processing media.

Any trader may provide the required series 03 information on compatible data-processing punched cards, magnetic tapes, or magnetic discs, provided that the format and coding structure used thereon have been approved in writing by the Act Administrator.

The purpose of these proposed amendments is to facilitate the submittal of information required on certain CEA reporting forms. Increasing numbers of persons required to file reports with the Commodity Exchange Authority are utilizing data-processing facilities or services in their business operations. It is in the public interest to relieve such persons (exchange clearing members, futures commission merchants, and traders) from preparing and filing actual reports on series 00 forms, series 01 forms, and series 03 forms, if the data-processing media used by those persons provides the information required by CEA regulations in a format that has been approved by the Act Administrator.

It is proposed that these amendments, if adopted, be made effective 30 days after publication of a notice of the amendments in the FEDERAL REGISTER.

Any person who wishes to submit written data, views, or arguments on the proposed amendments to the regulations may do so by filing them with the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be available for public inspection in the Office of the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, between the hours of 8:30 a.m. and 5 p.m. on any business day.

Issued: October 13, 1972.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.72-17858 Filed 10-18-72;8:52 am]

[17 CFR Part 17]

REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

Information to be Furnished; Special Account Designation and Identification

Notice is hereby given, in accordance with Administrative Procedure Provisions of 5 U.S.C. section 553, that the Secretary of Agriculture, pursuant to the authority of section 8a(5) of the Commodity Exchange Act (7 U.S.C. 12a(5)), is considering the amendment of §§ 17.00 (a)(1), 17.01, and 17.02(b) of Part 17 of the regulations under the Commodity Exchange Act (17 CFR 17.00(a)(1), 17.01, and 17.02(b) to read as follows:

§ 17.00 Information to be furnished by futures commission merchants and foreign brokers.

(a) *Special Accounts—reportable positions.* (1) Each futures commission merchant and each foreign broker, except a foreign broker who carries all accounts on a fully disclosed basis with a registered futures commission merchant, shall

submit a report to the Commodity Exchange Authority for each business day with respect to all special accounts, including house accounts, carried by such futures commission merchant or foreign broker. Such report shall be made on the appropriate series 01 form and shall show each reportable position, separately for each contract market and for each future, in such account as of the close of the market on the day covered by the report.

* * * * *

§ 17.01 Special account designation and identification.

(a) *Designation of special account.* For the purpose of reporting, each futures commission merchant and each foreign broker shall assign a number to each special account and shall report such account only by such number. An account number shall not be changed nor assigned to another account without the prior approval of the Act Administrator.

(b) *Identification of special account.* When a special account is reported for the first time, the futures commission merchant or foreign broker shall identify the account to the Commodity Exchange Authority on Form 102, showing the information requested thereon, including:

(1) The name and address of the account and the name of the person responsible for the direction of futures trading of that account;

(2) The number assigned to that account for purposes of reporting the account on series 01 forms;

(3) The commodity in which the account is being reported for the first time;

(4) The business or occupation of the account;

(5) The kind of futures trading account;

(6) The name and address of any other person(s), if any, whose futures trading is controlled by the account; and

(7) The name and address of any other person(s), if any, who has a financial interest in or guarantees this account or controls the trading of this account.

(c) *Transmittal of Form 102.* The report on Form 102 shall be submitted in a separate sealed envelope marked "Confidential" and must accompany the series 01 report on which the account is reported for the first time.

§ 17.02 Place and time of filing reports.

* * * * *

(b) *Foreign brokers.* The reports required to be filed by foreign brokers under §§ 17.00 and 17.01 on series 01 forms shall be prepared for each business day on which there are reportable transactions, and on Form 102 for each new special account, and shall be transmitted at least once each week to the Commodity Exchange Authority office in the city in which the contract market involved in the reported transactions is located. If there is no Commodity Exchange Authority office in such city, the reports shall be transmitted in accordance with instructions from the Commodity Exchange Authority.

The purposes of these amendments is to make clarifications or other changes of a minor nature, as follows:

In § 17.00(a), the words "a futures commission merchant" are deleted from the phrase "except a futures commission merchant or foreign broker who carries all accounts on a fully disclosed basis with a registered futures commission merchant," because, in that exception, the term "a futures commission merchant" is no longer applicable since the revocation of § 1.31a of the regulations.

In § 17.01, separate paragraphs have been designated as (a), (b), and (c) for clarity, and the language has been revised to show the specific information required on Form 102 regarding the identification of each special account.

In § 17.02(b), the place for foreign brokers to file their reports has been changed to the CEA office in the city where the market involved in the reported transactions is located, instead of to specified CEA offices, depending upon the geographical location of the foreign brokers.

It is proposed that these amendments, if adopted, be made effective 30 days after publication of a notice of the amendments in the FEDERAL REGISTER.

Any person who wishes to submit written data, views, or arguments on the proposed amendments to the regulations may do so by filing them with the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be available for public inspection in the Office of the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, between the hours of 8:30 a.m. and 5 p.m. on any business day.

Issued: October 13, 1972.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.72-17860 Filed 10-18-72;8:52 am]

[17 CFR Part 18]

REPORTS BY TRADERS

Information To Be Furnished; Spreads Between Different Types of Contracts; Statement To Be Filed by Reporting Trader

Notice is hereby given, in accordance with Administrative Procedure Provisions of 5 U.S.C. section 553, that the Secretary of Agriculture, pursuant to the authority of section 8a(5) of the Commodity Exchange Act (7 U.S.C. 12a(5)), is considering the following amendments of the regulations under the Commodity Exchange Act (17 CFR Part 18).

1. Sections 18.00(d) and 18.01(c) are revised to read as follows:

§ 18.00 Information to be furnished by traders.

* * * * *

(d) *Intermarket spreads.* To the extent that any futures position or transaction on any foreign market, in wheat, oats, barley, flaxseed, or cotton, is claimed to represent one leg of an intermarket spread or straddle, or the closing of an intermarket spread or straddle, against any position on a contract market, or against any purchase or sale of futures on a contract market during any one business day, in excess of 2 million bushels of wheat, oats, barley, or flaxseed futures or 30,000 bales of cotton futures (§§ 150.1 and 150.2 of this chapter), such trader shall also show on the report the quantity and future involved in such foreign position or transaction and the name of the foreign market;

* * * * *

§ 18.01 Interest in or control of several accounts.

* * * * *

(c) *Gross positions.* In the following cases, the reporting trader shall report the gross open contracts, i.e., total long open contracts and total short open contracts in each future of such commodity in all such accounts: * * *

(4) Positions which represent spreads between different types of contracts in the same commodity;

* * * * *

2. The heading of § 18.04 is changed and the text of that section is revised to read as follows:

§ 18.04 Statement of reporting trader.

Every trader who holds or controls a reportable position shall furnish to the Commodity Exchange Authority a "Statement of Reporting Trader" on Form CEA-40, including the following information:

(a) The name, address, and telephone number of the reporting trader;

(b) The principal business or occupation of the reporting trader;

(c) The name and address of each person whose commodity futures account is controlled by the reporting trader;

(d) The name and address of each person who controls, or has a financial interest in, or guarantees the account of the reporting trader;

(e) The kind of commodity futures account, i.e., individual, joint, partnership, corporation, or other;

(f) If the reporting trader is an individual or participant in a joint account, the name, address, and type of any organization in which he participates in the management or in which he has a financial interest, if that organization holds another futures trading account;

(g) If the reporting trader is a partnership, the name and address of each partner, and the name of the partner who ordinarily places orders and files the required reports;

(h) If the reporting trader is a corporation, the names and addresses of the

person or persons who direct trading activities, and the names of all affiliate corporations (parent and subsidiaries) that trade in commodity futures; and

(i) Signature by the trader personally. If the account is in the name of an organization, signature should be that of a partner, officer, or trustee of that organization.

The purpose of these amendments is to make clarifications or other changes of a minor nature as follows:

In § 18.00(d), the amendment deletes the reference to corn. When speculative limits for corn were raised from 2 million bushels to 3 million bushels, the need for identifying the foreign markets involved in intermarket spreading in corn in this section was eliminated.

In § 18.01(c), subparagraph (4) is changed by deleting the phrase "spreads between round lots and job lots" because that situation is no longer applicable to the requirement for reporting of gross positions of multiple accounts.

In § 18.04, the heading is changed to specify the title of the form on which to report the information required upon request; paragraphs (a) through (g) are revised, rearranged, and renumbered as paragraphs (a) through (i) for clarity. The CEA has found it necessary to expand slightly the information required from the trader regarding any other futures trading account in which he may have a financial interest or which he may control, or any other futures trading account which may direct or control the trading of his own account.

It is proposed that these amendments, if adopted, be made effective 30 days after publication of a notice of the amendments in the FEDERAL REGISTER.

Any person who wishes to submit written data, views, or arguments on the proposed amendments to the regulations may do so by filing them with the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be available for public inspection in the Office of the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, between the hours of 8:30 a.m. and 5 p.m. on any business day.

Issued: October 13, 1972.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.72-17861 Filed 10-18-72;8:52 am]

[17 CFR Part 19]

REPORTS BY MERCHANTS, PROCESSORS, AND DEALERS

Information Required for Cotton and Cotton Products, Eggs and Egg Products, and Potatoes and Potato Products

Notice is hereby given, in accordance with Administrative Procedure Provisions of 5 U.S.C. section 553, that the Secretary of Agriculture, pursuant to the authority of section 8a(5) of the Commodity Exchange Act (7 U.S.C. 12a (5)), is considering the amendment of §§ 19.02, 19.03(a), and 19.04(a) of the regulations under the Commodity Exchange Act (17 CFR 19.02, 19.03(a), and 19.04(a)) to read as follows:

§ 19.02 Merchants, processors, and dealers in cotton and cotton products.

(a) *Details of cotton position.* Merchants, processors, and dealers in cotton and cotton products or byproducts shall include the following information in each report:

(1) The quantity of open fixed-price spot positions (long and short) in cotton and cotton products, including open fixed-price purchase commitments of raw cotton, stocks of raw cotton on hand (owned and at fixed prices), cotton in process of manufacture, and finished products; and unfilled fixed-price sale commitments of raw cotton and of finished products;

(2) The quantity of call cotton bought or sold on which the price has not been fixed, together with the respective futures on which based. As used herein, call cotton refers to spot cotton bought or sold, or contracted for purchase or sale, at a price to be fixed later based upon a specified future; and

(3) The quantity of certificated cotton owned.

(b) *Standards and conversion factors.* Every such merchant, processor, or dealer, in computing his spot position, shall use such standards and conversion factors with respect to cotton products or byproducts as are usual in the cotton trade. If it is the regular business practice of such merchant, processor, or dealer to exclude certain products or byproducts in determining his spot position for hedging (as defined in section 4a of the Act), the same shall be excluded in the report. Such merchant, processor, or dealer shall furnish to the Commodity Exchange Authority upon request detailed information concerning the kind and quantity of each product or byproduct so excluded.

§ 19.03 Merchants, processors, and dealers in eggs and egg products.

(a) *Details of cash egg position.* Merchants, processors, and dealers in eggs and egg products shall show in each report the makeup of the cash egg position, as determined by stocks owned, open fixed-price purchase commitments, and unfilled fixed-price sales commitments with respect to: (1) Shell eggs on farms and in packing plants; (2) shell eggs in all other places; (3) frozen whole eggs; (4) frozen yolks or whites; and (5) other egg products.

§ 19.04 Merchants, processors, and dealers in potatoes and potato products.

(a) *Details of cash (spot) potato position.* Merchants, processors, and dealers in potatoes and potato products shall show in each report the amount of:

(1) Potatoes being raised or expected to be raised by such persons in the ensuing 12 months, including the potato acreage in each State;

(2) Stocks of potatoes owned;

(3) Open fixed-price purchase commitments of potatoes;

(4) Unfilled fixed-price sales commitments of potatoes; and

(5) Stocks of potato products owned or potatoes in process of manufacture, open fixed-price purchase commitments, and unfilled fixed-price sales commitments of potato products, identified as to kind of product.

The purpose of these amendments is as follows:

In § 19.02, paragraph (a), the language is changed to eliminate some of the previously required information for cotton and cotton products and to show the information now required for regulatory purposes. In paragraph (b) the deletion of the words "items," and "item" is editorial. The words are inclusive under the term "product or byproduct".

In § 19.03, paragraph (a), the amendment reflects a change in the required information based on present marketing practices for eggs.

In § 19.04, paragraph (a), the word "open" is substituted for the word "unfilled" with reference to "fixed-price purchase commitments".

It is proposed that these amendments, if adopted, be made effective 30 days after publication of a notice of the amendments in the FEDERAL REGISTER.

Any person who wishes to submit written data, views, or arguments on the proposed amendments to the regulations may do so by filing them with the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be available for public inspection in the office of the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, between the hours of 8:30 a.m. and 5 p.m. on any business day.

Issued: October 13, 1972.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.72-17857 Filed 10-18-72;8:52 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 72-SW-64]

AERO COMMANDER MODELS 500, 500A, 500B, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL, 680FL(P), AND 720 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an

airworthiness directive applicable to Aero Commander Models 500, 500A, 500B, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL, 680FL(P), and 720 airplanes. There have been instances where fuel siphoned past an improperly installed filler cap on the wing, thereby contributing to fuel exhaustion and resultant stoppage of both engines in flight. Since this condition is likely to exist or develop in other airplanes of the same design, the proposed airworthiness directive would require replacement of fuel tank filler cap assemblies.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Administration, Regional Counsel, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before November 13, 1972, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, TX, for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

AERO COMMANDER: Applies to all Models 500, 500A, 500B, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL, 680FL(P) and 720 series airplanes certificated in all categories.

Compliance required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent siphoning of fuel from the fuel tanks and thereby contribute to fuel exhaustion with resultant stoppage of both engines, accomplish the following:

a. On Models 520 and 560, serial numbers 1 through 230, replace the standard fuel cap assembles with non-siphoning fuel cap assemblies, Aero Commander Kit No. 87A-1.

b. On the following models, replace the standard fuel cap assemblies with non-siphon fuel cap assemblies, Aero Commander Kit No. 87A-2 (optional fuel caps already installed by use of Aero Commander Kit No. 87 are acceptable):

(1) Models 500, 500A, 500B, 500U, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL (P) and 720, serial numbers 231 through 1854.

(2) Model 680FL, serial numbers 1261 through 1738.

c. The compliance time for this AD may be adjusted up to a maximum of 50 hours to coincide with the aircraft's annual or 100 hour scheduled inspection.

Aero Commander Custom Kit No. 87A contains the hardware and instructions necessary to accomplish this modification. Equivalent replacement parts approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth, Tex., may be used.

Issued in Fort Worth, Tex., on October 6, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-17809 Filed 10-18-72;8:49 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 12]

GRAND JUNCTION REMEDIAL ACTION

Proposed Criteria

Notice is hereby given that the General Manager of the U.S. Atomic Energy Commission (AEC) is proposing to establish criteria for determination by the AEC of the need for, priority of and selection of appropriate remedial action to limit the exposure of individuals in the area of Grand Junction, Colo., to radiation emanating from uranium mill tailings which have been used as a construction-related material. AEC participation in a joint Federal-State of Colorado program to assess and undertake such remedial action was authorized by Public Law 92-314, enacted on June 16, 1972.

Written comments on these criteria will be received by the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, for a period of thirty (30) days after publication of this notice in the FEDERAL REGISTER.

PART 12—GRAND JUNCTION REMEDIAL ACTION CRITERIA

Sec.
12.1 Purpose.
12.2 Scope.
12.3 Definitions.
12.4 Interpretations.
12.5 Communications.
12.6 General radiation exposure level criteria for remedial action.
12.7 Criteria for determination of possible need for remedial action.
12.8 Determination of possible need for remedial action where criteria have not been met.
12.9 Order of priority of remedial action.
12.10 Selection of appropriate remedial action.

AUTHORITY: The provisions of this Part 12 issued under section 203, 86 Stat. 226.

§ 12.1 Purpose.

(a) The regulations in this part establish the criteria for determination by the Commission of the need for, priority of and selection of appropriate remedial action to limit the exposure of individuals in the area of Grand Junction, Colo., to radiation emanating from uranium mill tailings which have been used as a construction-related material.

(b) The regulations in this part are issued pursuant to Public Law 92-314 (86 Stat. 222) of June 16, 1972.

§ 12.2 Scope.

The regulations in this part apply to all structures in the area of Grand Junction, Colo., under or adjacent to which uranium mill tailings have been used as a construction-related material between January 1, 1951, and June 16, 1972, inclusive.

§ 12.3 Definitions.

As used in this part:

(a) "Area of Grand Junction, Colo.," means Mesa County, Colo.

(b) "Background" means radiation arising from cosmic rays and radioactive material other than uranium mill tailings.

(c) "Commission" means the U.S. Atomic Energy Commission or any duly authorized representative thereof.

(d) "Construction-related material" means any material used in the construction of a structure.

(e) "External gamma radiation level" means the average gamma radiation exposure rate for the habitable area of a structure as measured near floor level.

(f) "Indoor radon daughter concentration level" means that concentration of radon daughters determined by (1) averaging the results of six air samples each of at least 100 hours' duration, and taken at a minimum of 4-week intervals throughout the year in a habitable area of a structure or (2) utilizing some other procedure approved by the Commission.

(g) "Milliroentgen" (mR) means a unit equal to one-thousandth (1/1000) of a roentgen which roentgen is defined as an exposure dose of X or gamma radiation such that the associated corpuscular emission per 0.001293 grams of air produces, in air, ions carrying one electrostatic unit of quantity of electricity of either sign.

(h) "Radiation" means the electromagnetic energy (gamma) and the particulate radiation (alpha and beta) which emanate from the radioactive decay of radium and its daughter products.

(i) "Radon daughters" means the consecutive decay products of radon-222. Generally, these include Radium A (polonium-218), Radium B (lead-218), Radium C (bismuth-214), and Radium C' (polonium-214).

(j) "Remedial action" means any action taken with a reasonable expectation of reducing the radiation exposure resulting from uranium mill tailings which have been used as construction-related material in and around structures in the area of Grand Junction, Colo.

(k) "Surgeon General's guidelines" means radiation guidelines related to uranium mill tailings prepared and released by the Office of the U.S. Surgeon General, Department of Health, Education, and Welfare on July 27, 1970.

(l) "Uranium mill tailings" means tailings from a uranium milling operation involved in the Federal uranium procurement program.

(m) "Working Level" (WL) means any combination of short-lived radon daughter products in 1 liter of air that

will result in the ultimate emission of 1.3×10^5 MeV of potential alpha energy.

§ 12.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 12.5 Communications.

Except where otherwise specified in this part, all communications concerning the regulations in this part should be addressed to the Director, Division of Operational Safety, U.S. Atomic Energy Commission, Washington, D.C. 20545.

§ 12.6 General radiation exposure level criteria for remedial action.

The basis for undertaking remedial action shall be the applicable guidelines published by the Surgeon General of the United States. These guidelines recommend the following graded action levels for remedial action in terms of external gamma radiation level (EGR) and indoor radon daughter concentration level (RDC) above background found within dwellings constructed on or with uranium mill tailings:

EGR	RDC	Recommendation
Greater than 0.1 mR/hr.	Greater than 0.05 WL.	Remedial action indicated.
From 0.05 to 0.1 mR/hr.	From 0.01 to 0.05 WL.	Remedial action may be suggested.
Less than 0.05 mR/hr.	Less than 0.01 WL.	No remedial action indicated.

§ 12.7 Criteria for determination of possible need for remedial action.

Once it is determined that a possible need for remedial action exists, the record owner of a structure shall be notified of that structure's eligibility for an engineering assessment to confirm the need for remedial action and to ascertain the most appropriate remedial measure, if any. A determination of possible need will be made if as a result of the presence of uranium mill tailings under or adjacent to the structure, one of the following criteria is met:

(a) Where Commission approved data on indoor radon daughter concentration levels are available:

(1) For dwellings and school rooms: An indoor radon daughter concentration level of 0.01 WL or greater above background.

(2) For other structures: An indoor radon daughter concentration level of 0.03 WL or greater above background.

(b) Where Commission approved data on indoor radon daughter concentration levels are not available:

(1) For dwellings and school rooms:

(i) An external gamma radiation level of 0.05 mR/hr. or greater above background.

(ii) An indoor radon daughter concentration level of 0.01 WL or greater above background (presumed).

(*a*) It shall be presumed that if the external gamma radiation level is equal to or exceeds 0.02 mR/hr. above background, the indoor radon daughter concentration level equals or exceeds 0.01 WL above background.

(*b*) It shall be presumed that if the external gamma radiation level is less than 0.001 mR/hr. above background, the indoor radon daughter concentration level is less than 0.01 WL above background, and no possible need for remedial action exists.

(*c*) If the external gamma radiation level is equal to or greater than 0.001 mR/hr. above background but is less than 0.02 mR/hr. above background, measurements will be required to ascertain the indoor radon daughter concentration level.

(2) For other structures:

(i) An external gamma radiation level of 0.15 mR/hr. above background averaged on a room-by-room basis.

(ii) No presumptions shall be made on the external gamma radiation level/indoor radon daughter concentration level relationship. Decisions will be made in individual cases based upon the results of actual measurements.

§ 12.8 Determination of possible need for remedial action where criteria have not been met.

The possible need for remedial action may be determined where the criteria in § 12.7 have not been met if various other factors are present. Such factors include, but are not necessarily limited to, size of the affected area, distribution of radiation levels in the affected area, amount of tailings, and use of the affected area.

§ 12.9 Order of priority of remedial action.

In determining the order of priority for execution of remedial action, consideration shall be given, but not necessarily limited to, the following factors:

(a) *Classification of structure.* Dwellings and schools shall be considered first.

(b) *Availability of data.* Those structures for which data on indoor radon daughter concentration levels and/or external gamma radiation levels are available when the program starts and which meet the criteria in § 12.7 will be considered first.

(c) *Order of application.* Insofar as feasible remedial action will be taken in the order in which the application is received.

(d) *Magnitude of radiation level.* In general, those structures with the highest radiation levels will be given primary consideration.

(e) *Geographical location of structures.* A group of structures located in the same immediate geographical vicinity may be given priority consideration particularly where they involve similar remedial efforts.

(f) *Availability of structures.* An attempt will be made to schedule remedial action during those periods when remedial action can be taken with minimum interference.

(g) *Climatic conditions.* Climatic conditions or other seasonal considerations may affect the scheduling of certain remedial measures.

§ 12.10 Selection of appropriate remedial action.

(a) Tailings will be removed from those structures where the appropriately averaged external gamma radiation level is equal to or greater than 0.05 mR/hr. above background in the case of dwellings and schools and 0.015 mR/hr. above background in the case of other structures.

(b) Where the criterion in paragraph (a) of this section is not met, other remedial action techniques, including but not limited to sealants, ventilation, and shielding may be considered in addition to that of tailings removal. The Commission shall select the remedial action technique, or combination of techniques, which it determines to be the most appropriate under the circumstances.

Dated this 28th day of September 1972.

R. E. HOLLINGSWORTH,
General Manager.

[FR Doc.72-17790 Filed 10-18-72;8:47 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 4213; Project No. 1912]

CALIFORNIA

Order Providing for Opening of Lands

OCTOBER 10, 1972.

Pursuant to the vacating order of the Federal Power Commission partially vacating land withdrawal (37 F.R. 16831, August 19, 1972), and by virtue of the authority contained in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and in accordance with the authority redelegated to me by the Chief, Division of Technical Services, California State Office, Bureau of Land Management, approved by the California State Director, effective January 12, 1972 (37 F.R. 491), it is ordered as follows:

1. The Commission finds that the withdrawal for Project No. 1912 no longer serves a useful purpose insofar as it pertains to the area described below and should be vacated to that extent. Accordingly, these lands are hereby restored from the withdrawal for Federal Power Project No. 1912, dated February 9, 1944, subject to valid existing rights and the provisions of existing withdrawals:

SIERRA NATIONAL FOREST

MOUNT DIABLO MERIDIAN

T. 11 S., R. 28 E.,
Sec. 19, lots 3 and 4, SE¼SW¼.
The area described aggregates 117.09 acres in Fresno County.

2. At 10 a.m. on November 20, 1972, the land shall be open to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the land should be addressed to the Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

ELIZABETH H. MIDTBY,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.72–17775 Filed 10–18–72;8:50 am]

[Serial No. Idaho 4377]

IDAHO

Order Providing for Opening of Public Lands

1. In eight different exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 11 S., R. 15 E.,
Sec. 4, E½SE¼;
Sec. 9, N½NE¼.
T. 15 S., R. 26 E.,
Sec. 22, SE¼SE¼;
Sec. 23, SW¼SW¼.
T. 16 S., R. 26 E.,
Sec. 10, W½E½, E½W½;
Sec. 11, W½W½;
Sec. 17, NW¼;
Sec. 24, W½NE¼.
T. 13 S., R. 27 E.,
Sec. 17, NE¼NW¼;
Sec. 23, E½NE¼.
T. 15 S., R. 27 E.,
Sec. 25, E½;
Sec. 35, NE¼.
T. 16 S., R. 27 E.,
Sec. 1, SE¼.
T. 15 S., R. 28 E.,
Sec. 30, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.
T. 10 S., R. 29 E.,
Sec. 33, SE¼SE¼;
Sec. 34, SW¼SW¼.
T. 15 S., R. 31 E.,
Sec. 27, NE¼, N½SE¼, SW¼SE¼;
Sec. 34, NW¼NE¼.

The above tracts aggregate 2,280 acres in Cassia, Twin Falls, and Oneida Counties.

2. These lands are located in southern Idaho. Topography ranges from gently rolling to rough. Soils are generally shallow alluvials over gravel. Vegetation consists principally of sagebrush, shadscale with an understory of grass, annual weeds, halogeton, and some cactus. Access is poor to good. None of the lands have water on them.

3. Subject to valid existing rights, provisions of withdrawals, the provisions of existing classifications and the requirements of applicable law, the above-described lands are hereby restored to public domain status and opened to application, petition, location, and relocation, including location under the U.S. mining laws where applicable.

All valid applications received at or prior to November 20, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

4. Inquiries concerning these lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Idaho State Office, Bureau of Land Management, Room 398, Federal Building, Post Office Box 042, 550 West Fort Street, Boise, ID 83702.

VINCENT S. STROBEL,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.72–17786 Filed 10–18–72;8:49 am]

Bureau of Mines

ELECTRICAL WORK IN COAL MINES

Approval of State Coal Mine Electrical Qualification Programs

By separate notice published in the FEDERAL REGISTER this date there have been promulgated revisions of § 75.153, Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, and § 77.103, Part 77, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, establishing mandatory standards for the qualification of persons performing electrical work (other than work on energized surface high-voltage lines) in coal mines. These regulations permit a person to become qualified for Federal purposes if he has been qualified as a coal mine electrician by a State that has a coal mine electrical qualification program approved by the Secretary.

Notice is hereby given that the Bureau of Mines will approve State coal mine electrical qualification programs where such programs require as a prerequisite to qualification at least 1 year of experience in performing electrical work underground in a coal mine, in the surface work areas of an underground coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry, or in any other industry using or manufacturing similar equipment, and attainment of a satisfactory grade on a series of written tests including at least the following categories:

(a) Direct current theory and application;

(b) Alternating current theory and application;

(c) Electric equipment and circuits;

(d) Permissibility of electric equipments; and,

(e) Requirements of Subparts F through K of Part 75, Title 30, Code of Federal Regulations (for qualification in underground coal mines) or requirements of Subparts F through J and S of Part 77, Title 30, Code of Federal Regulations (for qualification in surface coal mines and surface work areas of underground coal mines).

The Bureau of Mines will also approve State coal mine electrical qualification programs as stringent as, or more stringent than the above-mentioned minimum requirements.

Approval of programs. Applications for approval of State coal mine electrical qualification programs should be submitted to:

Office of Certification and Qualification, Division of Education and Training, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Such applications shall include the following information:

(a) The name and address of the State agency responsible for administering the coal mine electrical qualification program;

(b) The name and address of the principal officials of such State agency;

(c) Copies of the written tests on which a satisfactory grade must be attained prior to qualification; and,

(d) A complete description of all other procedures, including the format of coal mine electrical training programs if utilized, serving as the basis for qualification.

The Bureau of Mines shall certify as approved any State coal mine electrical qualification program which meets the requirements set forth in this notice, or which is as stringent as, or more stringent than these minimum requirements. However, the Bureau reserves the right to attend or monitor approved programs for the purpose of observation and evaluation, and certification may be withdrawn where the approved State coal mine electrical qualification program fails to meet the requirements on which such certification is based.

Dated: October 12, 1972.

JOHN B. RIGG,
Deputy Assistant
Secretary of the Interior.

[FR Doc.72-17787 Filed 10-18-72;8:47 am]

ELECTRICAL WORK IN COAL MINES

Approval of Coal Mine Electrical Training and Retraining Programs

In this issue of the FEDERAL REGISTER under rules and regulations are revisions of § 75.153 of Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, and § 77.103 of Part 77, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, that, in part, permit individuals to become qualified to perform electrical work (other than work on energized surface high-voltage lines) in coal mines, upon satisfactory completion of a coal mine electrical training program approved by the Secretary, provided that such persons also have as a prerequisite to qualification at least 1 year of experience in performing electrical work underground in a coal mine, in the surface work areas of an underground coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry, or in any other industry using or manufacturing similar equipment. The aforementioned sections also require that all qualified persons must, in order to retain qualification, satisfactorily complete an annual coal mine electrical retraining program approved by the Secretary.

Notice is hereby given that the Bureau of Mines will approve coal mine electrical training or retraining programs established and maintained by any operator, coal mine industry group, labor organization representing miners, or any other person where such programs are conducted by persons certified by the Bureau as qualified to conduct coal mine electrical training and retraining programs, and where such programs include a course of instruction in the following subject matter:

(a) Direct current theory and application;

(b) Alternating current theory and application;

(c) Electric equipment and circuits;

(d) Permissibility of electric equipment; and,

(e) Requirements of Subparts F through K of Part 75, Title 30, Code of Federal Regulations (for qualification in underground coal mines) or requirements of Subparts F through J and S of Part 77, Title 30, Code of Federal Regulations (for qualification in surface coal mines and surface work areas of underground coal mines).

Approval of programs. Applications for approval of coal mine electrical training or retraining programs should be submitted to:

Office of Certification and Qualification, Division of Education and Training, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Such applications shall include the following information:

(a) The name, address, and title of the applicant;

(b) The name and address of the instructor;

(c) The address of the facility where the training will be conducted;

(d) The physical capacity of the training facility and the nature of educational aids provided;

(e) The approximate number of persons to be trained;

(f) The format of the training program and the time assigned to each subject;

(g) A general description of the source material to be employed by the instructor and the material to be supplied to each trainee; and,

(h) A general description of practical training to be provided in the performance of electrical work (other than work on energized surface high-voltage lines) in coal mines, including techniques and procedures employed in the examination, testing, and maintenance of electric equipment.

The Bureau of Mines shall certify as approved any coal mine electrical training or retraining program which meets the requirements set forth in this notice. However, the Bureau reserves the right to attend or monitor approved programs for the purpose of observation and evaluation, and certification may be withdrawn where the applicant fails to provide the training set forth in his application for approval.

Instructors. Applications for certification as an instructor in coal mine electrical training and retraining programs should be submitted to:

Office of Certification and Qualification, Division of Education and Training, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Such application shall include the following information:

(a) The name and address of the applicant; and

(b) Information showing that the applicant meets at least one of the following criteria:

(1) He is a graduate electrical engineer with practical experience in the mining industry;

(2) He is a mine electrician with a minimum of 10 years practical experience in the mining industry;

(3) He has acquired by education, training, and experience in the mining industry, a thorough working knowledge of electrical work (other than work on energized surface high-voltage lines) in coal mines, including techniques and procedures employed in the examination, testing, and maintenance of electrical equipment, and has satisfactorily completed educational training courses regarding such electrical work, or has published articles relating to such work which reflect his knowledge of the subject; or,

(4) He has conducted or is currently conducting a course in coal mine electrical work in a recognized institution of higher learning or in an industrial or vocational training program.

Qualified persons. Persons will, as applicable, be qualified by the Bureau as meeting the requirements of 30 CFR §§ 75.153(f) and 77.103(f) upon satisfactory completion of a coal mine electrical training program approved by the Bureau provided that such persons also have as a prerequisite to qualification at least 1 year of experience performing electrical work underground in a coal mine, in the surface work areas of an underground coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry, or in any industry using or manufacturing similar equipment. Applications for such qualification should be submitted to:

Office of Certification and Qualification, Division of Education and Training, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Such applications shall include the following:

(a) The name and address of the applicant;

(b) Information showing that the applicant has at least 1 year of experience performing electrical work underground in a coal mine, in the surface work areas of an underground coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry, or in any industry using or manufacturing similar equipment; and,

(c) Information showing the applicant has satisfactorily completed a coal mine electrical training program approved by the Bureau of Mines.

Dated: October 12, 1972.

JOHN B. RIGG,
Deputy Assistant
Secretary of the Interior.

[FR Doc.72-17788 Filed 10-18-72;8:47 am]

DEPARTMENT OF AGRICULTURE

Forest Service

PALZO RESTORATION PROJECT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Palzo vironmental statement for the Palzo Restoration Project, USDA–FS–FES(Adm) 72–23.

The environmental statement concerns a proposed pilot project to utilize municipal waste in an attempt to reclaim abandoned strip mined land which is presently causing severe water pollution problems.

This final environmental statement was filed with CEQ on October 5, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 14th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, WI 53203.

A limited number of single copies are available upon request to Mr. Jay Cravens, Regional Forester, U.S. Forest Service, 633 West Wisconsin Avenue, Milwaukee, WI 53203.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

OCTOBER 16, 1972.

[FR Doc.72–17865 Filed 10–18–72;8:53 am]

PROPOSED FISH CREEK WINTER SPORTS SITE, JUNEAU, ALASKA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a Proposed Fish Creek Winter Sports Site in Juneau, Alaska, USDA–FS–DES(Adm) 73–22.

The environmental statement concerns a proposal to develop the Fish Creek Basin as a recreation and winter sports site.

This draft environmental statement was filed with CEQ on October 5, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 14th Street and Independence Avenue SW., Washington, DC 20250.

USDA Forest Service, Alaska Region, Federal Office Building, Juneau, Alaska 99801.

North Tongass National Forest, Federal Office Building, Room 273, Juneau, Alaska 99801.

A limited number of single copies are available upon request to Vincent N. Olson, Forest Supervisor, North Tongass National Forest, Post Office Box 1049, Juneau, AK 99801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. Vincent N. Olson, Forest Supervisor, North Tongass National Forest, Post Office Box 1049, Juneau, AK 99801. Comments must be received within 30 days of the date of this notice in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

OCTOBER 16, 1972.

[FR Doc.72–17864 Filed 10–18–72;8:53 am]

SISKIYOU, SIUSLAW, AND UMPQUA NATIONAL FORESTS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental sattement for CY 1973 Herbicide Use on the Siskiyou, Siuslaw, and Umpqua National Forests in Oregon, USDA–FS–DES(Adm) 73–23.

The environmental statement concerns the use of herbicides to reduce the volume of native vegetation where it hampers forest management activities.

This draft environmental statement was filed with CEQ on October 5, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 14th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, OR 97208.

Umpqua National Forest, Federal Office Building, Roseburg, Oreg. 97470.

Siuslaw National Forest, 545 Southwest Second Avenue, Corvallis, OR 97330.

Siskiyou National Forest, 1504 Northwest Sixth Street, Grants Pass, OR 97526.

A limited number of single copies are available upon request to T. A. Schlapfer, Regional Forester, U.S. Forest Service, 319 Southwest Pine Street, Portland, OR 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. T. A. Schlapfer, Regional Forester, U.S. Forest Service, 319 Southwest Pine Street, Portland, OR 97208. Comments must be received by November 22, 1972, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

OCTOBER 16, 1972.

[FR Doc.72–17863 Filed 10–18–72;8:53 am]

Office of the Secretary

MICHIGAN

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as amended by section 232 of the Disaster Relief Act of 1970 (Public Law 91–606) and section 5 of Public Law 92–385, it has been determined that in the following county in the State of Michigan a natural disaster has caused a general need for agricultural credit:

COUNTY

TUSCOLA

Emergency loans will not be made in the above-named county under this designation pursuant to applications received after June 30, 1973, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for an emergency loan in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 13th day of October 1972.

RICHARD E. LYNG,
Acting Secretary.

[FR Doc.72-17827 Filed 10-18-72;8:50 am]

MICHIGAN

Designation of Areas for Emergency and Rural Housing Disaster Loans

It has been determined that property loss or damage or injury in one county in Michigan has resulted from natural disasters caused by heavy rains during October and December 1971 and heavy rains, hailstorms, windstorms, tornadoes, and flooding during the period of April to September 1972. The following county of Michigan is affected by such natural disasters:

NEWAYGO

It has further been determined that in the above county of Michigan a general need for credit exists. Therefore, this county is declared eligible for low-interest-rate disaster loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, the Disaster Relief Act of 1970, title V of the Housing Act of 1949, and Public Law 92-385. Applications for such loans must be received by this Department prior to July 1, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 13th day of October 1972.

RICHARD E. LYNG,
Acting Secretary.

[FR Doc.72-17828 Filed 10-18-72;8:50 am]

NEW HAMPSHIRE

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), as amended by section 232 of the Disaster Relief Act of 1970 (Public Law 91-606) and section 5 of Public Law 92-385, it has been determined that in the following counties in the State of New Hampshire natural disasters have caused a general need for agricultural credit:

COUNTIES	
Belknap.	Hillsborough.
Carroll.	Merrimack.
Cheshire.	Rockingham.
Coos.	Strafford.
Grafton.	Sullivan.

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1973, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 13th day of October 1972.

RICHARD E. LYNG,
Acting Secretary.

[FR Doc.72-17829 Filed 10-18-72;8:50 am]

Packers and Stockyards Administration

ARMSTRONG SALES CO. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard and date of posting

IA-110 Armstrong Sales Co., Armstrong, Iowa, May 3, 1959.
IA-131 Iowa Nebraska Sale Yards, Council Bluffs, Iowa, May 22, 1959.
MO-172 Welty Sales Pavilion, Nevada, Mo., May 11, 1959.
MO-183 Potosi Auction Co., Potosi, Mo., May 9, 1959.
OK-147 Maysville Livestock Auction, Maysville, Okla., Feb. 26, 1971.
OR-100 Roth's, Albany, Oreg., Aug. 15, 1961.
SD-140 Presho Livestock Auction Company, Presho, S. Dak., Jan. 30, 1957.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER (10-19-72).

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.).

Done at Washington, D.C., this 16th day of October 1972.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.72-17866 Filed 10-18-72;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

BUREAU OF HEALTH MANPOWER EDUCATION

Notice of Meeting

Pursuant to Executive Order 11671 notice is hereby given of meeting of the following committee and the executive secretary from whom summaries of meetings may be obtained.

Committee, date, time, and location of meeting

Health Manpower Opportunity Advisory Committee, November 8-10, 1972, 9 a.m., Building 31, Conference Room 9, Mr. Albert Barringer, 496-2112.

This meeting shall be closed to the public in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination in order to review, discuss, and evaluate and/or rank grant applications.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

OCTOBER 10, 1972.

[FR Doc.72-17779 Filed 10-18-72;8:49 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Public Meeting

Notice is hereby given, pursuant to Executive Order 11671, that the next meeting of the National Advisory Council on Education Professions Development will be held on October 26, 1972, 8:30 a.m. to 5:30 p.m., and October 27, 1972, 8:30 a.m. to 12 noon, local time, at the Skyline Inn, South Capitol and I Streets SW., Washington, DC. The several committees of the Council will meet on October 25 at the Skyline Inn.

The National Advisory Council on Education Professions Development is established under Section 502 of the Education Professions Development Act (Public Law 90-35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting of the Council shall be open to the public. The proposed agenda includes discussion of training of personnel in early childhood and vocational education, and policies concerning evaluation of educational endeavors. Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of Committee Management, located in Room 4158, F.O.B. 6, 400 Maryland Avenue SW., Washington, DC.

Signed at Washington, D.C., on October 13, 1972.

JOSEPH YOUNG,
Executive Director.

[FR Doc.72-17810 Filed 10-18-72;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[Docket No. D-72-207]

DIRECTOR AND DEPUTY DIRECTOR, HONOLULU INSURING OFFICE

Redelegation of Authority with Respect to the Low-Rent Public Housing Program

The Director and Deputy Director, Honolulu Insuring Office, each are authorized to exercise the power and authority of the Secretary of the Department of Housing and Urban Development with respect to the management aspects under the Low-Rent Public Housing Program pursuant to the U.S. Housing Act of 1937 (42 U.S.C. 1401, et seq.), including the power and authority under sections 1(1) and 1(2) of Executive Order 11196, except the authority to:

1. Determine that there is a substantial breach or default and invoke any remedy on behalf of the Federal Government upon default or breach by a local housing authority in respect to the terms, covenants, or conditions of an annual contributions contract.

2. Terminate annual contributions contracts when the decision to terminate is made by the Federal Government.

3. Waive the provisions of annual contributions contracts: *Provided*, That the Director and Deputy Director, Honolulu Insuring Office, are authorized to waive provisions with respect to the following:

a. Employment of a former local housing authority Commissioner.

b. Frequency of examination of tenants to permit a local housing authority to change its established reexamination schedule.

c. Approval of the use of force account for modernization programs.

d. Approval of construction and equipment contracts for modernization exceeding $5,000, but not exceeding $50,000.

4. Establish the rate of interest on Federal loans and advances.

5. Issue notes or other obligations for purchase by the Secretary of the Treasury.

6. Sue and be sued.

7. Issue rules and regulations.

8. Exercise the powers and authorities under section 402(a) and under 402(c) (1-7) of the Housing Act of 1950 (12 U.S.C. 1749(a) and 1749(c)(1)-(7)).

(Secretary's delegation of authority to redelegate, 36 F.R. 5005, Mar. 16, 1971, as amended)

Effective date. This redelegation of authority is effective upon publication in the FEDERAL REGISTER (10-19-72).

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.72-17824 Filed 10-18-72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72-195N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from August 18, 1972 to August 24, 1972 (List No. 27-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/100/0, Model 2040 survival capsule launching winch; approved as an alternate to a lifeboat winch for a maximum lowering load of 11,000 pounds on a single fall; identified by assembly drawing 2040-690-370 (Sheet 1 of 3) dated February 11, 1972, and drawing list dated June 28, 1972, approved for use on nonself-propelled drilling rigs, artificial islands, and fixed structures with the Whittaker Survival Capsule, manufactured by Ocean Science and Engineering, Inc., 1601 Water Street, Long Beach, CA 90802, effective August 22, 1972.

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

Approval No. 160.026/12/4, container for emergency provisions, drawing No. 18135, dated July 18, 1972, and specification 18135, dated July 18, 1972, manufactured by Globe Equipment Corp., 257 Water Street, Brooklyn, NY 11201, effective August 18, 1972. (It supersedes Approval No. 160.026/12/3 dated November 14, 1967, to show change in container and rations.)

LIFEBOATS

Approval No. 160.035/466/1, 30.0' x 10.0' x 4.33' steel, hand-propelled lifeboat, 78-person capacity, identified by general arrangement drawing No. 30-6, Rev. B, dated July 10, 1972, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=5,710 pounds; Condition "B"=19,849 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, NJ 07727, effective August 24, 1972. (It supersedes Approval No. 160.035/466/0 dated February 15, 1972, to show change in construction.)

Approval No. 160.035/467/1, 30.0' x 10.0' x 4.33' steel, motor-propelled lifeboat, without radio or searchlight (Class 1), 74-person capacity, identified by General Arrangement Drawing No. 30-7, Rev. B, dated July 10, 1972, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=6,875 pounds; Condition "B"=20,681 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective August 24, 1972. (It supersedes Approval No. 160.035/467/0 dated February 14, 1972, to show change in construction.)

Approval No. 160.035/468/0, 26.0' x 9.0' x 3.83' fibrous glass reinforced plastic (FRP), motor-propelled lifeboat, Class 1, 48-person capacity, identified by General Arrangement Drawing No. WBA-9001, dated April 12, 1972, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=4,045 pounds; Condition "B"=13,017 pounds, manufactured by Welin Davit & Boat Division, Lake Shore, Inc., 3614 Kennedy Road, South Plainfield, N.J. 07080, effective August 22, 1972.

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064/353/0, adult large, Model No. SK 72, vinyl dipped unicellular plastic foam "Water Ski Jacket," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 8, Type III, Device, manufactured by Goodenow Manufacturing Co., 924 West 19th Street, Erie, PA 16502, effective August 22, 1972.

Approval No. 160.064/354/0, adult, Model No. SK 72, vinyl dipped unicellular plastic foam "Water Ski Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 8, Type III Device, manufactured by Goodenow Manufacturing Co., 924 West 19th Street, Erie, PA 16502, effective August 22, 1972.

Approval No. 160.064/355/0, youth, Model No. SK 72, vinyl dipped unicellular plastic foam "Water Ski Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 8, Type III Device, manufactured by Goodenow Manufacturing Co., 924 West 19th Street, Erie, PA 16502, effective August 22, 1972.

Approval No. 160.064/375/0, adult small, Model No. 2001, cloth covered unicellular plastic foam "Flotation Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 169, Type III Device, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, for Midwest Outerwear, Inc., Port Washington, Wis. 53074, effective August 22, 1972.

Approval No. 160.064/376/0, adult medium, Model No. 2001, cloth covered unicellular plastic foam "Flotation Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 169, Type III Device, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, for Midwest Outerwear, Inc., Port Washington, Wis. 53074, effective August 22, 1972.

Approval No. 160.064/377/0, adult large, Model No. 2001, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 169, Type III Device, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, for Midwest Outerwear, Inc., Port Washington, Wis. 53074, effective August 22, 1972.

Approval No. 160.064/378/0, adult X-large, Model No. 2001, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 169, Type III Device, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, for Midwest Outerwear, Inc., Port Washington, Wis. 53074, effective August 22, 1972.

CARBON DIOXIDE TYPE FIRE EXTINGUISHING SYSTEMS

Approval No. 162.038/3/0, Cardox Low Pressure Carbon Dioxide Marine Fire Extinguishing System, Schematic drawing Nos. FC–33140, Rev. C, dated May 6, 1954, FC–40424, dated May 17, 1957, FC–40425, dated May 17, 1957, and Drawing List No. FD–32501, Rev. C, dated April 8, 1958, manufactured by Cardox, Division of Chemetron Corp., 111 East Wacker Drive, Chicago, IL 60601, effective August 21, 1972. (It supersedes Approval No. 162.038/3/0 dated April 25, 1972, to show change of address of manufacturer.)

Approval No. 162.038/6/0, Cardox Series 65 marine type high pressure carbon dioxide type fire extinguishing systems; Typical Installation Drawing Nos. FD–46327 (Sheets 1 through 3) Rev. C and D–46687 Rev. B, dated June 23, 1967, Specification Drawing No. FB–49098 Rev. A, dated June 28, 1967, and Equipment List A–46305 (Sheets 1 through 15) Rev. A, dated July 5, 1967, manufactured by Cardox, Division of Chemetron Corp., 111 East Wacker Drive, Chicago, IL 60601, Plant: Monee, Ill., effective August 21, 1972. (It supersedes Approval No. 162.038/6/0 dated December 5, 1967 to show change of address of manufacturer.)

Dated: October 12, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–17836 Filed 10–18–72;8:51 am]

[CGD 72–196N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from August 2, 1972, to August 10, 1972 (List No. 24–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard, with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

For motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The DRYBAK, Post Office Box 10956, 1348 Manufacturing Street, Dallas, TX 75207, no longer manufactures certain kapok buoyant vests and Approvals Nos. 160.047/610/0, 160.047/611/0, and 160.047/612/0 were therefore terminated effective August 10, 1972.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The DRYBAK, Post Office Box 10956, 1348 Manufacturing Street, Dallas, TX 75207, no longer manufactures certain unicellular plastic foam buoyant vests and Approvals Nos. 160.052/378/0, 160.052/379/0, and 160.052/380/0 were therefore terminated effective August 10, 1972.

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

The Crawford Manufacturing Co., Third and Decatur Streets, Richmond, Va. 23212, no longer manufactures certain special purpose water safety buoyant devices and Approvals Nos. 160.064/16/0, 160.064/26/0, 160.064/72/2, 160.064/73/0, and 160.064/125/0 were therefore terminated effective August 4, 1972.

The Cypress Gardens Skis, Inc., Hoover Road, Cypress Gardens, Fla. 33880, no longer manufactures certain special purpose water safety buoyant devices and Approvals Nos. 160.064/74/0, 160.064/77/0, and 160.064/78/0 were therefore terminated effective August 4, 1972.

PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

GPE Controls, Inc., 6511 Oakton Street, Morton Grove, IL 60053, Certificate of Approval No. 162.017/110/0, 6", Model 9403, "Hi Stream" Marine Breather Valve. This approval is being terminated effective August 2, 1972, as the specification was not intended for this type of valve design.

DECK COVERINGS FOR MERCHANT VESSELS

The Kompolite Products Co., Inc., 55 Webster Avenue, New Rochelle, NY 10801, no longer manufactures certain deck coverings and Approval No. 164.006/17/0 was therefore terminated effective August 4, 1972.

BULKHEAD PANELS FOR MERCHANT VESSELS

The Chembest Division of Owens-Corning Fiberglas Corp., 1111 West Perry

Street, Bloomington, IL 61701, no longer manufactures certain bulkhead panels and Approval No. 164.008/46/0 was therefore terminated effective August 8, 1972.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, no longer manufactures certain incombustible materials and Approval No. 164.-009/14/0 was therefore terminated effective August 3, 1972.

Dated: October 4, 1972.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.72-17831 Filed 10-18-72;8:51 am]

[CGD 72-197N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from August 4, 1972, to August 15, 1972 (List No. 25–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard, with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

NOTE: Approved for use on all vessels and motorboats.

Approval No. 160.002/114/0, Model 3, adult kapok life preserver, USCG Specification Subpart 160.002, manufactured by Ero Manufacturing Co., Hazlehurst, Ga. 31539, effective August 10, 1972. (It is an extension of Approval No. 160.002/114/0 dated October 12, 1967.)

Approval No. 160.002/115/0, Model 5, child kapok life preserver, USCG Specification Subpart 160.002, manufactured by Ero Manufacturing Co., Hazlehurst, Ga. 31539, effective August 10, 1972. (It is an extension of Approval No. 160.002/115/0 dated October 12, 1967.)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Aproval No. 160.011/32/0, SurvivAir No. 9030–00, one-half hour self-contained compressed-air breathing apparatus, at least one extra fully charged cylinder of breathing air to be included as a part of the complete unit, Bureau of Mines Approval No. 13D–12 only for use with BM 13D–12 facepiece and BM 13D–12 pressure regulator and assembly, assembly drawing No. 9030–00, Rev. C, dated July 6, 1962, manufactured by Surviv-Air Division of U.S. Divers Co., 3323 West Warner Avenue, Santa Ana, CA 92704, effective August 14, 1972. (It is an extension of Approval No. 160.011/32/0 dated August 15, 1967.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/18/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, USCG Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Billy Boy Products, Inc., Quincy, Mich. 49082, effective August 10, 1972. (It is an extension of Approval No. 160.049/18/0 dated October 19, 1967.)

HYDRAULIC AND MANUAL RELEASES FOR LIFESAVING EQUIPMENT

Approval No. 160.062/2/0, Model 404 hydraulic and manual release for lifesaving equipment; for buoyant loads of 200 to 3,750 pounds; identified by assembly drawing BH–2–501, revision B dated June 30, 1969, and drawing list dated September 19, 1969, to be used in accordance with installation and pretensioning details shown on tension gripe assembly drawing BH–4–501, revision C dated September 2, 1969, manufactured by Arrow Manufacturing, Inc., 139 Townsend Street, San Francisco, CA 94107, effective August 15, 1972. (It supersedes Approval No. 160.062/2/0 dated September 22, 1969, to show change of address of manufacturer.)

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064/23/0, 18-inch, Model No. LR–18, vinyl dipped unicellular plastic foam "Ring Buoy", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 8, manufactured by Goodenow Manufacturing, 1301 West 18th Street, Erie, PA 16501, effective August 4, 1972.

Approval No. 160.064/24/0, 18-inch, Model No. CG–18, vinyl dipped unicellular plastic foam "Ring Buoy," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 47, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, effective August 4, 1972.

Approval No. 160.064/83/0, adult, Model No. WST, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 8, manufactured by Goodenow Manufacturing, 1301 West 18th Street, Erie, PA 16501, effective August 4, 1972.

Approval No. 160.064/110/0, adult X-small, Style No. 432XS, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 41, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, for James Bliss & Co., Inc., Route 128, Dedham, Mass. 02026, effective August 10, 1972.

Approval No. 160.064/111/0, adult small, Style No. 432S, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 41, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, for James Bliss & Co., Inc., Route 128, Dedham, Mass. 02026, effective August 10, 1972.

Approval No. 160.064/112/0, adult medium, Style No. 432M, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 41, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, for James Bliss & Co., Inc., Route 128, Dedham, Mass. 02026, effective August 10, 1972.

Approval No. 160.064/113/0, adult large, Style No. 432L, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. 41, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, for James Bliss & Co., Inc., Route 128, Dedham, Mass. 02026, effective August 10, 1972.

Approval No. 160.064/114/0, adult X-large, Style No. 432XL, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. 41, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, for James Bliss & Co., Inc., Route 128, Dedham, Mass. 02026, effective August 10, 1972.

Approval No. 160.064/126/0, child small, Model No. CGJ–100, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 18, manufactured by Cypress Gardens Skis, Inc.,

Hoover Road, Cypress Gardens, FL 33880, effective August 4, 1972.

Approval No. 160.064/127/0, youth, Model No. CGJ–100 vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. 18, Type III Device, manufactured by Cypress Gardens Skis, Inc., Hoover Road, Cypress Gardens, FL 33880, effective August 4, 1972.

Approval No. 160.064/128/0, adult X-large, Model CGJ–100, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type III Device, manufactured by Cypress Gardens Skis, Inc., Hoover Road, Cypress Gardens, FL 33880, effective August 4, 1972.

Approval No. 160.064/139/0, child small, Model No. CGAXS, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 53, manufactured by Groendyk Manufacturing Co., Inc., Buchanan, Va. 24066, for Recreonics, Inc., Beverly, Mass. 01915, effective August 10, 1972.

Approval No. 160.064/140/0, child medium, Model No. CGAS, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 53, manufactured by Groendyk Manufacturing Co., Inc., Buchanan, Va. 24066, for Recreonics, Inc., Beverly, Mass. 01915, effective August 10, 1972.

Approval No. 160.064/141/0, adult medium, Model No. CGAM, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 53, manufactured by Groendyk Manufacturing Co., Inc., Buchanan, Va. 24066, for Recreonics, Inc., Beverly, Mass. 01915, effective August 10, 1972.

Approval No. 160.064/142/0, adult large, Model No. CGAL, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 53, manufactured by Groendyk Manufacturing Co., Inc., Buchanan, Va. 24066, for Recreonics, Inc., Beverly, Mass. 01915, effective August 10, 1972.

Approval No. 160.064/147/0, child small, Model No. CGV–XS, vinyl dipped unicellular plastic foam "Ski 'N' Sport Safety Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 32, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective August 8, 1972.

Approval No. 160.064/148/0, child medium, Model No. CGV–S/M, vinyl dipped unicellular plastic foam "Ski 'N' Sport Safety Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 32, manufactured by Cut 'N' Jump Ski Corp,, 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective August 8, 1972.

Approval No. 160.064/149/0, adult large, Model No. CGV–M/L, vinyl dipped unicellular plastic foam "Ski 'N' Sport Safety Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 32, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective August 8, 1972.

Approval No. 160.064/150/0, adult X-large, Model No. CGV–L/XL, vinyl dipped unicellular plastic foam "Ski 'N' Sport Safety Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 32, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective August 8, 1972.

Approval No. 160.064/205/0, child small, Model No. CGXS, vinyl dipped unicellular plastic foam "Sport Safety Jacket," manufactured in accordance with USCG Specification Subpart 160.-064 and UL/MD report file No. MQ 47, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, effective August 4, 1972.

Approval No. 160.064/206/0, child small, Model No. CGXS/S, vinyl dipped unicellular plastic foam "Sport Safety Jacket," manufactured in accordance with USCG Specification Subpart 160.-064 and UL/MD report file No. MQ 47, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, effective August 4, 1972.

Approval No. 160.064/207/0, adult, Model No. CGM/M, vinyl dipped unicellular plastic foam "Sport Safety Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 47, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, effective August 4, 1972.

Approval No. 160.064/208/0, adult, Model No. CGL/XL, vinyl dipped unicellular plastic foam "Sport Safety Jacket," manufactured in accordance with USCG Specification Subpart 160.-064 and UL/MD report file No. MQ 47, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, effective August 4, 1972.

Approval No. 160.064/209/0, child small, Model No. CGXS, vinyl dipped unicellular plastic foam "Ski & Sport Safety Jacket," manufactured in accordance with USCG Specification Subpart 160.-064 and UL report file No. MQ 31, manufactured by Cut 'N' Jump Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Superior Sports Specialties, San Fernando, Calif. 91341, effective August 9, 1972.

Approval No. 160.064/210/0, child small, Model No. CGXS/S, vinyl dipped unicellular plastic foam "Ski & Sport Safety Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 31, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Superior Sports Specialties, San Fernando, Calif. 91341, effective August 9, 1972.

Approval No. 160.064/211/0, adult, Model No. CGM/L, vinyl dipped unicellular plastic foam "Ski & Sport Safety Jacket," manufactured in accordance with USCG Specification Subpart 160.-064 and UL report file No. MQ 31, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Superior Sports Specialties, San Fernando, Calif. 92341, effective August 9, 1972.

Approval No. 160.064/212/0, adult, Model No. CGL/XL, vinyl dipped unicellular plastic foam "Ski & Sport Safety Jacket," manufactured in accordance with USCG Specification Subpart 160.-064 and UL report file No. MQ 31, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Superior Sports Specialties, San Fernando, Calif. 91341, effective August 9, 1972.

Approval No. 160.064/219/0, adult small, Model No. 101V, cloth covered unicellular plastic foam "Yachting Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III Device, manufactured by Gaylord Harr, Inc., 1109 South Fremont, Alhambra, CA 91803, effective August 4, 1972.

Approval No. 160.064/220/0, adult large, Model No. 101V, cloth covered unicellular plastic foam "Yachting Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III Device, manufactured by Gaylord Harr, Inc., 1109 South Fremont, Alhambra, CA 91803, effective August 4, 1972.

Approval No. 160.064/221/0, adult small, Model No. 1100, cloth covered unicellular plastic foam "Yachting Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III Device, manufactured by Gaylord Harr, Inc., 1109 South Fremont, Alhambra, CA 91803, effective August 4, 1972.

Approval No. 160.064/222/0, adult medium, Model No. 1100, cloth covered unicellular plastic foam "Yachting Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III Device, manufactured by Gaylord Harr, Inc., 1109 South Fremont, Alhambra, CA 91803, effective August 4, 1972.

Approval No. 160.064/223/0, adult large, Model No. 1100, cloth covered unicellular plastic foam "Yachting Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III Device, manufactured by Gaylord Harr, Inc., 1109 South Fremont, Alhambra, CA 91803, effective August 4, 1972.

Approval No. 160.064/224/0, adult X-large, Model No. 1100, cloth covered unicellular plastic foam "Yachting Jacket," manufactured in accordance

with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III Device, manufactured by Gaylord Harr, Inc., 1109 South Fremont, Alhambra, CA 91803, effective August 4, 1972.

Approval No. 160.064/227/0, child medium, Model No. 63215, cloth covered unicellular plastic foam "Yachtsmans Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 38, manufactured by Ero Manufacturing Co., 308 South William Street, Hazlehurst, GA 31539, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, IL 60607, effective August 8, 1972.

Approval No. 160.064/233/0, adult, Model No. CGJ–100, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type III Device, manufactured by Cypress Gardens Skis, Inc., Hoover Road, Cypress Gardens, FL 33880, effective August 4, 1972.

Approval No. 160.064/240/0, child medium, Model No. PS–G, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 31, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Superior Sports Specialties, San Fernando, Calif. 91341, effective August 9, 1972.

Approval No. 160.064/241/0, adult, Model No. PM–G, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 31, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Superior Sports Specialties, San Fernando, Calif. 91341, effective August 9, 1972.

Approval No. 160.064/242/0, adult, Model No. PL–G, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 31, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Superior Sports Specialties, San Fernando, Calif. 91341, effective August 9, 1972.

Approval No. 160.064/243/0, adult, Model No. PXL–G, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 31, Type III Device, manufactured by Cut 'N' Jump Ski Corp. 11525 Sorrento Valley Road, San Diego, CA 92121, for Superior Sports Specialties, San Fernando, Calif. 91341, effective August 9, 1972.

Approval No. 160.064/244/0, adult, Model No. PXXL–G, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 31, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Superior Sports Specialties, San Fernando, Calif. 91341, effective August 9, 1972.

Approval No. 160.064/245/0, ladies adult, Model No. LP–G, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 31, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Superior Sports Specialties, San Fernando, Calif. 91341, effective August 9, 1972.

Approval No. 160.064/258/0, child medium, Model No. SR–S, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 110, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Vogue Ski Co., 9416 East Gidley Avenue, Temple City, CA 91780, effective August 8, 1972.

Approval No. 160.064/259/0, adult, Model No. SR–M, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 110, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Vogue Ski Co., 9416 East Gidley Avenue, Temple City, CA 91780, effective August 8, 1972.

Approval No. 160.064/260/0, adult, Model No. SR–L, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 110, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Vogue Ski Co., 9416 East Gidley Avenue, Temple City, CA 91780, effective August 8, 1972.

Approval No. 160.064/261/0, adult, Model No. SR–XL, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 110, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Vogue Ski Co., 9416 East Gidley Avenue, Temple City, CA 91780, effective August 8, 1972.

Approval No. 160.064/262/0, adult, Model No. SR–XXL, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 110, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Vogue Ski Co., 9416 East Gidley Avenue, Temple City, CA 91780, effective August 8, 1972.

Approval No. 160.064/263/0, ladies adult, Model No. SR–W, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL report file No. MQ 110, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Vogue Ski Co., 9416 East Gidley Avenue, Temple City, CA 91780, effective August 8, 1972.

Approval No. 160.064/334/0, child medium, Model No. 911S, cloth covered unicellular plastic foam "Yacht Safety Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 7, Type III Device, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective August 4, 1972.

Approval No. 160.064/335/0, adult, Model No. 912M, cloth covered unicellular plastic foam "Yacht Safety Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 7, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective August 4, 1972.

Approval No. 160.064/336/0, adult, Model No. 913L, cloth covered unicellular plastic foam "Yacht Safety Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 7, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective August 4, 1972.

Approval No. 160.064/362/0, child medium, Model No. 3H34A, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 166, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Chrysler Outboard Corp., Hartford, Wis. 53027, effective August 8, 1972.

Approval No. 160.064/363/0, adult, Model No. 3H35A, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 166, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Chrysler Outboard Corp., Hartford, Wis. 53027, effective August 8, 1972.

Approval No. 160.064/364/0, adult, Model No. 3H36A, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 166, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Chrysler Outboard Corp., Hartford, Wis. 53027, effective August 8, 1972.

Approval No. 160.064/365/0, adult, Model No. 3H37A, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 166, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Chrysler Outboard Corp., Hartford, Wis. 53027, effective August 8, 1972.

Approval No. 160.064/366/0, adult ladies, Model No. 3H38A, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with

USCG Specification Subpart 160.064 and UL/MD report file No. MQ 166, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Chrysler Outboard Corp., Hartford, Wis. 53027, effective August 8, 1972.

RELIEF VALVES (HOT WATER HEATING BOILERS)

Approval No. 162.013/13/1, Type No. 2240, multiple relief valve assembly for hot water heating boilers, two (2) No. 240–¾ inch—30 relief valves mounted on common base, maximum set pressure 30 p.s.i., combined relieving capacity of 1,026,000 B.t.u./hr., base inlet size 2-inch nominal pipe diameter, relief valves were formerly 230–30, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago, IL 60618, effective August 14, 1972. (It supersedes Approval No. 162.013/13/0 dated September 11, 1967.)

Approval No. 162.013/14/1, Type No. 3240, multiple relief valve assembly for hot water heating boilers, three (3) No. 240–¾ inch—30 relief valves mounted on common base, maximum set pressure 30 p.s.i., combined relieving capacity 1,539,000 B.t.u./hr., base inlet size 2-inch nominal pipe diameter, relief valves were formerly 230–30, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago, IL 60618, effective August 14, 1972. (It supersedes Approval No. 162.013/14/0 dated September 11, 1967.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/77/0, "Pabco Precision Molded Super Caltemp Type NA" calcium silicate type, identical to that described in Fibreboard Paper Products Corp. letter dated October 15, 1963, approved in densities from 11.5 to 12.5 pounds per cubic foot, manufactured by Fibreboard Corp., Industrial Products Division, 55 Francisco Street, San Francisco, CA 94133, effective August 14, 1972. (It supersedes Approval No. 164.009/77/0 dated July 20, 1972 to show minor change.)

Dated: October 13, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–17834 Filed 10–18–72;8:51 am]

[CGD 72–198N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from August 11, 1972, to August 24, 1972 (list No. 26–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard, with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

The Welin Davit Division, Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, no longer manufactures certain lifeboat winches and Approval Nos. 160.015/70/1 and 160.015/85/1 were therefore terminated effective August 15, 1972.

DAVITS FOR MERCHANT VESSELS

The Welin Davit Division, Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, no longer manufactures certain lifeboat davits and Approval No. 160.032/153/1 was therefore terminated effective August 15, 1972.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

The Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, NJ 07727, no longer manufactures certain mechanical disengaging apparatus and Approval No. 160.033/53/0 was therefore terminated effective August 11, 1972.

LIFEBOATS

The Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, NJ 07727, Approval No. 160.035/204/4 expired and was terminated effective August 11, 1972.

The Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, NJ 07727, no longer manufactures certain lifeboats and Approval No. 160.035/327/1 was therefore terminated effective August 11, 1972.

INFLATABLE LIFE RAFTS

The Uniroyal, Inc., Plastic Products Division, Providence, R.I. 02901, Approval Nos. 160.051/23/1, 160.051/29/1, 160.051/30/1, and 160.051/31/1 expired and were terminated effective August 24, 1972.

Dated: October 12, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–17833 Filed 10–18–72;8:51 am]

[CGD 72–199N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from July 28, 1972 to August 2, 1972 (List No. 23–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LIFEBOATS

Approval No. 160.035/211/5, 22.0' x 7.5' x 3.17' steel, oar-propelled lifeboat, 30-person capacity, identified by general arrangement dwg. No. 22–2 Rev. D dated May 9, 1972, approved for 31-person capacity as a replacement in kind for an existing lifeboat requiring 31-person capacity, 46 CFR 160.035–13(c) marking, weights: Condition "A"—2,345 pounds; condition "B"—8,060 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, NJ 07727, effective July 31, 1972. (It supersedes Approval No. 160.035/211/4 dated July 31, 1967, to show change in construction and address.)

Approval No. 160.035/214/5, 20.0' x 6.5' x 2.67' aluminum, oar-propelled lifeboat, 18-person capacity identified by construction and arrangement dwg. No. 20–2 Alt. G dated May 12, 1972, approved for 20-person capacity as a replacement in kind for an existing lifeboat requiring 20-person capacity, 46 CFR 160.035–13 (c) marking, weights: Condition "A"—980 pounds; condition "B"—4,542 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, NJ 07727, effective July 28, 1972. (It supersedes Approval No. 160.035/214/4 dated July 28, 1967, to show change in construction, address, and capacity.)

Approval No. 160.035/258/4, 20.0' x 6.5' x 2.67' steel, oar-propelled lifeboat, 18-person[1] capacity, identified by construction and arrangement dwg. No. 20–3, Rev. F dated July 31, 1972, if mechanical disengaging apparatus is fitted, it shall be of an approved type and installed in accordance with drawings approved by the Commandant. Marking, Weights: Condition "A"=1,725 pounds; Condition "B"=5,278 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective July 31, 1972. (It supersedes Approval No. 160.035/258/3 dated January 30, 1967, to show change of address and construction.)

KITS, FIRST AID, FOR MERCHANT VESSELS

Approval No. 160.041/2/1, First Aid Kit, Model No. 73650–01, dwg. No. 73650, Rev. A dated April 26, 1972, manufactured by Scott Aviation Division of A.T.O. Inc., 225 Erie Street, Lancaster, N.Y. 14086, effective August 1, 1972. (It supersedes Approval No. 160.041/2/0 dated July 19, 1972, to show change in construction.)

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

NOTE: For motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/535/0, Type I, Model AK–1, adult kapok buoyant vest, USCG Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, and 12th and Graham Streets, Emporia, Kans. 66801, for The Bowman Products Division, Associated Spring Corp., 850 East 72d Street, Cleveland, OH 44103, effective July 31, 1972. (It is an extension of Approval No. 160.047/535/0 dated July 31, 1967.)

Approval No. 160.047/536/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212, and 12th and Graham Streets, Emporia, KS 66801, for The Bowman Products Division, Associated Spring Corp., 850 East 72d Street, Cleveland, OH 44103, effective July 31, 1972. It is an extension of Approval No. 160.047/536/0 dated July 31, 1967.)

Approval No. 160.047/537/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212, and 12th and Graham Streets, Emporia, KS 66801, for The Bowman Products Division, Associated Spring Corp., 850 East 72d Street, Cleveland, OH 44103, effective July 31, 1972. (It is an extension of Approval No. 160.047/537/0 dated July 31, 1967.)

KITS, FIRST-AID, FOR INFLATABLE LIFERAFTS

Approval No. 160.054/3/2, Model 70500 first aid kit for inflatable liferafts, dwg. No. 70500, Rev. A dated May 1, 1972, manufactured by Scott Aviation Division of A.T.O. Inc., 225 Erie Street, Lancaster, NY 14086, effective July 31, 1972. (It supersedes Approval No. 160.054/3/1 dated July 19, 1972 to show change in construction.)

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064/43/0, 18-inch, Model No. LRB–1, vinyl dipped unicellular plastic foam "ring buoy," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 22, manufactured by Martin Industries, Post Office Box 423, Clayton, AL 36016, effective August 1, 1972.

Approval No. 160.064/71/0, adult, Model No. 1100, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 24, manufactured by Quality Built Products Co., 1832 East Commercial Street, Springfield, MO 65803, effective August 1, 1972.

Approval No. 160.064/225/0, child medium, cloth covered unicellular plastic foam "Yachtsmans Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 38, manufactured by Ero Manufacturing Co., 308 South William Street, Hazlehurst, GA 31539, effective August 1, 1972.

Approval No. 160.064/274/0, adult X-small, Model Yachtsmans II, cloth covered unicellular plastic foam "Yachting Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 38, manufactured by Ero Manufacturing Co., 308 South William Street, Hazlehurst, GA 31539, effective August 1, 1972.

Approval No. 160.064/275/0, adult small, cloth covered unicellular plastic foam "Yachtsman's II," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 38, manufactured by Ero Industries, Inc., 714 West Monroe Street, Chicago, IL 60606, effective August 1, 1972.

Approval No. 160.064/276/0, adult medium, cloth covered unicellular plastic foam "Yachtsman's II," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 38, manufactured by Ero Industries, Inc., 714 West Monroe Street, Chicago, IL 60606, effective August 1, 1972.

Approval No. 160.064/277/0, adult large, cloth covered unicellular plastic foam "Yachtsman's II," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 38, manufactured by Ero Industries, Inc., 714 West Monroe Street, Chicago, IL 60606, effective August 1, 1972.

Approval No. 160.064/342/0, Model No. 710 E, cloth covered unicellular plastic foam "Horseshoe Buoy," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 7, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective August 1, 1972.

Approval No. 160.064/348/0, adult large, Model No. 100L, vinyl dipped unicellular plastic foam "Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 164, Type III Device, manufactured by O'Brien Manufacturing Corp., 14615 Northeast 91st Street, Redmond, WA 98052, effective August 1, 1972.

Approval No. 160.064/390/0, adult small, Model No. 5010, cloth covered unicellular plastic foam "Flotation Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 26, Type III Device, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, effective August 1, 1972.

Approval No. 160.064/391/0, adult medium, Model No. 5010, cloth covered unicellular plastic foam "Flotation Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 26, Type III Device, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, effective August 1, 1972.

Approval No. 160.064/392/0, adult large, Model No. 5010, cloth covered unicellular plastic foam "Flotation Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 26, Type III Device, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, effective August 1, 1972.

Approval No. 160.064/393/0, adult X-large, Model No. 5010, cloth covered unicellular plastic foam "Flotation Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 26, Type III Device, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, effective August 1, 1972.

PROTECTING COVER FOR LIFEBOATS

Approval No. 160.065/4/2, "Sea-Jay Anti-Exposure lifeboat cover," Type I, protecting cover for the occupants of all types of aluminum, steel, and fibrous glass reinforced plastic (FRP) lifeboats for lengths 22' through 37' lifeboats

[1] Approved for 20-person capacity as a replacement in kind for an existing lifeboat requiring 20-person capacity, 46 CFR 160.035–13(c).

identified by general arrangement dwg. CJH/EC/003, Alt. 1 dated June 1972, modifications to the cover and supports may be necessary in the case of some motor-propelled lifeboats equipped with vertical (dry) exhaust lines, radio cabins and antenna masts, manufactured by C. J. Hendry Co., 139 Townsend Street, San Francisco, CA 94107, effective August 2, 1972. (It supersedes Approval No. 160.065/4/1 dated November 1, 1971 to show change in construction.)

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/51/0, sound-powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, splash-proof, with internal and hand generator bell, Model SW, dwg. No. 50, Alt. 0 dated April 1957, for use in locations not exposed to the weather and where a loud ringing bell is not necessary, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, NY 10011, effective August 1, 1972. (It is an extension of Approval No. 161.005/51/0 dated August 22, 1967.)

Approval No. 161.005/56/0, sound-powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, with separately mounted 6" or 8" bell, Model SWT, dwg. No. 56, Alt. 0 dated May 1957, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, NY 10011, effective August 1, 1972. (It is an extension of Approval No. 161.005/56/0 dated August 22, 1967.)

Approval No. 161.005/57/0, sound-powered telephone station, selective ringing, common talking, 19 stations maximum, pedestal mounting, with attached 6" bell, Model SWTP, dwg. No. 58, Alt. 0 dated May 1957, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, NY 10011, effective August 1, 1972. (It is an extension of Approval No. 161.005/57/0 dated August 22, 1967.)

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

Approval No. 164.007/7/1, "#450 Cement," mineral wool cement type structural insulation identical to that described in National Bureau of Standards Test Report No. TG-3619B; FR-1466B dated July 7, 1939, approved for use without other insulating material to meet Class A-60 requirements in a 3½-inch thickness and 30-pound-per-cubic-foot density, formerly J-M #450 Cement, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1972. (It supersedes Approval No. 164.007/7/1 dated May 2, 1972, to show change of address of manufacturer.)

Approval No. 164.007/9/1, "Banroc 202AA," mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG-3619-36; FR-1404 dated May 17, 1939, blankets with asbestos paper facings approved for use without other insulating materials to meet Class A-60 requirements in a 3-inch thickness and 16-pound-per-cubic-foot density, formerly J-M 202AA, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1972. (It supersedes Approval No. 164.007/9/1 dated May 2, 1972, to show change of address of manufacturer.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/12/1, Marinite-36, asbestos incombustible binder board type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG-3619-23; FR-1274 dated March 21, 1939; approved as meeting Class B-15 requirements in a ¾-inch thickness, formerly J-M Marinite, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1972. (It supersedes Approval No. 164.008/12/1 dated December 15, 1971, to show change of address of manufacturer.)

Approval No. 164.008/13/1, Marinite-30, asbestos incombustible binder board type bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 146 dated November 15, 1946; approved as meeting Class B-15 requirements in a ¾-inch thickness, formerly J-M Light Weight Marinite, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1972. (It supersedes Approval No. 164.008/13/1 dated December 15, 1971 to show change of address of manufacturer.)

Approval No. 164.008/14/1, Marinite-65, asbestos incombustible binder board type bulkhead panel identical to that described in Johns-Manville letter of March 6, 1947; approved as meeting Class B-15 requirements in a ¾-inch thickness, formerly J-M Marine Sheathing, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1972. (It supersedes Approval No. 164.008/14/1 dated December 15, 1971 to show change of address of manufacturer.)

Approval No. 164.008/15/1, Marine Veneer, an inorganic heavy density panel identical to that described in Johns-Manville letter of March 3, 1947, approved as meeting Class B-15 requirements on an inch for inch basis with a minimum thickness of one-half inch Marinite 23 or 36 core, formerly J-M Marine Veneer, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1972. (It supersedes Approval No. 164.008/15/1 dated November 12, 1971 to show change of address of manufacturer.)

Approval No. 164.008/29/1, "Marinite-23", inorganic composition board type bulkhead panel, identical to that described in Protexol Testing Laboratory Report No. 193 dated February 24, 1950, approved as meeting Class B-15 requirements in a ¾-inch thickness, when veneered with combustible material not meeting the requirements of 46 CFR Subpart 164.012 the restrictions of Subpart 72.05-15 apply, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1972. (It supersedes Approval No. 164.008/29/1 dated November 12, 1971 to show change of address of manufacturer.)

Approval No. 164.008/54/0, Marinite ABK, asbestos incombustible binder board type bulkhead panel identical to that described in the National Bureau of Standards Test Report No. TG10210-2182:FR3719 dated August 21, 1969, approved as meeting Class B-15 requirements in a 2" thickness, the board may be only installed in the approved 2" thickness, for use as a portion of the insulation of an "A" class division as described in NVIC 10-63, the approved board may be considered as having an insulation value equivalent to 1½ P, approved drawings 1-3, 4-4, 5-4, and 6-4 dated April 24, 1970, form a part of this certificate, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, plants located at Manville, N.J., and Billerica, Mass., effective August 2, 1972. (It supersedes Approval No. 164.008/54/0 dated April 28, 1970, to show change of address of manufacturer.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/13/0, "Transite", asbestos cement board type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610-1495:FP2573 dated November 28, 1947, formerly approved under the name of "J-M TRANSITE", manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1972. (It supersedes Approval No. 164.009/13/0 dated December 5, 1967, to show change of address of manufacturer.)

Approval No. 164.009/25/0, "J-M Six-Pound Reinforced Asbestos Paper", asbestos paper type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-1643:FP2833, dated October 13, 1949, approved in a weight of 6-pound-per-100-square-feet, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1972. (It supersedes Approval No. 164.009/25/0 dated November 10, 1969, to show change of address of manufacturer.)

Approval No. 164.009/26/0, "J-M 32-lb. Commercial Grade Asbestos Paper", asbestos paper type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-1660:FP2861, dated December 21, 1949, approved in a weight of 32-pound-per-one-hundred-square-feet, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1972. (It supersedes Approval No. 164.009/26/0 dated December 3, 1969, to show change of address of manufacturer.)

Approval No. 164.009/31/1, "Johns-Manville Marine Acoustical Unit", incombustible material in accordance with Johns-Manville Sales Corp. letter dated April 5, 1971, in 1$\frac{3}{16}$ through 2$\frac{3}{16}$-inch thickness, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1972. (It supersedes

Approval No. 164.009/31/1 dated April 15, 1971, to show change of address of manufacturer.)

Approval No. 164.009/32/0, "Thermoflex Felt RF 400", mineral wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1944:FP3305 dated December 13, 1954, approved in a 4-pound-per-cubic-foot density, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1972. (It supersedes Approval No. 164.009/32/0 dated January 19, 1970, to show change of address of manufacturer.)

Approval No. 164.009/43/0, "Thermobestos" asbestos-hydrous calcium-silicate type pipe and block insulation identical to that described in Commandant, U.S. Coast Guard letter dated April 9, 1957, file 164.009/43, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1972. (It supersedes Approval No. 164.009/43/0 dated December 15, 1971, to show change of address of manufacturer.)

Approval No. 164.009/51/0, "Glasweld" cement-asbestos board type incombustible material as described in National Bureau of Standards Report No. TG10210–2023:FP3450 dated May 20, 1958, formerly known as "Glasal", manufactured by United States Plywood Corp., 777 Third Avenue, New York, NY 10017, effective August 1, 1972. (It supersedes Approval No. 164.009/51/0 dated February 15, 1968 to show change of address of manufacturer.)

Approval No. 164.009/72/3, "Incombustible Microlite" fibrous glass insulating type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2151:FR3688 dated June 27, 1967 and Johns-Manville letter dated July 20, 1967, approved in densities of 0.6 through 2-pound-per-cubic-foot, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, Plant: Parkersburg, W. Va., effective August 2, 1972. (It supersedes Approval No. 164.009/72/3 dated June 15, 1972 to show change of address of manufacturer.)

Approval No. 164.009/92/0, "Incombustible Hullboard SG" fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2133:FR 3669 dated May 1, 1966, approved in a nominal density of 3-pound-per-cubic-foot, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, Plant: Johns-Manville Products Corp., 814 Richmond Avenue, Richmond, IN, effective August 2, 1972. (It supersedes Approval No. 164.009/92/0 dated March 2, 1971, to show change of address of manufacturer.)

Approval No. 164.009/98/0, "J-M Foil-Faced Marine Microlite Duct Insulation", aluminum faced fibrous glass insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2141:FR 3678 dated March 1, 1967, and Commandant (MMT–3) letter dated March 9, 1967, approved in a density of .6 through 2-pound-per-cubic-foot, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, Plant: Defiance, Ohio, effective August 2, 1972. (It supersedes Approval No. 164.009/98/0 dated March 1, 1972, to show change of address of manufacturer.)

Approval No. 164.009/16/0, "J-M Foil-Faced Marine Spin-Glas Duct Insulation", aluminum faced fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report No. TG–10210–2168: FR 3705 dated September 11, 1968, and Johns-Manville Sales Corp. letters dated July 9, 1968, and July 15, 1968, approved in a density of 3-pound-per-cubic-foot, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, Plant: Richmond, Ind., effective August 2, 1972. (It supersedes Approval No. 164.009/116/0 dated September 16, 1968, to show change of address of manufacturer.)

Approval No. 164.009/141/0, "Incombustible Hullboard SG", aluminum foil faced fibrous glass type, incombustible material identical to that described in National Bureau of Standards Test Report No. TG–10210–2168: FR 3705 dated September 11, 1968, and Johns-Manville Sales Corp. letters dated July 9, 1968 and July 15, 1968, approved in a nominal density of 3-pound-per-cubic-foot, 1" through 2" thickness, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1972. (It supersedes Approval No. 164.009/141/0 dated September 16, 1970, to show change of address of manufacturer.)

Dated: October 12, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–17835 Filed 10–18–72;8:51 am]

[CGD 72–200N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used onboard vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from August 28, 1972, to September 6, 1972 (List 28–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011/40/1, SurvivAir SVA-Lung, Model 9038–02, one-half hour, self-contained, compressed-air breathing apparatus, at least one fully charged cylinder of breathing air to be included as a part of the complete unit, Bureau of Mines Approval No. 13E–24 demand or pressure demand facepiece and breathing tube assembly and BM–13E–24 harness, regulator, and cylinder assembly, assembly dwg. No. 9038–00 dated August 8, 1969, Face Mask—Sub-Assy dwg. No. 9411–12, and 13 dated May 11, 1970, Audio-Alarm dwg. No. 9602, 05, 06, 07, 08, 44, 45, and 46 dated December 16, 1966, and USCG letter dated October 19, 1967, not approved for use with electrical voice communication equipment, at least one extra fully charged cylinder of breathing air to be included as part of the complete unit, manufactured by SurvivAir, Division of U.S. Divers Company, 3323 West Warner Avenue, Santa Ana, CA 92704, effective September 5, 1972. (It supersedes Approval No. 160.011/40/0 dated October 20, 1967, to show change in design.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/50/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, USCG Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33311, effective September 1, 1972. (It is an extension of Approval No. 160.049/50/0 dated November 14, 1967.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/24/0, Model CG–900, vinyl coated unicellular plastic foam work vest, dwg. Nos. Sheet No. 1, Sheet No. 2, Sheet No. 3, Revision 2 dated November 2, 1967, manufactured by Style Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C. 29604, effective September 1, 1972. (It is an extension of Approval No. 160.053/24/0 dated November 8, 1967.)

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064/329/1, adult medium, Model No. VAM, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ-3, Type III Device, manufactured by Texas Recreation Corp., Texas Watercrafters Division, 912 North Beverly Drive, Wichita Falls, TX 76307, effective September 6, 1972. (It supersedes Approval No. 160.064/329/0 dated March 17, 1972, to show major change in sizing.)

Approval No. 160.064/330/1, adult large, Model No. VAL, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ-3, Type III Device, manufactured by Texas Recreation Corp., Texas Watercrafters Division, 912 North Beverly Drive, Wichita Falls, TX 76307, effective September 6, 1972. (It supersedes Approval No. 160.064/330/0 dated March 17, 1972, to show major change in sizing.)

Approval No. 160.064/399/0, adult X-large, Model No. VAXL, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ-3, Type III Device, manufactured by Texas Recreation Corp., Texas Watercrafters Division, 912 North Beverly Drive, Wichita Falls, TX 76307, effective September 6, 1972.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/156/0, Barbron backfire flame arrester, part No. 3829B, brass element, base, and cover, alternate material for base and cover is anodized aluminum (3829A), opening in base is 1.875 inches in diameter, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective August 28, 1972. (It supersedes Approval No. 162.-041/156/0 dated July 18, 1972, to show minor change.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/60/0, Dansk Eternit-Fabrik A/S, bulkhead panel "Navilite 36 Type V-22", identical to that described in National Bureau of Standards Test Report No. FR 3811 dated July 25, 1972, and Dansk Eternit-Fabrik A/S letter dated July 7, 1970; approved as meeting Class B-15 requirements in a density of 40.6 lbs. per cubic foot (650 kg./m.^{3}) in a ¾" (19mm.) thickness, approved drawings form a part of this certificate, manufactured by Dansk Eternit-Fabrik A/S, DK-9100, Aalborg, Denmark, Plant: Aalborg, Denmark, effective September 6, 1972.

Approval No. 164.008/65/0, Dansk Eternit-Fabrik A/S, bulkhead panel "Navilite 36 Type Z-22", identical to that described in National Bureau of Standards Test Report No. FR 3811 dated July 25, 1972, and Dansk Eternit-Fabrik A/S letter dated July 7, 1970; approved as meeting Class B-15 requirements in a density of 43.7 lbs. per cubic foot (700 kg./m.^{3}) in a ¾" (19mm.) thickness, approved drawings form a part of this certificate, manufactured by Dansk Eternit-Fabrik A/S, DK-9100, Aalborg, Denmark, Plant: Aalborg, Denmark, effective September 6, 1972.

Dated: October 12, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72-17832 Filed 10-18-72;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-321]

GEORGIA POWER CO.

Notice of Consideration of Issuance of Facility License and Opportunity for Hearing

The Atomic Energy Commission (the Commission) will consider the issuance of a facility operating license to the Georgia Power Co. (the Applicant) which would authorize the applicant to possess, use, and operate Edwin I. Hatch Nuclear Plant Unit 1, a boiling water nuclear reactor (the Facility), located on the applicant's site on the south side of the Altamaha River in northwestern Appling County, about 11 miles north of Baxley, Ga., at steady-state power levels not to exceed 2,436 megawatts thermal in accordance with the provisions of the license and the technical specifications appended thereto, upon the receipt of a report on the Applicant's application for a facility operating license by the Advisory Committee on Reactor Safeguards, the submission of a favorable safety evaluation on the application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, and a finding by the Commission that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facility was authorized by Construction Permit No. CPPR-65, issued by the Commission on September 30, 1969.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Construction Permit No. CPPR-65. In addition, the license will not be issued until the Commission has made the findings, reflecting its review of the application under the Act which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicant will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The Facility is subject to the provision in 10 CFR Part 50, Appendix D, section C.2 for notice of opportunity for filing petitions for leave to intervene and requests for hearing on environmental considerations related to continuation, modification, termination, or conditioning of the construction permit.

Accordingly, notice is hereby given, pursuant to 10 CFR Part 2, rules of practice, and Appendix D of 10 CFR Part 50 Implementation of the National Environmental Policy Act of 1969, that the Commission is providing an opportunity for hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the construction permit in the captioned proceeding should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene: (1) With respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values; and (2) with respect to the issuance of the facility operating license. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to

each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A petition for leave to intervene which is not timely filed will not be granted unless the Commission determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Commission has considered those factors specified in 10 CFR 2.714(a).

For further details pertinent to the matters under consideration, see the application for the facility operating license, dated March 12, 1971, as amended, and the Applicant's environmental report, dated February 1971 and supplement thereto dated November 1971, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Appling County Public Library, Parker Street, Baxley, Ga. 31513. As they become available, the following documents also will be available at the above locations: (1) The report of the Advisory Committee on Reactor Safeguards on the application for facility operating license; (2) the Commission's draft detailed statement on environmental considerations purusant to 10 CFR Part 50, Appendix D; (3) the Commission's final detailed statement on environmental considerations; (4) the safety evaluation prepared by the Directorate of Licensing; (5) the proposed facility operating license; and (6) the technical specifications, which will be attached to the proposed facility operating license.

Copies of Items (1), (3), (4), and (5) may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 6th day of October 1972.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.72-17482 Filed 10-18-72;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Extending Facility Operating License Expiration Date

Consolidated Edison Company of New York, Inc., having filed a request dated September 18, 1972, for extension of the expiration date of Facility Operating License No. DPR-26 which authorizes fuel loading and subcritical testing of the Indian Point Nuclear Generating Unit No. 2, located in the town of Buchanan, Westchester County, N.Y.; and

Good cause having been shown in the application for this extension pursuant to Part 50 of the Commission's regulations in 10 CFR, *It is hereby ordered*, That the expiration date of Facility Operating License No. DPR-26 is extended from October 19, 1972, to March 1, 1973.

Dated at Bethesda, Md., this 13th day of October 1972.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.72-17793 Filed 10-18-72;8:47 am]

[Docket No. 50-363]

JERSEY CENTRAL POWER AND LIGHT CO.

Establishment of Atomic Safety and Licensing Board

On August 16, 1972, the Commission published in the FEDERAL REGISTER (37 F.R. 16561) a notice of hearing to consider the application filed by the Jersey Central Power & Light Co. for a construction permit for the Forked River Nuclear Generating Station, Unit 1. That notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations, Part 2 (Rules of Practice) and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Mr. Glenn O. Bright, Dr. Paul W. Purdom, and Elizabeth S. Bowers, Esq., chairman, Dr. Emil T. Chanlett has been designated as a technically qualified alternate and Daniel M. Head, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 12th day of October 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72-17791 Filed 10-18-72;8:47 am]

[Docket No. 50-277]

PHILADELPHIA ELECTRIC CO., ET AL.

Order Extending Provisional Construction Permit Completion Date

By application dated September 29, 1972, Philadelphia Electric Co., acting on behalf of itself and as representative of the Public Service Electric & Gas Co., Delmarva Power & Light Co., and Atlantic City Electric Co., requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-37. The permit authorizes the construction of a single cycle, forced circulation, boiling water nuclear reactor, known as the Peach Bottom Atomic Power Station Unit No. 2, at Philadelphia Electric Co.'s site in Peach Bottom, York County, Pa.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations, *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-37 is extended from October 1, 1972, to June 1, 1973.

Dated at Bethesda, Md., this 29th day of September 1972.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.72-17792 Filed 10-18-72;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Correction

In F.R. Doc. 72-17183, appearing on page 21363, in the issue of Saturday, October 7, 1972, in the seventh line of the second paragraph, the fourth word reading "protometric", should read "photometric".

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19600; FCC 72-877]

COURT HOUSE BROADCASTING CO. AND CHILLICOTHE TELCOM, INC.

Order Designating Matter for Oral Argument

In regard application of the Court House Broadcasting Co. (Assignor), and

Chillicothe Telcom, Inc. (Assignee). Application for voluntary assignment of license for radio Station WCHI–AM Chillicothe, Ohio. Docket No. 19600; File No. BAL–7227.

1. We have before us for consideration the above-captioned application for assignment of the license of radio Station WCHI–AM, Chillicothe, Ohio. Upon complete review of the application and related documents, we find that the assignee is legally, financially, technically, and otherwise qualified, and except for the matters discussed below a grant of the application would serve the public interest, convenience and necessity.

2. Historically, the Commission has been concerned with the possible adverse impact that could occur if a common carrier were permitted to become a program originator. This concern was expressed most recently in the rule making proceeding which resulted in the adoption of the new CATV rules.[1] With the subject application, we are squarely confronted with this policy question and, therefore, cannot make the requisite public interest finding without first determining it.

3. We find that a review of the application raises no substantial or material questions of fact, rather our concern rests with the question of whether a telephone common carrier should be permitted to acquire and operate a broadcast facility. Only where the public interest cannot be determined without a resolution of disputed facts has Congress dictated that we must conduct an evidentiary hearing, Marsh v. FCC, 436 F 2d 132, 135–136 (D.C. Cir. 1970). (See also Chuck Stone v. FCC, No. 71–1166 (D.C. Cir.) (Order June 30, 1972) slip op. p. 8 and Broadcast Enterprises, Inc. v. FCC, 390 F 2d 483, 485 (D.C. Cir. 1968).) Since the only matter requiring resolution is this policy question, about which there is no underlying factual dispute, an evidentiary hearing is unnecessary and in lieu thereof an oral argument will be held before us on the policy question.

4. In order to insure the widest possible participation in determining this policy question, we are inviting other interested parties, as well as the applicants, to make an oral presentation directed to the above mentioned policy consideration. Such a presentation will be made before the Commission en banc. To facilitate the oral presentation, all parties desiring to participate are requested to file written briefs in support of their positions. The applicants may, in their brief and oral presentation, direct specific reference to the subject application and how a grant thereof will serve the public interest. Other participants are requested to direct their attention solely to the policy question of whether the public interest would be served by permitting a telephone common carrier to become a broadcast licensee. Because there is a need to expedite consideration of this matter, no extensions of time for either the filing of briefs or the oral presentation are contemplated.

5. *It is therefore ordered,* That the above captioned assignment application for radio Station WCHI–AM, Chillicothe, Ohio is designated for oral argument before the full Commission upon the following issue: Whether the public interest would be served by permitting a telephone common carrier to acquire and operate a broadcast facility within its exchange area.

It is further ordered, That written briefs will be filed by October 27, 1972, reply comments will be due November 8, 1972, and oral presentation will take place before the full Commission on November 20, 1972, commencing at 9:30 a.m., in Room 856, 1919 M Street NW., Washington, DC.

6. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicant, Chillicothe Telcom, Inc., and other interested parties, including the Broadcast Bureau, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the oral presentation and present their position on the issue specified in this order.

Adopted: October 5, 1972.

Released: October 13, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–17837 Filed 10–18–72;8:50 am]

[1] Final report and order in Docket No. 18509, 21 FCC 2d 307 (1970); see also Notice of Proposed Rule Making in Docket No. 18397, 15 FCC 2d 417, 421 (1968).

[2] Commissioners Robert E. Lee and Reid absent.

[Docket Nos. 19592, 19593]

FLIGHT OF ST. PETERSBURG, INC. AND BAY AIR SERVICES, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Flight of St. Petersburg, Inc., Docket No. 19592, File No. 108–A–L–82; and Bay Air Services, Inc., Docket No. 19593, File No. 134–A–RL–62; for an aeronautical advisory radio station to serve the Albert Whitted Airport, St. Petersburg, Fla.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at the same landing area (Albert Whitted Airport, St. Petersburg, Fla.) and are, therefore, mutually exclusive. Accordingly, it is necessary to designate the applications for comparative hearing in order to determine which application should be granted. Except for the issues specified herein, each applicant is otherwise qualified.

2. In view of the foregoing, *it is ordered,* That pursuant to the provisions of section 309(e) of the Communication Act of 1934, as amended, and § 0.331(b) (21) of the Commission rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

a. To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

b. To determine in light of the evidence adduced on the foregoing issues which, if either, or the applications should be granted.

3. *It is further ordered,* That to avail themselves of an opportunity to be heard, Bay Air Service and Flight of St. Petersburg, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adapted: October 5, 1972.

Released: October 11, 1972.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.72–17838 Filed 10–18–72;8:50 am]

FEDERAL POWER COMMISSION

[Project No. 1490]

BRAZOS RIVER AUTHORITY

Notice of Application for Approval of Recreational Use Plan for Project No. 1490

OCTOBER 12, 1972.

Public notice is hereby given that application has been filed under the Regulations of the Federal Power Act (16 U.S.C. 791a–825r) by Brazos River Authority (correspondence to: Colonel

Walter J. Wells, General Manager, Brazos River Authority, Post Office Box 7555, Waco TX 76710) for approval of recreational use plan for Project No. 1490 located on the Brazos River.

Existing recreational facilities at the project include 19 public use areas. Applicant provides boat launching lanes, picnic tables, barbecue grills, comfort stations, litter barrels and parking facilities. Concessionaires on project lands provide rental cabins, boat and motor rentals, camping facilities, a swimming beach, boat launching facilities and supply stores. Approximately 1,900 acres have been turned over to the Texas Parks and Wildlife Department for development of a State Park.

Applicant proposes to reserve the following lands to provide for future recreational needs:

(a) Five tracts of land totaling approximately 683 acres that border either the reservoir or existing public use areas which border the reservoir.

(b) An island consisting of approximately 175 acres.

(c) Nine reservoir access sites planned to serve interior cottage site development not adjacent to the reservoir.

(d) Six areas of lakeshore land which will provide approximately 8 miles of shoreline with an average width of 400 feet.

Any person desiring to be heard or to make protest with reference to said application should on or before December 4, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17822 Filed 10-18-72;8:46 am]

[Docket No. R-427; Order 437A-12]

CONNECTICUT LIGHT AND POWER CO.

Order To Amend Statement of Policy and Order

OCTOBER 12, 1972.

In regard Statement of Policy implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), and Executive Orders No. 11615 and 11627.

The Commission's Statement of Policy in Order No. 437, issued August 18, 1971, added, among other things, section 2.90(2)(c) to the Commission's general policy and interpretations. This section states that increases resulting from rates containing "automatic or other escalations, including tracking" would be included within "frozen" increases. By subsequent Order No. 437A, issued November 16, 1971, the Commission's general policy and interpretations was amended by adding a new section 2.90a. In paragraph (d) of § 2.90a, the Commission stated as follows:

> For the purposes of the Economic Stabilization Act, as amended, the Commission announces that its actions with respect to increases in rates or charges otherwise effective, but for the policy announced in Order No. 437, where the applicability of Order No. 437 is not reflected in any Commission order, such actions will be reviewed for consistency with the Economic Stabilization Act, as amended, and, after such review, increases in rates or charges approved as being consistent with such purposes will be reported as supplements to this order and shall be effective as of 12:01 a.m., November 14, 1971.

Subsequently, on December 10, 1971, the Commission issued Order No. 437A-5 which provided the procedure by which fuel cost adjustment clauses set forth in rate schedules filed with this Commission by various public utilities within the meaning of the Federal Power Act, could be approved as being consistent with the purposes of the Economic Stabilization Act.

Connecticut Light and Power Co. (CL & P), by letters dated September 23, 1971, March 14, June 23, and August 18, 1972, requested certification of its fuel adjustment clause contained in its FPC rate schedules pursuant to the Commission's Order No. 437A-5.

By letter dated April 12, 1972, the municipal customers of CL & P stated objections to the Commission giving any retroactive effect to the fuel adjustment clause. These customers, in a brief filed on August 8, 1972, amplified their earlier statements with respect to opposition to that retroactive effect. In support for limiting the effectiveness of the fuel adjustment clause to future application the customers rely upon the Price Commission's Regulations, section 300.16, the Federal Power Commission's Order No. 437 and supplements thereto, and further urge that to permit CL & P's fuel adjustment clause to become effective retroactively would in effect be retroactive ratemaking. No brief was filed by CL & P in response to the customers' brief.

Review of CL & P's submittals indicates that its fuel adjustment clause is in conformity with section 35.14 of the regulations under the Federal Power Act. Pursuant to the procedure set forth in Order No. 437A-5, this finding, together with CL & P's certification in accordance with Commission Order No. 437A-5, constitutes the certification of consistency with the purposes of the Economic Stabilization Act of 1970, as amended, as required by Order No. 437A pursuant to § 300.16 of Chapter III, Title VI of the Code of Federal Regulations. In accordance with § 2.90a(d) of our general policy and interpretations, as quoted above CL & P's fuel adjustment clause shall become effective as of 12:01 a.m., November 14, 1971. In our opinion municipal customers, in their briefs, have not set forth sufficient reasons to justify an effective date other than November 14, 1971. This date, however, may be subject to authorization by the Price Commission and we shall so provide.

The Commission finds:

The finding that CL & P's fuel clause is in conformity with section 35.14 of the regulations together with the company's certification in accordance with Commission Order No. 437A-5, constitutes the certification of consistency with the purposes of the Economic Stabilization Act of 1970, as amended, as required by Order No. 437A pursuant to § 300.16 of Chapter III, Title VI of the Code of Federal Regulations.

The Commission orders:

(A) In accordance with the above findings Connecticut Power and Light's Fuel Clause in its FPC Rate Schedules is hereby certified as consistent with the purposes of the Economic Stabilization Act of 1970, as amended, as required by Order No. 437A pursuant to § 300.16 of Chapter III, Title VI of the Code of Federal Regulations.

(B) Connecticut Power and Light Co. is authorized to implement the billing to its affected customers pursuant to its fuel adjustment clause as of November 14, 1971, subject to authorization by the Price Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17820 Filed 10-18-72;8:46 am]

[Docket No. CI73-258]

DUER WAGNER & CO. ET AL.

Notice of Application

OCTOBER 16, 1972.

Take notice that on October 11, 1972, Duer Wagner & Co. (Operator) et al. (Applicant), 909 Fort Worth National Bank Building, Fort Worth, Tex. 76102, filed in Docket No. CI73-258 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from West Calallen Field, Nueces County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on September 27, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 30,000 Mcf of gas per month at 35 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to

prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 27, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17887 Filed 10-18-72;8:54 am]

[Project No. 2354]

GEORGIA POWER CO.

Notice of Application for Approval of Exhibit R

OCTOBER 12, 1972.

Public notice is hereby given that application for approval of Exhibit R has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Georgia Power Co. (Correspondence to: Mr. I. S. Mitchell III, Vice President and Secretary, Georgia Power Co., 270 Peachtree Street, Post Office Box 4545, Atlanta, GA 30302) for North Georgia Project No. 2354 located on the Tallulah and Tugalo Rivers in Rabun, Habersham, and Stephens Counties, Ga., and Oconee County, S.C.

Existing recreational facilities at the six hydroelectric developments comprising the North Georgia Project include: (1) The Babun Beach Recreation Area which provides two boat ramps, a 1-acre swimming beach, 103 campsites, seven picnic tables, and sanitation facilities, (2) the State of Georgia's Moccasin Creek Park which provides 35 campsites and sanitation facilities, (3) the State of Georgia's Fish and Game Hatchery which provides two boat ramps, six picnic tables, and sanitation facilities, (4) two small sites owned by Georgia Power Co. upon which are provided two boat ramps and four picnic tables, and (5) five commercially operated facilities which provide five boat ramps, docking provisions for 318 boats, 21 rental cabins, and sanitation facilities.

Applicant plans to reserve 358 acres of project lands for recreational purposes, improve existing access roads and provide circulation roads. Applicant proposes the following recreational developments: (1) 40 campsites would be provided on 40 acres with 102 acres reserved for development of 102 future campsites, (2) 103 picnic tables would be provided on 53 acres with 104 acres reserved for placement of 208 picnic tables in the future, (3) 8 acres would be reserved for future development of two swimming areas with adjacent parking, (4) 4.5 acres would be reserved for two future boat ramps and (5) Billy Goat Island, comprising 42.5 acres, would be reserved for future development.

The bulk of this planned development would be at a 300-acre site in the Tallulah Falls area.

Any person desiring to be heard or to make protest with reference to said application should on or before November 27, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17821 Filed 10-18-72;8:46 am]

[Docket No. RP73-4]

GREAT LAKES GAS TRANSMISSION CO.

Order Amending Prior Order

OCTOBER 11, 1972.

In the Commission's order issued September 1, 1972, we accepted for filing and suspended Great Lakes Gas Transmission Co.'s filing tendered on July 20, 1972, as amended on August 14, 1972. Because certain tariff sheets involved in this proceeding were improperly identified in that order, it is necessary to amend the order as hereinafter provided.

The Commission orders:

The order issued September 1, 1972, which appeared in the FEDERAL REGISTER on September 14, 1972 (37 F.R. 18657), is amended as follows:

(A) Change fourth paragraph by inserting a period after July 20, 1972, and deleting the remainder of the sentence.

(B) Delete finding clause (1) and substitute the following:

(1) Great Lakes' Second Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1 and Substitute Eighth Revised Sheet No. 53 to its FPC Gas Tariff, Original Volume No. 2 should be accepted for filing.

(C) Delete finding clause (2) and substitute the following:

(2) Great Lakes' First Revised Sheet No. 53 to its FPC Gas Tariff, First Revised Volume No. 1 and First Revised Sheet No. 53–A to its FPC Gas Tariff, Original Volume No. 2 are deemed withdrawn.

(D) Delete ordering clause (A) and substitute the following:

(A) Great Lakes' Second Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1 and Substitute Eighth Revised Sheet No. 53 to its FPC Gas Tariff, Original Volume No. 2 are hereby accepted for filing.

(E) Delete ordering clause (B) and substitute the following:

(B) Great Lakes' First Revised Sheet No. 53 to its FPC Gas Tariff, First Revised Volume No. 1 and First Revised Sheet No. 53–A to its FPC Gas Tariff, Original Volume No. 2 are deemed withdrawn.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17841 Filed 10-18-72;8:51 am]

[Project No. 564]

MOUNT DIABLO MERIDIAN, CALIFORNIA

Order Partially Vacating Withdrawal

AUGUST 3, 1972.

In order to effectuate a proposed land exchange the Bureau of Land Management, U.S. Department of the Interior, has requested that the land withdrawal for Project No. 564 be vacated as it pertains to the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 26 S., R. 34 E.,
Sec. 29, NW¼NE¼, NW¼.
Approximately 200 acres.

The lands lie near the south shore of the Corps of Engineers' Isabella Reservoir (normal pool elevation 2,605.5 feet above mean sea level), a multiple purpose project on the Kern River, and are withdrawn pursuant to the filing on September 25, 1925, by William C. McCowan, of an application for preliminary permit for Project No. 564 which application was rejected May 7, 1929.

The lands were withdrawn for possible flowage in connection with the Isabella site subsequently developed by the corps.

The minimum elevation of the subject lands is about 2,650 feet and there are no known plans to raise Isabella Reservoir to this elevation.

The Geological Survey has reported that basin planning is sufficiently advanced to predict that any enlargement of Isabella Reservoir would not utilize the subject lands and recommended that the withdrawal for Project No. 564 be vacated insofar as it pertains to these lands.

The Commission finds:

The withdrawal for Project No. 564 insofar as it pertains to the subject lands serves no useful purpose and should be vacated.

The Commission orders:

The withdrawal of the subject lands pursuant to the application for Project No. 564 is hereby vacated.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-17842 Filed 10-18-72;8:51 am]

[Docket No. CP73-79]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

OCTOBER 13, 1972.

Take notice that on September 26, 1972, Natural Gas Pipeline Company America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73-79 a budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction and installation, during the calendar year 1973, and the operation of certain natural gas-purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various areas located in the vicinity of its system.

The total cost of the facilities proposed herein will not exceed $7 million, with no single onshore project to exceed $1 million and with no single offshore project to exceed $1,750,000. Applicant states that these costs will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-17843 Filed 10-18-72;8:51 am]

[Docket No. E-7777]

PACIFIC GAS AND ELECTRIC CO.

Proposed Changes in Rates and Charges

OCTOBER 16, 1972.

Take notice that Pacific Gas and Electric Co. (Pacific) on September 29, 1972, tendered for filing proposed changes in its FPC Electric Tariff Volumes Nos. 1 and 2. The proposed changes would increase revenues from jurisdictional sales and service by $2,385,361 or 22 percent based on operations for the 12-month period ending December 31, 1971, to become effective November 28, 1972.

Copies of the filing were served on Pacific's jurisdictional customers and the State commissions of California and Nevada.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 27, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-17850 Filed 10-18-72;8:51 am]

[Docket No. R173-71]

PHILLIPS PETROLEUM CO.

Order Providing for Hearing on Petition for Exception to Base Area Rate

OCTOBER 13, 1972.

Phillips Petroleum Co. (Phillips) has filed a petition for exception to the base area rates prescribed by Commission Opinion No. 586. Phillips seeks permission, pursuant to § 154.106(h) of the regulations, to sell natural gas to Panhandle Eastern Pipe Line Co. (Panhandle) at 30 cents per Mcf from approximately 123,600 acres in the "Deep Hugoton Field" in Texas County, Okla., and Sherman and Hansford Counties, Tex., under a contract dated April 5, 1972. The acreage is currently undeveloped and is dedicated under a September 22, 1959, "Deep Gas Contract" between Phillips and Panhandle on file as Phillips' FPC Gas Rate Schedule No. 353, and an existing certificate issued in Docket No. G-19544.[1] The presently effective rates under said rate schedule are 18.0675 cents for Texas Gas, and 18.2852 cents for Oklahoma gas, subject to downward B.t.u. adjustment.

The April 5, 1972, contract between Panhandle and Phillips supersedes the 1959 contract with respect to the subject 123,600 acres and provides for an initial rate of 30 cents per Mcf.[2] The present base area ceiling rates as prescribed by Opinion No. 586 are 19.7925 cents (Oklahoma, as adjusted for tax increase) and 20 cents (Texas) for gas sold under contracts dated prior to November 1, 1969, and 21.315 cents (Oklahoma) and 21.5 cents (Texas) for gas sold under contracts dated on or after November 1, 1969. Under the new contract, Phillips is to initiate a well-drilling program to explore the Morrow Sand Formation, a deep formation. The Upper Morrow Reservoir has an approximate depth of 6,251 feet and Lower Morrow Reservoir an approximate depth of 6,564 to 6,696 feet. It is estimated that this will result in a volume of 30,000 Mcf of natural gas for the first month.

In support of the petition Phillips alleged that it is unable to explore and develop the subject leases at the prices provided in the 1959 contract. Furthermore, it has not been successful in attempts to cause the acreage to be developed by others at those prices. Phillips contends that the price under the new contract is necessary "because of the cost and risk involved in drilling and developing deep fields * * *."

[1] The "Deep Gas Contract" covers gas produced from depths below the base of the Chase Group of the Permian system.

[2] This contract price is subject to upward and downward B.t.u. adjustment from 1,000 B.t.u. per cubic foot, with ½¢ escalations every year beginning January 1, 1973. The contract also provides for escalations to such higher area rates as may be set by the Federal Power Commission.

Phillips should be afforded an opportunity to provide evidentiary support for its petition for exception.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change in rate filed by Phillips, and to allow Phillips to present evidence in support of its request for special relief for the subject sales of natural gas.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning this petition for exception to the base area rates.

(B) A prehearing conference including all parties to this proceeding shall be convened in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, commencing November 15, 1972, at 10 a.m., for the purpose of aiding and expediting the orderly conduct and disposition of this proceeding and exploring the possibility of settlement of the issues herein. The administrative law judge may, in his discretion, grant continuance of the prehearing conference or pursuant to § 1.18 of the rules of practice and procedure, convene such other conferences either before or after November 15, 1972, as he may deem useful to expedite the conclusion of the proceeding. If no settlement or stipulation can be reached by the parties hereto after reasonable time and provision has been made for the same, the procedural dates for service of rebuttal testimony and exhibits, if any, and for hearings on the issues herein shall be fixed by the administrative law judge.

(C) Phillips shall serve upon the Federal Power Commission and all parties to this proceeding by October 27, 1972, testimony and exhibits in support of its petition for exception to the base area rate prescribed by Commission Opinion No. 586.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-17844 Filed 10-18-72;8:51 am]

[Docket No. CP73-35]

SEA ROBIN PIPELINE CO.

Notice of Application

OCTOBER 13, 1972.

Take notice that on August 7, 1972, Sea Robin Pipeline Co. (Applicant), 1525 Fairfield Avenue, Shreveport, LA, filed in Docket No. CP73-35, an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which it will purchase from producers in the general area of its existing transmission system during the 12-month period beginning September 1, 1972, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of gas in producing areas generally coextensive with its system.

The total cost of such facilities would not exceed $5 million, and the total cost of any single project would not exceed $1,250,000. Applicant requests that the cost limitations in § 157.7(b)(1) of the regulations be waived to permit these expenditures because of the relatively high costs of constructing offshore facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-17845 Filed 10-18-72;8:51 am]

[Docket No. RP73-47]

SEA ROBIN PIPELINE CO.

Proposed Changes in Rates and Charges

OCTOBER 13, 1972.

Take notice that Sea Robin Pipeline Co. (Sea Robin) on September 29, 1972, tendered for filing proposed changes in Original Volume No. 1 and Volume No. 2 of Sea Robin's FPC Gas Tariffs with a proposed effective date of November 16, 1972. The proposed changes would appear at Sheet No. 3 or Original Volume No. 1; and Sheets Nos. 406, 20-22, 39, and 64 of Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales and service by $30,789,109 based on a 12-month period ending June 30, 1972, as adjusted for changes known and measurable through March 15, 1973. The proposed rate change is described in the company's transmittal letter as being necessary to compensate Sea Robin for an alleged jurisdictional revenue deficiency of $30,789,109 under the cost of service for the aforementioned test period. Sea Robin also proposes a composite book depreciation rate of 8.33 percent, an increase of 4.33 percentage points over the present rate being used. Sea Robin proposes a rate of return of 9.75 percent which they maintain is necessary in order to properly provide financing for its pipeline operations.

Sea Robin's transmittal letter avers that the proposed rate increase would offset increased costs which reflect an increased rate base, increased cost of capital, increased cost of operation and maintenance, increased cost of depreciation, and increased taxes.

Copies of this filing have been served on all affected customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 3, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-17846 Filed 10-18-72;8:51 am]

[Docket No. CI73-257]

SKELLY OIL CO.

Notice of Application

OCTOBER 16, 1972.

Take notice that on October 10, 1972, Skelly Oil Co. (Applicant), Post Office Box 1650, Tulsa, OK 74102, filed in Docket No. CI73-257 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from acreage in Covington County, Miss., all as more fully set forth in the application which is on file

with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 2,000 Mcf of gas per day at 35 cents per Mcf at 15.025 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 27, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17888 Filed 10-18-72;8:54 am]

[Docket No. RP73-54]

UNITED GAS PIPE LINE CO.

Proposed Increased Transportation Rate

OCTOBER 13, 1972.

Take notice that on September 26, 1972, United Gas Pipe Line Co. filed in Docket No. RP73-54, Original Sheet No. 289-A to its FPC Gas Tariff, Original Volume No. 2, comprising an amendment to its Rate Schedule X-34. The proposed amendment provides for an increase from 2.49 to 5.41 cents for transportation service rendered Cities Service Oil Co. under Rate Schedule X-34. The increased rate will result in increased annual revenues of approximately $383,077. The proposed effective date is September 1, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 24, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17847 Filed 10-18-72;8:51 am]

[Docket No. G-20138, etc.]

PUBCO PETROLEUM CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates [1]

OCTOBER 16, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 2, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-20138 A 6-30-72	Pubco Petroleum Corp., 1700 Mercantile Bank Bldg., Dallas, Tex. 75201.	El Paso Natural Gas Co., Pictured Cliffs Field, San Juan County, N. Mex.	[1] 28.0	15.025
CI69-722 C 6-16-72	Hassie Hunt Trust, 1401 Elm St., Dallas, TX 75202.	Texas Eastern Transmission Corp., Northeast Lisbon (Deep) Field, Claiborne Parish, La.	25.0	15.025
CI73-1 A 7-3-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Transwestern Pipeline Co., Lipscomb Field, Lipscomb County, Tex.	[1] 31.0	14.65
CI73-27 A 7-12-72	Texaco, Inc., Post Office Box 60252, New Orleans, LA 70160.	Texas Eastern Transmission Corp., Manila Village Field, Jefferson Parish, La.	[1] 26.0	15.025
CI73-36 B 7-14-72	do	Phillips Petroleum Co., East Panhandle Field, Gray County, Tex.	Depleted	
CI73-37 B 7-14-72	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Transwestern Pipeline Co., West Rojo Caballos Field, Reeves and Pecos Counties, Tex.	Depleted	
CI73-38 A 7-14-72	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	Michigan Wisconsin Pipe Line Co., Portions of Blocks 247, 248, 265, and 270, Eugene Island Area, Offshore Louisiana.	26.0	15.025
CI73-42 A 7-17-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Southern Natural Gas Co., Bayou Postillion Field, Iberia Parish, La.	[1] 27.50	15.025
CI73-44 A 7-18-72	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Michigan Wisconsin Pipe Line Co., Eugene Island Area, Offshore Louisiana.	26.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI73-46 A 7-19-72	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Blanco Pictured Cliffs and undesignated Fruitland Fields, San Juan County, N. Mex.	[4] 28.0	15.025
CI73-47 A 7-20-72	The Superior Oil Co., Post Office Box 1521, Houston, TX 77001.	Transcontinental Gas Pipe Line Corp., Brazos Area Block A-1, Offshore Matagorda County, Tex.	[1] 32.0	14.65
CI73-48 (G-5711) F 7-20-72	Clinton Oil Co. (successor to Amoco Production Co.) 217 North Water St., Wichita, KS 67202.	Tennessee Gas Pipeline Co., Heyser Field, Victoria County, Tex.	19.0	14.65
CI73-49 (G-4064) A 7-20-72	do	United Gas Pipe Line Co., Blanconia Field, Bee County, Tex.	15.0037	14.65
CI73-51 B 7-20-72	Edwin L. Cox (Operator) et al., 3800 First National Bank Bldg., Dallas, Tex. 75202.	Michigan Wisconsin Pipe Line Co., Live Oak Field, Vermilion Parish, La.	Depleted	----------
CI73-52 F 7-21-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	Mountain Fuel Supply Co., Ace Unit Area, Moffat County, Colo.	[5] 14.005	15.025
CI73-53 A 7-20-72	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, LA 70112.	Florida Gas Transmission Co., Flomaton Field, Escambia County, Ala.	[6] 32.5	14.65
CI73-54 B 7-20-72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Tennessee Gas Pipeline Co., San Salvador Field, Hidalgo County, Tex.	Depleted	----------
CI73-55 A 7-21-72	Texas Pacific Oil Co., Inc., 1700 One Main Pl., Dallas, TX 75250.	Arkansas Louisiana Gas Co., West Wilburton Area, Pittsburg County, Tex.	22.25	14.65
CI73-56 (G-7503) F 7-21-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	Riverside Field, Nueces County, Tex.	19.0	14.65
CI73-57 B 7-21-72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Diamond Shamrock Corp., Crest Field, Ochiltree County, Tex.	Depleted	----------
CI73-58 F 7-24-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	[1] 14.85486	14.65
CI73-59 (G-3209) F 7-24-72	do	Columbia Gas Transmission Corp., Northwest Branch Field, Acadia Parish, La.	[7] 22.375	15.025
CI73-62 A 7-24-72	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Northern Natural Gas Co., Kiowa Creek Field, Lipscomb and Ochiltree Counties, Tex.	[8] 26.5	14.65
CI73-60 A 7-24-72	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Transcontinental Gas Pipe Line Corp., Brazos Area, Block A-1, Offshore Texas.	[9] 34.56	14.65
CI73-66 A 7-26-72	do	El Paso Natural Gas Co., Southeast Buffalo Wallow Area, Hemphill and Wheeler Counties, Tex.	[10] 35.0	14.65

[1] Subject to upward and downward B.t.u. adjustment.
[2] Applicant is willing to accept a certificate at an initial rate of 26 cents subject to B.t.u. adjustment; however, the contract price is 28 cents.
[3] Subject to upward and downward B.t.u. adjustment. Applicant is willing to accept a permanent certificate pursuant to Opinion No. 598.
[4] Applicant is willing to accept an initial base price of 24 cents with estimated upward B.t.u. adjustment of 2.8 cents.
[5] Effective subject to refund in RI69-789.
[6] Plus upward B.t.u. adjustment.
[7] Effective subject to refund in RI71-638.
[8] Plus 3.7 cents per Mcf upward B.t.u. adjustment.
[9] Includes 2.56 cents upward B.t.u. adjustment.
[10] Minus 1.19 cents per Mcf B.t.u. adjustment.

[FR Doc.72-17840 Filed 10-18-72;8:50 am]

FEDERAL RESERVE SYSTEM

BANK HOLDING COMPANIES

Grandfather Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather privileges") with respect to nonbanking activities of a company that, by virtue of the 1970 amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date). However section 4(a)(2) provides that the Board of Governors of the Federal Reserve System may determine whether such grandfather privileges should be terminated and, with respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period. The Board has undertaken a review of nonbank activities of each "company covered in 1970" that controls a bank with assets in excess of $60 million.

In exercising its authority under section 4(a)(2), the Board by order, after opportunity for hearing, may terminate the authority granted by said section if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. An examination of the grandfather privileges of the companies listed below is in process in order to determine whether continuation of such grandfather privileges, if any, is consistent with the purposes of the Act. A Board determination not to terminate grandfather privileges would not preclude the Board from making a determination at a later date that grandfathered activities must be terminated.

Bank holding company	*Activities engaged in on, and continuously since, June 30, 1968* [1]
Alaska Bancshares, Inc. Anchorage, Alaska.	Real estate development. Insurance agency operations. Mortgage financing. Commercial real estate business.
World Airways, Inc., Oakland, Calif.	Management consultant and adviser. Investment adviser. Supplemental air carrier.
First Railroad and Banking Company of Georgia, Augusta, Ga.	Lease, purchase, and sale of aircraft. Aircraft fixed base operator. Owner and lessor of railroad property and securities.
First National Bank Voting Trust, Hollywood, Fla.	Investments in small business investment company, real estate trust, housing, and real estate.
Estate of James Millikin, Deceased, Decatur, Ill.	None. Administration of the trust of James Millikin, the nonbanking activities of which consist of owning farm and urban property and various securities.

See footnotes at end of table.

Bank holding company	Activities engaged in on, and continuously since, June 30, 1968 [1]
Amalgamated Associates Co., Chicago, Ill. Amalgamated Investments Co., Chicago, Ill.	Safe deposit business.
First Highland Corp., Highland Park, Ill.	Small business investment company. Data processing services.
Indiana Industries, Inc., Gary, Ind.	None.
Financial Network Corp., Milwaukee, Wis.	Bank premises corporation. Real estate held for expansion of bank.
Keystone Consolidated Industries, Inc., Peoria, Ill.	Manufactures steel and wire products.
Whitney Holding Corp., New Orleans, La.	Maintenance company serving bank only. Real estate holdings.
Zachary Taylor Life Insurance Co., Shreveport, La.	Reinsurance of credit life risk on subsidiary bank loans. Originates, sells and services real estate mortgage loans. Operates parking facilities serving the subsidiary bank.
Charles Stewart, Mott Foundation, Flint, Mich.	Water utilities. Real estate leasing.
Minnesota Small Loan Co., Minneapolis, Minn.	Real estate development. Sugar production and cattle raising. Small loan business.
Delta Loan and Finance Co., St. Louis, Mo.	Consumer lending. Purchasing time sales contracts. Commercial lending. Loan participations. Printing business forms and stationery.
Coronado Financial Corp., Kansas City, Mo. Columbia Union Bancshares, Kansas City, Mo.	None.
Contract Leasing Corp., St. Louis, Mo. Clayton Bankshares, Inc., St. Louis, Mo.	Auditing and messenger services. Automation services for subsidiaries. Bank advisory services. Ownership of bank premises real estate.
South St. Louis Investment Co., St. Louis, Mo. Hampton Bankshares, St. Louis, Mo.	Automation services for subsidiaries. Procures and manages supplies. Makes policy and supervises systems and methods for related banks and corporations. Owns bank premises.
First Union National Bancorporation, Charlotte, N.C.	Mortgage banking. Insurance underwriting. Advertising. Credit card operations. Name billing service. Computer services. Courier service. Financing and leasing equipment. Managing real estate. Financial services and supplies.
C.I.T. Financial Corp., New York, N.Y.	Real estate. Leasing. Insurance. Manufacturing and merchandising. Charitable foundations. Consumer and business finance. Venture capital financing. Data processing services.
Schroders, Ltd., London, England.	Securities broker, dealer and flotation company. Services relating to exchange of securities and commodities. Financial advice and investment services. Real estate agent, broker, and manager. Oil exploration. Subdividing and developing. Data processing services.
Swiss Israel Trade Bank, Geneva, Switzerland. Beaver Securities Co., Inc., New York, N.Y. Exchange Place Corp., New York, N.Y.	Mortgage investing and real estate development.
D. H. Baldwin Co., Cincinnati, Ohio.	Real estate. Manufacture and sale of electronics equipment. Sale of pianos, etc., in U.S. Publication and sale of sheet music. Installment sale of consumer durables, floor planning. Mortgage brokerage. Manufacture and sale of photoelectric and photovoltaic devices. Ownership and leasing of real property, tools, and machines.
Wasatch National, Inc., Ogden, Utah.	Investments of less than 5 percent of the voting shares of each of the following: Uranium mining. Real estate/industrial parks. Concrete pipe manufacturer. Transportation.
Zions Utah Corp., Salt Lake City, Utah.	Real estate activities. Writes credit life and casualty insurance. Equipment leasing.
Patagonia Corp., Tucson, Ariz.	Acting as an insurance agency primarily in connection with loans made by subsidiary bank. Ownership of 20.005 percent interest in savings and loan associations. Fire and casualty insurance.[2] Rental of office equipment to subsidiary bank.[2]
Republic National Bank of Dallas, Dallas, Tex.	Oil and gas mining, exploration and manufacture of related products. Real estate managing, developing, and lending. Financial and management advisory services. Dealing in investment securities. Lending and borrowing money.
First Bancorporation, Reno, Nev.	Holding property occupied, or to be occupied, by banking subsidiary.
Perpetual Corp., Los Angeles, Calif. Pierce National Life Insurance Co., Los Angeles, Calif.	Life insurance underwriting. Operating cemetery and crematorium. Funeral directors.
The Western and Southern Life Insurance Co., Cincinnati, Ohio.	Sells, underwrites, and issues individual and group life, accident and health policies and sells individual annuity contracts. Owns and manages apartment and commercial buildings.

See footnotes at end of table.

Bank holding company	*Activities engaged in on, and continuously since, June 30, 1968* [1]
First Oklahoma Bancorporation, Inc., Oklahoma City, Okla.	Writes credit life and accident insurance.
	General mortgage company activities.
	Consulting and financial advisory services to apartment developers, builders, and owners.
	Building construction.
	Property consultation.
	Personal property leasing.
	Manages bank premises.
	Investing in debt and/or equity securities.
Memphis Trust Co., Memphis, Tenn.	Providing management services to subsidiaries.
	Investing in companies that are not subsidiaries.
	Dealing in commercial paper.
	Real estate development, investments and leasing.
The Sealy and Smith Foundation, for the John Sealy Hospital, Galveston, Tex.	Investments in stocks, bonds, and real property.
	Owns a hospital.
	Owns two parking lots.
	Owns and sells real estate for oil exploration.
	Manufactures fiber glass pipe.
	Manufactures filament winding equipment.
Houston National Co.,[3] Houston, Tex.	Real estate development.
	Operator or lessor of oil and gas properties.
	Owns and operates commercial buildings and parking garages.
	Operative builder of hotel, parking garages, and office buildings.
	Ownership of company accepting deposits and making loans outside of the United States.
First National Bank in Dallas,[4] Dallas, Tex.	Ownership of small business investment company.
	Building maintenance.
	Accounting, auditing, and bookkeeping services.
	Foreign financial activities.
The Hongkong and Shanghai Banking Corp., Hong Kong.	Owning commercial buildings used as branch offices for subsidiary bank.
Chicago City Bancorporation, Inc., Chicago, Ill.	Insurance agent and broker.

[1] The listed companies may also be engaged in additional activities permissible under other provisions of the Bank Holding Company Act. In addition, authority to engage in some of the activities listed may be contained in other provisions of the Bank Holding Company Act, and such activities would not be subject to divestiture under section 4(a)(2) of the Act.

[2] Patagonia Corp. claims grandfather privileges with respect to fire and casualty insurance business and the rental of office equipment to its subsidiary bank in view of its alleged status as a successor to a company engaged in such activities on June 30, 1968. The Board has not yet made a determination with respect to that claim.

[3] Houston National Co. claims grandfather privileges with respect to the listed activities in view of its alleged status as a "successor" corporation. The Board has not yet made a determination with respect to that claim.

[4] First National Bank in Dallas does not control a bank with assets in excess of $60 million but is itself such a bank.

To aid the Board in making its determinations, interested persons are hereby afforded an opportunity to submit relevant data, views, and arguments relating to the continuation of grandfather privileges, if any, of the subject companies. 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 November 15, 1972. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

By order of the Board of Governors, September 26, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-17851 Filed 10-18-72;8:51 am]

BARNETT BANKS OF FLORIDA, INC.

Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Barnett Bank of West Hollywood, Hollywood, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than November 8, 1972.

Board of Governors of the Federal Reserve System, October 12, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-17781 Filed 10-18-72;8:49 am]

FIRST STATE BANCSHARES CORP.

Formation of Bank Holding Company

First State Bancshares Corp., Wellston, Mo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of not less than 80 percent of the voting shares of First Northwest Bank, St. Ann, Mo., First North County Bank and Trust Company, Jennings, Mo., and First State Bank & Trust Company, Wellston, Mo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 8, 1972.

Board of Governors of the Federal Reserve System, October 12, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-17782 Filed 10-18-72;8:49 am]

HAMILTON BANCSHARES, INC.

Order Approving Acquisition of Bank

Hamilton Bancshares, Inc., Chattanooga, Tenn., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire slightly more than 50 percent of the voting shares of The Farmers National Bank of Winchester, Winchester, Tenn. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest banking organization in the State, has 11 subsidiary banks with aggregate deposits of approximately $504 million, representing about 5.8 percent of deposits of commercial banks in Tennessee.[1] Con-

[1] All banking data are as of December 31, 1971, and reflect bank holding company formations and acquisitions approved by the Board through August 31, 1972.

summation of the transaction herein would increase Applicant's share of deposits by only 0.2 percentage points and would not result in a significant increase in the concentration of banking resources in Tennessee.

Bank (deposits of about $17 million) is the second-largest of seven banking organizations competing in the Winchester-Tullahoma area, and holds 25.4 percent of the total commercial bank deposits therein. Applicant's closest subsidiary to Bank is approximately 35 miles away while Applicant's lead bank located in Chattanooga is about 70 miles east of Bank. Due to the intervening distances and Tennessee's restrictive branching laws, there is no significant existing competition between Applicant's subsidiaries and Bank, nor is there a reasonable probability of future competition developing between the two. The Winchester-Tullahoma area is not an attractive area for de novo entry as measured by personal income per capita and population per banking office ratios, which are both considerably below the statewide averages. The Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactory and consistent with approval of the application. Considerations relating to convenience and needs of the community to be served are also consistent with approval of the application. While Applicant's proposal contemplates the purchases of only slightly more than 50 percent of the voting shares of Bank and could jeopardize the status of the minority shareholders of Bank, Applicant has committed itself to making a substantially equivalent offer to the minority shareholders of Bank within 6 months after the consummation of the proposal herein. Under these circumstances, the Board does not consider that Applicant's failure to make an equal offer to all shareholders initially requires denial of the application. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective October 10, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-17783 Filed 10-18-72;8:49 am]

SOUTHWEST BANCSHARES, INC.

Acquisition of Bank

Southwest Bancshares, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Houston Intercontinental National Bank, Houston, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 9, 1972.

Board of Governors of the Federal Reserve System, October 13, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-17784 Filed 10-18-72;8:49 am]

VIRGINIA NATIONAL BANKSHARES, INC.

Order Approving Acquisition of Bank

Virginia National Bankshares, Inc., Norfolk, Va., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire the successor by merger to Jefferson National Bank, Lynchburg, Va. ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of voting shares of Bank. Accordingly, the proposed acquisition is treated herein as a proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank with deposits of approximately $1 billion, representing about 11 percent of deposits of commercial banks in Virginia.[1] Consummation of the proposal herein would increase Applicant's share of deposits by only 0.1 percentage point and would not result in a significant increase in the concentration of banking resources in Virginia.

Bank (deposits of about $7.6 million) opened for business on August 24, 1970. It is estimated that as of December 31, 1971, it had approximately 2.9 percent of deposits in the Lynchburg Standard Metropolitan Statistical Area ("SMSA") and ranked sixth in size among seven banks in that area. Applicant's closest office to Bank is located some 38 miles away, and due to this factor and Virginia's branching laws there is no significant existing competition between Applicant and Bank. Moreover, there does not appear to be a reasonable probability of future competition developing between Applicant and Bank since the Lynchburg SMSA has a lower population per banking office ratio than the statewide average and does not appear attractive for de novo entry. Additionally, Applicant's acquisition of Bank could prove to be procompetitive by enabling Bank to compete more effectively with the larger banks in the area, four of which are affiliated with large bank holding companies. The Board concludes that competitive considerations are consistent with approval of the application.

Applicant became a bank holding company on July 10, 1972, and thus has little operating history. However, the one bank it controls, Virginia National Bank ("Virginia National"), Norfolk, Va., is the largest bank in Virginia and has an impressive operating history so that the future prospects of Applicant, which for the time being depend mainly on its ownership of Virginia National, appear favorable. Bank's financial and managerial resources and future prospects appear satisfactory, particularly in light of Applicant's proposal to provide additional management depth and capital to Bank. Thus, banking considerations lend weight for approval of the application. Considerations relating to the convenience and needs of the community are consistent with approval of the application. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

[1] Voting for this action: Chairman Burns, Governors Mitchell, Sheehan, and Bucher. Present and abstaining: Governor Robertson. Absent and not voting: Governors Daane and Brimmer.

[1] All banking data are as of December 31, 1971.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this Order or (b) later than 3 months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[2] effective October 12, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-17785 Filed 10-18-72;8:49 am]

FIRST PENNSYLVANIA CORP.
Proposed Acquisition of American Loan & Finance Corp.

First Pennsylvania Corp., Philadelphia, Pa., has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of American Loan & Finance Co., Hamilton, Ohio. Notice of the application was published between September 23 and September 27, 1972, in various newspapers in communities in Ohio, Indiana, and Virginia where various offices of American Loan & Finance Co., are located.

Applicant states that the proposed subsidiary would engage in the following activities: Making, acquiring, and servicing loans or other extensions of credit for personal, family, or household purposes, including the sale of credit insurance (life, accident and health and disability insurance) which is directly related to such consumer loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably" be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan and Bucher. Absent and not voting: Chairman Burns.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 30, 1972.

Board of Governors of the Federal Reserve System, October 17, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-17972 Filed 10-18-72;8:56 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

APPLICATION FOR RENEWAL PERMIT
Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Electric Face Equipment Standard specified in the Federal Coal Mine Health and Safety Act of 1969 has been received as follows:

ICP Docket No. 3020 000, Black Diamond Coal Mining Co., Black Diamond Mine, USBM ID No. 01 00324 0, Birmingham, Jefferson County, Ala., ICP Permit No. 3020 002 (Joy Mfg. Co. Loader, Ser. No. 4301).

In accordance with the provisions of section 305(a)(7) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

Copies of renewal applications are available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, 8th Floor, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

OCTOBER 13, 1972.

[FR Doc.72-17815 Filed 10-18-72;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

NEW YORK
Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of New York, dated June 24, 1972, and published June 28, 1972 (37 F.R. 12756); amended June 27, 1972, and published July 1, 1972 (37 F.R. 13136); amended July 3, 1972, and published July 8, 1972 (37 F.R. 13502); amended July 19, 1972, and published July 25, 1972 (37 F.R. 14837); amended July 22, 1972, and published August 4, 1972 (37 F.R. 15764); and amended September 5, 1972, and published September 12, 1972 (37 F.R. 18500), is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 23, 1972:

The County of: Chenango.

Dated: October 13, 1972.

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

[FR Doc.72-17814 Filed 10-18-72;8:45 am]

VIRGINIA
Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on October 10, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Virginia from severe storms and flooding, beginning about October 5, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Virginia. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Alfred A. Hahn, Assistant Regional Director for Disaster Programs, OEP Region 3, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Virginia to have been adversely affected by this declared major disaster:

THE COUNTIES OF:

Albemarle.
Amelia.
Amherst.
Appomattox.
Augusta.
Brunswick.
Culpeper.
Cumberland.
Dinwiddie.
Fluvanna.
Greene.
Louisa.
Lunenburg.
Madison.
Mecklenburg.
Nelson.
Nottoway.
Orange.
Page.
Powhatan.
Rockbridge.
Rockingham.
Shenandoah.
Warren.

THE CITIES OF:

Emporia. Richmond.
Petersburg.

Dated: October 13, 1972.

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

[FR Doc.72-17813 Filed 10-18-72;8:45 am]

PRICE COMMISSION

PETER F. CARPENTER

Appointment as Hearing Officer

By direction of the Price Commission, Peter F. Carpenter, Deputy Executive Director of the Commission, is hereby designated as Hearing Officer for the purpose of conducting the hearing on lumber and wood products announced by the Commission on September 2, 1972 (37 F.R. 17990), and scheduled to begin at 9:30 a.m., October 19, 1972, at the U.S. Courthouse, Atlanta, Ga.

Issued in Washington, D.C., on October 16, 1972.

BERT LEWIS,
Executive Director, Price Commission.

[FR Doc.72-17852 Filed 10-18-72;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3205]

THE BANK OF NEW YORK, AS TRUSTEE OF CORPORATE LEADERS TRUST FUND

Notice of Application Pursuant to Section 6(c) of the Act for Exemption From the Provisions of Section 19(b) and Rule 19b-1 Thereunder

OCTOBER 13, 1972.

Notice is hereby given that The Bank of New York (Applicant), 48 Wall Street, New York, NY, as Trustee of Corporate Leaders Trust Fund, has applied for an order pursuant to section 6(c) of the Investment Company Act of 1940 (Act) exempting Corporate Leaders Trust Fund (Trust) from the provisions of section 19(b) of the Act and Rule 19b-1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is the Successor Trustee to Empire Trust Co., which became Trustee of the Trust pursuant to the terms of a Trust Indenture, dated November 18, 1935 (Agreement), with Corporate Leaders of America, Inc. The Trust consists of two separate series of certificates, Series A and Series B. Each such series is independent of the other and is separately administered for the benefit of the certificate holders of such series. Each series of the Trust is organized as a unit investment trust under the Act.

Each series consists of a Trust Fund and a Distributive Fund. The Trust Fund of each series consists of Stock Units and such cash as may be available for the purchase of Stock Units of such series. A Stock Unit consists of one share of common stock of each of 28 corporations listed in the Agreement (Constituent Companies). The Distributive Fund of each series is comprised of all cash and noncash distributions received in connection with the stock units of such series.

The terms of the Agreement require that all noncash distributions received from Constituent Companies be sold for cash and the cash proceeds therefrom be held in the Distributive Fund except that in the event of a stock split each series will retain the number of shares of new stock issued in connection with the stock split equal to the number of Stock Units then held by each series and the balance of the new stock will be sold for cash. The sale of such noncash distributions may cause long-term capital gains to be realized by such series. The Agreement provides that the proceeds of the Distributive Fund are required to be distributed to the certificate holders of each series semiannually.

Section 19(b) of the Act provides that it shall be unlawful for any registered investment company to distribute long-term capital gains more often than once every 12 months in contravention of such rules, regulations, or orders as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors. Subsection (b) of Rule 19b-1 promulgated thereunder provides that registered investment companies which are not regulated investment companies, as defined in section 851 of the Internal Revenue Code, shall not make more than one distribution of long-term capital gains as defined in the Internal Revenue Code in any 1 taxable year. Applicant asserts that each series issued under the Trust is not a regulated investment company as defined in section 851 of the Internal Revenue Code and is therefore governed by the provisions of subsection (b) of Rule 19b-1. Such provisions would prohibit Applicant from making distributions from the Distributive Fund of each series attributable to long-term capital gains realized from the sale of noncash distributions from Constituent Companies more than once in any 1 taxable year.

Thus, compliance with Rule 19b-1(b) would conflict with that portion of the Agreement which requires semiannual distributions which in part consists of long-term capital gains. Applicant argues that the reasons for the adoption of section 19(b) and Rule 19b-1 thereunder are inapplicable to the series of the Trust. It is submitted that Applicant, unlike investment companies that previously could have, in their discretion, made distributions of long-term capital gains more frequently than yearly, is required to make such distribution semiannually without discretion as to the amount of such distribution. Applicant argues further that the Trust's long-term capital gain distributions which occur at specified times as a result of the required sale of noncash distributions of constituent companies, are not intended to give an investor the impression that such distributions are a part of regular dividends. It states that there can be no artificial manipulation of capital gain distributions because of such Trust requirements. Applicant argues further that even in the absence of such provision of the Agreement, there is no manager or investment adviser of the Trust on whom any pressure could be exerted to force the distribution of capital gains.

Applicant represents that there are no increased administrative costs incurred in making the semiannual distributions of long-term capital gains since the Agreement requires that all cash in the Distributive Fund of each series, including dividends, short-term capital gains and cash representing return of capital be distributed semiannually. Applicant states that any attempt to amend the Trust could adversely affect its tax status under State and Federal law, and argues further that certificate holders, if denied semiannual distributions of long-term capital gains, would be denied use of these proceeds for 6 months without any comparable benefit.

Section 6(c) of the Act, as here pertinent, authorizes the Commission, by order upon application, conditionally or unconditionally to exempt any person or any class or classes of persons from any provision or provisions of the Act if and to the extent that such 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 November 6, 1972, 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 shall order a hearing thereon. 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. Proof of such service (by affidavit or in case of 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 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.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-17799 Filed 10-18-72;8:48 am]

[812-3257]

MUTUAL OF OMAHA GROWTH FUND, INC., MUTUAL OF OMAHA INCOME FUND, INC., AND MUTUAL OF OMAHA FUND MANAGEMENT CO.

Notice of Application Pursuant to Section 6(c) for an Order Exempting Applicants From Section 22(d) of the Act

OCTOBER 13, 1972.

Notice is hereby given that Mutual of Omaha Growth Fund, Inc., and Mutual of Omaha Income Fund, Inc., 3205 Dodge Street, Omaha, NE 68131 (Funds), diversified open-end management investment companies registered under the Investment Company Act of 1940 (the "Act"), and Mutual of Omaha Fund Management Co. (Management), (hereinafter collectively called "Applicants") have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants from section 22(d) of the Act and Rule 22d-1 thereunder. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. The prospectuses of the Funds state that a sales commission is included in the offering price of the shares of such Funds.

Applicants request an exemption from section 22(d) of the Act and Rule 22d-1 thereunder to enable the Funds to sell their shares at the net asset value per share, i.e., without any sales charges, to persons who have caused their shares in any of the Funds to be redeemed within the previous 15 days. Persons who wish to reinvest in a Fund other than the Fund in which they were previously invested will be charged a $5 service fee. Investors will be permitted to reinvest up to the exact amount of their redemption proceeds (or to the nearest full share if fractional shares are not purchased) without any sales charges.

Applicants state that Management will, at its expense, by a statement included with the redemption check, advise eligible shareholders of the right to reinvest the proceeds at net asset value. To be effective, notice from such persons of the exercise of the privilege must be received by Applicants, or be postmarked, within 15 days after the date the request for redemption is received. Applicants also state that the proposed repurchases will be made at the net asset value per share next determined after receipt of the order and that no sales commission will be received by management or any sales representative on such repurchases.

Applicants further state that the privilege of reinvesting the proceeds of a redemption at net asset value will be limited to persons who have not previously exercised such privilege as to any of the Funds, and that because of this limitation, and because wire redemption requests and wire orders will not be permitted, the proposed privilege will not afford an opportunity for speculative short term trading in shares of the Funds.

Applicants contend that the proposed privilege will enable investors to be reminded of features of their investment which they may have overlooked or of which they may have been unsure at the time they redeemed.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such 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 November 9, 1972, 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 shall order a hearing thereon. 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 Applicants at the address stated above. Proof of such service (by affidavit, or in case of an 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, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-17798 Filed 10-18-72;8:47 am]

[812-3223]

PIONEER FUND, INC., ET AL.

Notice of Application To Permit Offer of Exchange, and for Exemption

OCTOBER 13, 1972.

Notice is hereby given that Pioneer Fund, Inc., Pioneer Enterprise Fund, Inc., and Pioneer II, Inc. (hereinafter collectively referred to as the "Funds"), all open-end investment companies registered under the Investment Company Act of 1940 (Act), and Pioneer Investment Plans for the Accumulation of Shares of Pioneer Fund, Inc. (Plans), a unit investment trust registered under under the Act, together with Pioneer Plans Corp., the sponsor of Plans, and Fund Research and Management, Inc., the Distributor of Plans, 28 State Street, Boston, MA 02109 (hereinafter collectively referred to as "Applicants"), have filed an application for an order of the Commission pursuant to section 11(c) of the Act permitting each of the Funds to offer to its investors the opportunity of exchanging their Fund shares for Single Payment Plans for the Accumulation of Shares of Pioneer Fund Inc. (Single Payment Plan) at the respective net asset values of such Fund shares and of the shares of Pioneer Fund, Inc., underlying such Single Payment Plan, and for an order pursuant to section 6(c) of the Act exempting any sales resulting from such offers from section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

At the present time, shareholders of the Funds have the opportunity to exchange their shares for shares of one or more of the other Funds at net asset value without a sales charge. The requested order would permit such shareholders to exchange their shares for Single Payment Plans without any sales charge.

The application states that the advantage of owning shares of Pioneer Fund, Inc., under a Single Payment Plan, with respect to which there are custodian and other service charges, over owning such shares directly, is that the owner of a Single Payment Plan is permitted to withdraw up to 90 percent of the value of his account and thereafter reinvest the proceeds at net asset value without sales charges. The exercise of this privilege is limited to once in any calendar year, and shares or cash withdrawn may not be reinstated for a period of 90 days after withdrawal. A planholder is also permitted to designate beneficiaries who would be entitled to the Plan certificate or its equivalent

thereof in the event of his death, which may under the laws of some States make the Plan investment more readily available to the beneficiary than it might otherwise be under laws relating to the probation or administration of estates. In addition, a planholder may reinvest dividends without any sales charges.

An exchange would be effectuated in the following manner: Shares of the Fund or Funds desired to be exchanged would be liquidated at net asset value, provided that the aggregate net asset value of such shares totalled at least $1,000 or more in multiples of $100. The proceeds of such liquidation would be used to acquire an equivalent dollar value of shares at net asset value of Pioneer Fund, Inc., whose shares are the underlying investment of Single Payment Plans, and a certificate of the Single Payment Plan would be issued to the investor at no additional sales charge. A request, submitted with proper documents in proper order, to liquidate Fund shares and purchase a Single Payment Plan will be executed the same day it is received, and the net asset value of the shares of Pioneer Fund, Inc., underlying the Single Payment Plan which is being purchased will be calculated at the close of business on the same day as is the net asset value of the Fund shares which are being liquidated.

In order to make the exchange, a shareholder of any of the Funds would be required to submit an application indicating that he has received the current prospectuses of the Single Payment Plan and of Pioneer Fund, Inc., and that he understands that the prospectus of the Single Payment Plan sets forth the custodial fees and service charges payable by planholders.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end investment company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to, and approved by, the Commission. Section 11(c) of the Act, insofar as it is applicable here, provides that irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any offer of exchange of the securities of a registered unit investment trust for the securities of a registered open-end investment company.

Section 22(d) of the Act, insofar as it is applicable here, requires a certificate of the Single Payment Plans to be sold at the public offering price stated in the Single Payment Plan. The public offering price stated in such prospectus includes a sales load. Therefore, an exemption from section 22(d) of the Act is necessary to permit certificates of the Single Payment Plan to be exchanged, without a sales load, for shares of any of the Funds.

Applicants state that since no substantial sales effort would be incurred in an exchange of a certificate of a Single Payment Plan for shares of a Fund, it would be inequitable and inappropriate to impose another layer of sales charges upon an exchange transaction and that, therefore, an order should be granted pursuant to section 6(c) of the Act exempting the proposed transaction from the provisions of section 22(d) of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act if and to the extent that such 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 November 8, 1972, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. 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 the Applicants at the address stated above. Proof of such service (by affidavit, or in case of an 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, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-17797 Filed 10-18-72;8:47 am]

[70-4537]

THE ROCKY RIVER REALTY CO. ET AL.

Notice of Post-Effective Amendment Filed by Nonutility Subsidiary of Registered Holding Company

OCTOBER 13, 1972.

Notice is hereby given that Northeast Utilities (Northeast), 174 Brush Hill Avenue, West Springfield, MA 01089, a registered holding company, The Rocky River Realty Co. (Rocky River), its nonutility subsidiary, and the Connecticut Light & Power Co. (CL&P), Post Office Box 2010, Hartford, CT 06101, an electric utility subsidiary company of Northeast and an exempt holding company, have filed with this Commission a third post-effective amendment to their amended joint application-declaration in this matter pursuant to the provisions of the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, 12 (b), (c), and (f), and 13(b) of the Act and Rules 42(b)(2), 45(b)(1), 50(a)(3), 86, 87, and 88 promulgated thereunder, as applicable to the proposed transactions. All interested persons are referred to the said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

Rocky River has been authorized by the Commission (Holding Company Act Release Nos. 15884 and 16941) to engage in the business of acquiring, maintaining, and disposing of real property in connection with the utility and related operations of associate companies in the Northeast holding-company system and to issue and sell to Northeast, and Northeast has been authorized to acquire up to $10 million aggregate principal amount of Rocky River's long-term unsecured notes. In the order of October 24, 1967 (Holding Company Act Release No. 15884), in this proceeding, Rocky River was authorized to pay outstanding notes out of capital and to thereafter issue and sell to Northeast, and for Northeast to acquire, additional notes so as to adjust the outstanding amount of the notes to capital requirements of Rocky River. Applicants-declarants now desire that this authority be extended for 5 years from October 24, 1972, when it would otherwise expire.

The applicants-declarants estimate that the additional expenses incurred, or to be incurred, in connection with the transactions proposed in the said post-effective amendments will total $350. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that interested persons may, not later than October 26, 1972, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended application-declaration which he desires to controvert or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request.

At any time after said date, the said application-declaration, as filed and amended or as it may be further amended, may be granted and permitted to become effective in the manner provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exception from such rule as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-17795 Filed 10-18-72;8:47 am]

[812-3249]

STATE STREET INVESTMENT CORP.

Notice of Filing of Application for Order Exempting a Sale by an Open-End Company of its Securities at Other Than the Public Offering Price

OCTOBER 13, 1972.

Notice is hereby given that State Street Investment Corp. (Applicant), 225 Franklin Street, Boston, MA 02110, a Massachusetts corporation registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission for exemption from the provisions of section 22(d) of the Act which, in pertinent part, prohibit a registered investment company from selling any redeemable security issued by it to any person except either to or through a principal underwriter for distribution at a current public offering price described in the prospectus. Section 22(d) would prevent Applicant, which does not have a prospectus describing a current offering price, from acquiring the assets of EFG Corp. (EFG) in exchange for the shares of Applicant. All interested persons are referred to the application on file with the Commission for a statement of the representation therein, which are summarized below.

Applicant represents that EFG, a Missouri corporation, was incorporated in 1902, as the St. Louis Brass Manufacturing Co., and, until 1971, was primarily engaged in the business of manufacturing lighting fixtures. In 1971, the name of the corporation was changed to EFG Corp., and all of its operating assets were sold for cash. EFG is currently a private investment company, and substantially all of its assets are in the form of investments in marketable securities, cash, certificates of deposit, and claims for refund of Federal income taxes. At the present time EFG has 19 shareholders, is a personal holding company for Federal income tax purposes, and is subject to Federal and Missouri corporate income taxes. Applicant asserts that EFG is excepted from the definition of an investment company by reason of section 3(c)(1) of the Act.

On July 6, 1972, Applicant and EFG entered into an Agreement and Plan of Reorganization (Agreement) whereby substantially all of the assets of EFG are to be transferred to Applicant in exchange for shares of Applicant's common stock. Pursuant to the Agreement, the number of Applicant's shares to be delivered to EFG shall be determined on the closing date, as defined in the Agreement, by dividing the aggregate value of the gross assets of EFG (subject to certain adjustments as set forth in the Agreement) to be transferred to Applicant by the net asset value per share of Applicant.

As of June 30, 1972, the market value of the assets of EFG to be delivered to Applicant was approximately $5,489,000. At the present time, Applicant does not intend to sell any EFG securities immediately after the closing, and in no event intends to immediately sell such securities having a market value in excess of 20 percent of the value of EFG's gross assets at the closing. Assuming that the closing under the Agreement had taken place on June 30, 1972, 106,991 shares of State Street would have been transferred to EFG or approximately 1.2 percent of the number of State Street shares outstanding immediately after such transfer. When the shares of State Street are received by EFG, EFG will distribute such shares to its shareholders in liquidation.

Applicant represents that neither EFG nor any shareholder, director, or officer of EFG is either an "affiliated person" of State Street or an affiliated person of any affiliated person of State Street, and that the Agreement was negotiated at arms length by the principals of EFG and State Street.

Section 22(d) of the Act provides, in pertinent part, that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) of the Act permits the Commission, upon application, to exempt a transaction from the provisions of the Act 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 November 9, 1972, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. 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. Proof of such service (by affidavit, or in the case of an 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, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-17800 Filed 10-18-72;8:48 am]

[70-5252]

WISCONSIN GAS CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Trust Department of a Bank

OCTOBER 13, 1972.

Notice is hereby given that Wisconsin Gas Co. (Wisconsin), 626 East Wisconsin Avenue, Milwaukee, WI 53201, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rules 42(b)(2), 50(a)(2), and 70(b)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Wisconsin proposes to issue and sell, from time to time commencing November 30, 1972, its unsecured promissory notes to banks maturing on or before November 29, 1973, in varying amounts as funds are required, in an aggregate principal amount not to exceed $22 million at any one time outstanding. Each note will be dated as of the date of issue and will bear interest at the prime rate in effect at the lending bank on the date of each borrowing, which interest rate will be adjusted to reflect any change in the prime rate. Interest shall be payable at the end of each 90-day period subsequent to the date of borrowing and at maturity. There is no commitment fee, and the notes may be prepaid at any time without penalty. In connection with the lines of credit, Wisconsin is required to maintain compensating balances with

the banks, the effect of which is to increase the effective interest cost by approximately 1 percent above the prevailing prime rate.

The banks and their commitments are as follows:

First Wisconsin National Bank of Milwaukee, Wis.	$8,000,000
M & I Marshall & Ilsley Bank, Milwaukee, Wis.	5,000,000
First National City Bank, New York, N.Y.	4,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	3,000,000
Marine National Exchange Bank, Milwaukee, Wis.	2,000,000
Total	22,000,000

Wisconsin also proposes that it may, in lieu of the issuance and sale of promissory notes to the above-listed banks, issue and sell its promissory notes, to the extent funds are available, up to a maximum of $5 million outstanding at any one time to the Trust Department of the M & I Marshall & Ilsley Bank, Milwaukee, Wis. (Trust Department). It is stated that the Trust Department has a continuous flow of funds from its internal operations and follows a practice of pooling these funds for loans to various corporations. The interest rate on the proposed notes under this arrangement will be equivalent to the highest rate paid daily by General Telephone & Electronics Corp., on its commercial paper with a maturity of 180 days. Wisconsin will be notified by the Trust Department of any change in the interest rate. The notes issued from January 1 to June 30, will mature July 1 of the same year and those issued July 1 to December 31, will mature January 1 of the following year. The Trust Department will have the right, however, to demand payment at any time of all or any part of the principal of the note or notes outstanding; Wisconsin will have the right to prepay the notes at any time without penalty.

Wisconsin anticipates, under the proposed arrangement with the Trust Department, that it will be able to borrow money at a lower cost than borrowing from banks under lines of credit. It states as an example that on September 29, 1972, the Trust Department's interest rate was 5.26 percent compared with First National City Bank's prime rate of 5.625 percent, and that at all times during 1972, up to September 29, the Trust Department's interest rate was lower than the prime rate.

Wisconsin intends to use the amounts borrowed on the notes to repay notes outstanding on November 30, 1972 (estimated to aggregate $17 million), and to partially finance its 1972 construction program (estimated at $13,361,000). It is anticipated that funds required to retire the notes will be obtained from long-term financing and funds generated internally.

Wisconsin also requests authority to file certificates of notification required by Rule 24 on a quarterly basis with respect to the proposed transactions with the Trust Department.

Fees and expenses incident to the proposed transactions are estimated at $3,850, including counsel fees of $850. The declaration states that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

Notice is further given that any interested person may, not later than November 3, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-17796 Filed 10-18-72;8:47 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

Reclassification of Registrants Into Class 1-H

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore, these materials are set forth in full as follows:

[Temporary Instruction 625-1; Corrected]

RECLASSIFICATION OF REGISTRANTS INTO CLASS 1-H

1. After priority is given to the processing of registrants who are or may be vulnerable for induction in the near future, local boards should reopen and consider anew for classification in Class 1-H, in accord with § 625.2, registrants in the following priority:

a. Registrants with RSN 096 or above (except those who were previously in the Extended Priority Selection Group), and who are in Classes 1-S, 2-A, 2-C, 2-D, 2-S, 3-A, 4-B, and 4-D.

b. Present members of the 1972 First Priority Selection Group with RSN 096 or above.

c. Registrants who were born in 1953, and whose RSN's are above 100.

d. Registrants in the second or a lower priority selection group.

e. Registrants, not in one of the above categories, who have a wife whom they married on or before August 26, 1965, and with whom they maintain a bona fide relationship in their homes.

2. Reclassification of registrants into Class 1-H by local boards according to the above priority will be accomplished as time and workload permits, but in any event before December 31, 1972.

3. Temporary Instruction No. 622-2, issued September 11, 1972, is rescinded.

4. This Temporary Instruction terminates on December 30, 1972.

BYRON V. PEPITONE,
Acting Director.

TABLE 625-I

If a registrant is in—	And his year of birth is—	And his RSN is—	And he entered the deferred class from—	Then he is—
Class: 1-S, 2-A, 2-C, 2-D, 2-S, 3-A, 4-B, 4-D	1952 or earlier	95 or lower	Any priority selection group	Not eligible for 1-H.
		96 or higher	Any priority selection group other than extended priority.	Eligible for 1-H.
		96 or higher	Extended priority	Not eligible for 1-H.
	1953	100 or lower	A nonpriority selection group status.	Not eligible for 1-H.

CHAPTER 660—ALTERNATE SERVICE

SEC. 660.1 *Responsibility for administration.* 1. Conscientious objectors in Class 1-O are liable for 24 months of alternate service contributing to the national health, safety, or interest, in lieu of induction. The State Director, under the supervision of the Director, will assure compliance with the law, the regulations, and selective service policy concerning the program of alternate service.

2. The State Director of the State in which a registrant is registered will have primary responsibility for the initial placement of the registrant in alternate service. That State Director will coordinate job placement activities in any State outside his own with the State Director of the State in which the job is located. In assigning a registrant outside his own State, the assigning State Director must have the approval of the "receiving" State Director or the Director of Selective Service.

3. Alternate Service to be performed outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, Guam, the Virgin Islands, and the Canal Zone will be administered by the Director of Selective Service. After the approval of such work has been made by the State Director or the Director, and the local board has issued

the registrant the Order to Report for Alternate Service (SSS Form 153) and has classified him in Class 1–W, it shall forward his selective service file through the State Director to the Director of Selective Service.

4. The successful operation of the alternate service program is dependent upon placing the registrant promptly in an approved job which is related, insofar as possible, to his training, education, and skills. With this in mind, the registrant should be strongly encouraged by the State Director and local board personnel to propose his own alternate service employment for the State Director's approval.

SEC. 660.2 *Examination of registrants.* A 1–O registrant shall be ordered for an Armed Forces Examination in accordance with the provisions of Chapter 628, Registrants Processing Manual. If he fails to report for or submit to an Armed Forces Examination, he shall be considered as available for selection and processed for alternate service in the same manner as if he had been found acceptable.

SEC. 660.3 *Information concerning alternate service.* 1. Any information which will assist registrants in finding their own jobs should be provided to the local boards by the State Director.

2. A registrant may secure information concerning alternate service processing from any local board or State Director. However, the responsibility for placing the registrant remains with the State Director having jurisdiction over the registrant's local board of record.

SEC. 660.4 *Volunteering for alternate service.* 1. Only registrants classified in Class 1–O may volunteer for alternate service. A registrant's desire to volunteer shall not be used as a reason to classify him in Class 1–O. If the 1–O registrant wishes to volunteer for alternate service he must submit an Application of Volunteer for Alternate Service (SSS Form 151) to his local board. This form may be obtained at any local board. When completed, the registrant may either forward the form to his own local board, or he may request that the form be forwarded to his local board by any other local board. He must submit job offers by furnishing for each proposed job an Employer's Statement of Availability (SSS Form 156), which may be obtained at any local board, or he may submit the information by letter. The registrant's local board must promptly submit every SSS Form 156 or letter proposing employment to the State Director for his consideration. The State Director will approve or disapprove such job offer(s). The local board of jurisdiction will enter on page 8 of the Classification Questionnaire (SSS Form 100) or page 2 of the Registrant File Folder (SSS Form 101), the date of issuance of the SSS Form 151 and SSS Form(s) 156 and the date of receipt of any such forms or letters it may receive for its registrants.

2. If the State Director approves the proposed job, any member or compensated employee of the local board shall: (1) Issue to the registrant an Order To Report For an Armed Forces Examinaiton (SSS Form 223) (unless he has been found acceptable for service, within 1 year) and, if he is found to be acceptable for service, (2) issue to the registrant an Order To Report For Alternate Service (SSS Form 153). If the registrant is found not acceptable, he will not be further processed for alternate service.

3. A copy of the SSS Form 153 shall be placed in the registrant's file folder and an entry showing the date of issuance shall be made on page 8 of the SSS Form 100 or page 2 of the SSS Form 101.

4. If the volunteer for alternate service fails to locate a job which can be approved by the State Director, no action will be taken on his application. An SSS Form 155 will not be issued until it would have been issued had the registrant not volunteered.

Example: John Coogan's RSN of 197 has not been reached. John submits an SSS Form 151 to his local board with a statement from a charitable organization that they accepted him for employment. The State Director determines this to be an appropriate work assignment. Since John was examined and found acceptable within a year, the local board at the request of the State Director issues an SSS Form 153 ordering him to his place of employment. If John had not submitted an appropriate alternate service job for consideration, no action would have been taken, because John's RSN had not been reached.

SEC. 660.5 *Selection of a nonvolunteer for alternate service.* 1. A nonvolunteer shall be selected and ordered for alternate service in lieu of induction when his RSN is reached under a Uniform National Call.

2. A 1–O registrant in a medical specialist category shall be selected and ordered for alternate service at the time he would have been ordered for induction under a special call had he been in Class 1–A or 1–A–O.

3. When the Random Sequence Number of a 1–0 registrant is reached, his local board will issue him an SSS Form 155. This issuance of an SSS Form 155 formally begins his processing for alternate service. A copy of the SSS Form 155 will be placed in the registrant's file folder and an entry as to the date of issuance of the form shall be placed on page 2 of the SSS Form 101 or page 8 of the SSS Form 100. Any registrant who is issued an SSS Form 153, and who will attain the 26th anniversary of the date of his birth prior to the date scheduled to report for alternate service, shall have his order canceled.

4. One copy of Conscientious Objector's Skills Questionnaire (SSS Form 152) and three copies of SSS Form 156 will be issued to the registrant along with SSS Form 155 and the date of issuance and return will be entered on page 8 of the SSS Form 100 or page 2 of the SSS Form 101. The registrant is required to return the completed SSS Form 152 to the State Director within 15 days of the date of mailing. If it is not returned within the prescribed time, processing will continue without it. The registrant has 60 days from the date of issuance of the SSS Form 155 in which to locate appropriate alternate service employment. He must submit job proposals to the State Director on an SSS Form 156 or by letter.

5. After the issuance of the SSS Form 155, the registrant's file folder will immediately be forwarded to the State Director. Any SSS Forms 156 or an SSS Form 152 later received by the local board will be forwarded to the State Director for inclusion in the registrant's file folder.

SEC. 660.6 *Eligible employers of registrants performing alternate service.* 1. Appropriate alternate service employment will be limited to the following:

a. Employment by the U.S. Government, or by a State, territory, or possession of the United States or by a political subdivision thereof, or by the District of Columbia.

b. Employment by a nonprofit organization, association, or corporation which is primarily engaged in a charitable activity conducted for the general public or in carrying out a program for the improvement of the public health or welfare, including scientific and educational activities in support thereof, when such activity or program is not principally for the benefit of the members of such organizations, associations or corporations, or for increasing the membership thereof; or

c. Employment in an activity of an organization, association, or corporation which is charitable in nature, performed for the benefit of the public health or welfare, including educational and scientific activities in support thereof, when such activity or program is not for profit.

Example: A profit-making organization operates a free clinic in a ghetto area and takes no profit from its operations. It is open to all persons. A conscientious objector could work in such a clinic.

2. Employers with blanket placement authority:

a. In order to expedite the placement of registrants in alternate service, the Director recognizes eligible and interested organizations and agencies as employers with blanket placement authority. These are organizations and agencies that qualify under paragraph 1 of this section, and have job assignments which qualify under § 660.7. Many of the jobs which they have available have previously been approved by one or more State Directors.

b. This program requires the advance approval by the Director of the activity of the organizations and agencies and the type of jobs to which they indicate 1–0 registrants will be assigned.

c. When an organization is approved by the Director as having blanket placement authority, all State Directors will be informed of the approval. The organization will submit SSS Forms 156 only for jobs which have been determined by the Director to be acceptable. Therefore, when any State Director receives an SSS Form 156 from an employer who has blanket placement authority, the job will be approved as acceptable.

The following is a list of organizations which have been approved as employers with blanket placement authority. The name and address of the organization and the name and title of the responsible official are given for your reference and assistance.

American Baptist Home Societies, Valley Forge, Pa. 19481, Mr. Matthew R. Giuffrida, Director, Volunteer Services.

Church of the Brethren, 1451 Dundee Avenue, Elgin, IL, Mr. Charles L. Boyer, Director, Volunteer Services, Ministry to Men Facing the Draft, World Ministries Commission.

Evangelical Covenant Church of America, 5101 North Francisco Avenue, Chicago, IL 60625, Mr. David Noreen, Chairman, Christian Education Department.

Mennonite Central Committee, 21 South 12th Street, Akron, PA 17501, Mr. Walton H. Hackman, Executive Secretary, Peace Section.

Synagogue Council of America, 420 Riverside Drive, New York, NY 10025, Rabbi Isador B. Hoffman, Coordinator, Alternate Service Program.

The Church Army in the U.S.A., 815 Second Avenue, New York, NY 10017, Sister Anne Albert, Coordinator, Volunteer Corps.

d. When a 1–W registrant is employed by an organization or agency with blanket placement authority, the State Director of the State in which the registrant is employed will serve in the same capacity and have the same responsibilities for the administrative control of the registrant as he would have for any other 1–W registrant employed in his State.

e. An organization or agency with blanket placement authority for initial placement will also have the authority to transfer a registrant to another acceptable job within the organization without prior approval from any State Director.

f. The organizations in this program will be responsible for advising the State Director who has custody of the registrant's selective service file, of placements, transfers, terminations, and other pertinent information.

If a job transfer is to another State, the State Director who has the registrant's selective service file will forward it to the State Director where the new employment is located.

g. When an organization or agency ceases to be a participant in the blanket placement program, all State Directors will be informed by the Director.

SEC. 660.7 *Eligible jobs for registrants performing alternate service.* 1. Five elements will be considered as the basis for determining whether a specific job is appropriate for the assignment of conscientious objectors. Elements (1) and (2) are mandatory, and will not be waived. Elements (3), (4), and (5) may be waived by the State Director when such action is deemed to be in the national interest and will speed the placement of the registrant in alternate service.

(1) *National health, safety, or interest.* The job must contribute to the maintenance of the national health, safety, or interest. Types of activities which provide jobs which would meet this requirement are shown in paragraph 1 of § 660.6.

(2) *Noninterference with the competitive labor market.* This means that the registrant cannot be assigned to a job for which there are more qualified applicants not in Class 1–O than job spaces available. This restriction does not prohibit the approval of such programs as the Peace Corps and VISTA.

(3) *Compensation.* The compensation will be adequate to provide a standard of living reasonably comparable to the standard of living the same man would have enjoyed had he entered the Armed Forces of the United States.

(4) *Skill and talent utilization.* The special skills of the registrant may be utilized whenever possible.

(5) *Job location.* A registrant will work outside his community of residence.

2. *Examples.* a. Phil Porter is a lawyer who requests approval to work as a public defender, financed by a nonprofit group and located in a very remote area. There are no present job applicants, even though the pay is much higher than that outlined in sec. 660.7(3). The pay provision can be waived in this instance at the discretion of the State Director. Phil could then be placed.

b. Ed Withers dropped out of college after 3 years. He describes his skill as psychology major. Neither Ed nor the State Director are able to locate a job utilizing this skill. The State Director learns of a need for hospital orderlies at an urban hospital in Ed's community of residence. By waiving both secs. 660.7 (4) and (5) the State Director may assign Ed to that hospital.

SEC. 660.8 *Assigning alternate service.* 1. The instructions accompanying the SSS Form 155 inform the registrant that he should return the SSS Form 152 to the State Director within 15 days of the date of mailing. Processing of the registrant for alternate service will continue even though the registrant does not return the SSS Form 152.

2. When the registrant submits an SSS Form 156 to the State Director of the State in which he is registered, that State Director will determine whether the work is acceptable. Any time the State Director disapproves a job proposed on SSS Form 156, or letter submitted by the employer, he will inform the registrant, in writing, of his decision within 10 days of the date of receipt of the SSS Form 156 or letter. A registrant who prior to the lapse of the 60-day period established in Sec. 660.5(3) of this chapter finds a job(s), but such job(s) are not approved by his State Director, may request, in writing, within 10 days, that the State Director's decision(s) be reviewed by the Director. The SSS Form 153 will be issued and the date of reporting postponed if necessary, until the Director has acted on the registrant's request, and the registrant has been informed by National Headquarters, in writing, of the Director's determination. The registrant's request for review will be considered by the Director on only one occasion prior to his initial assignment to alternate service. However, he may request a review of as many as three such adverse decisions on jobs in this one review.

3. When a proposed job is approved, or when the State Director locates an appropriate job for the registrant to perform, the registrant's file folder will be returned to the local board and the State Director will direct the registrant's file folder and an entry as to Form 153. The date set for the registrant to report to alternate service work assignment shall be at least 10 days from the date of issuance or mailing of his SSS Form 153. A copy of the SSS Form 153 will be placed in the registrant's file folder and an entry as to the date of issuance or mailing of the form shall be placed on page 8 of the SSS Form 100 or page 2 of the SSS Form 101. When the completed SSS Form 153, showing the registrant has entered employment, is received by the local board from the employer, the registrant's classification shall be reopened, and he shall be classified in Class 1–W. After the registrant is classified in Class 1–W and the classification has been entered on page 8 of the SSS Form 100 or page 2 of the SSS Form 101 and on the SSS Form 102, the file will immediately be returned to the State Director having jurisdiction over the registrant's local board.

4. Any reason for granting a postponement of an induction reporting date to a 1–A or 1–A–O registrant is sufficient reason for granting a postponement of the reporting date for alternate service in the event an SSS Form 153 has been issued.

5. In the event the registrant desires to begin employment prior to 60 days from the date his SSS Form 155 was issued to him, or sooner than the date designated in his SSS Form 153, he may do so by filing a waiver in writing with his local board. A sample of the waiver form is shown as Attachment 660–1. The written waiver will be placed in his file folder.

6. A registrant classified in Class 1–O may take a job anticipating that it might later be approved as alternate service. If such job is approved, the registrant will be given credit from the date he actually began working at that job or from the date he was classified in Class 1–O, whichever is later. No more than 24 months alternate service will be required of any registrant. Time spent looking for an initial job will not be credited toward the 24 months of service.

7. In the event the registrant is not issued an SSS Form 153 to report for alternate service with a reporting date prior to 330 days from the date processing formally began by issuance of the SSS Form 155, he will be placed in a lower priority selection group. Delays in processing due to litigation instituted by the registrant, or litigation pending against the registrant will not count toward the 330-day time period.

8. When the registrant is employed in a State other than that in which he is registered, his complete selective service file will be forwarded by the State Director having jurisdiction over his local board to the State Director where he is employed. If the registrant is transferred to a job in another State, the State Director who has the registrant's selective service file will forward it to the State Director of the State where the new employment is located, upon receipt of notification of the transfer.

9. A registrant in Class 1–W, working in an approved job, may make a written request to the State Director of the State in which he is employed to transfer him to a new job. The request must be made while the registrant is working in an approved job, and the registrant must remain on that job until the transfer is accomplished. The registrant must, at the time of the request, offer an alternative job to the State Director of the State in which he is employed for approval as alternate service. If the new job is approved, the State Director shall issue a letter order transferring him to the new job citing authority to place the registrant in appropriate work as provided in section 6(j) of the Military Selective Service Act.

10. If the State Director of the State in which the registrant is employed determines at any time that the registrant's original job ceases to be acceptable alternate service, he may reassign the registrant to an approved alternate service assignment. He should issue a letter order citing authority to reassign as stated in paragraph 9 above.

11. The Director of Selective Service or a State Director will issue travel orders, tickets, or transportation requests and meal and lodging requests to the registrant, or reimburse him, under applicable rules and directives, upon his request, for his travel from the office of the local board, the place of his residence, or his present location (whichever is nearest to his job assignment) to the location of the job assignment within the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, Guam, the Virgin Islands, and the Canal Zone, of the alternate service to which he is ordered. This also applies to his return travel from his place of assignment to the place from which his initial travel was authorized, upon his satisfactory completion of his period of work, and for his travel from one place of employment to another when his employment is transferred under the provisions of sec. 660.8, paragraphs (9) and (10) or sec. 660.10, paragraph (3) of this chapter.

12. When the registrant has completed his period of obligated alternate service, or is sooner released, his complete selective service file will be returned to his local board through the State Director within whose jurisdiction he is registered.

SEC. 660.9 *Performance of alternate service.* Any registrant who knowingly fails or neglects to perform satisfactorily his assigned alternate service, or whose service is unsatisfactory because of his failure to comply with reasonable requirements of an employer, shall be deemed to have knowingly failed or neglected to perform a duty required of him under the Military Selective Service Act. The registrant shall be deemed to have failed to perform satisfactorily if he did not meet the standards of performance, conduct, or appearance demanded by the employer of his other employees in similar jobs.

SEC. 660.10 *Management, control, and supervision of alternate service program.* 1. The selective service files of all registrants ordered to alternate service in lieu of induction shall be forwarded to the State Director. The State Director retains custody of the registrant's file until alternate service is completed except for the brief periods it must be returned to the local board for board action. In case the registrant is assigned to alternate service outside the State, the custody of the registrant's file is transferred to the State Director of the State of employment or to the Director of Selective Service.

2. Immediately upon receiving the file folder of a 1–O registrant ordered to alternate service, the State Director will establish necessary records and controls to provide for the timely placement and supervision of the registrant in alternate service.

3. Since the State Director has been delegated the authority for the placement of registrants in alternate service and for determining the appropriateness of the work to be performed, it is incumbent upon him to develop a sufficient number of jobs in his

State to take care of the prompt assignment of any registrant who does not locate, on his own, an appropriate job. The success of this program depends on having actual job vacancies to which registrants can be assigned.

4. The State Director must develop a program of job solicitation with eligible employers to provide openings for all registrants presently selected for alternate service and to take care of estimated requirements. In order to facilitate the placement of conscientious objectors, each State Director shall maintain for his own use and for use by the local boards in assisting registrants:

a. A current inventory of actual job openings in appropriate work.

b. An up-to-date inventory of approved employers who have agreed to employ conscientious objectors.

5. A plan should be developed for a continuing program of contacts with eligible employers in order to secure additional job vacancies. Employers who have at one time or another employed conscientious objectors provide a prime source of additional job openings. Many new employers may have to be convinced to participate in the program. Every means of contacting employers should be utilized. If field contacts are necessary, they must be made. Where there have been personal contacts with employers, the results have been successful. State Headquarters staff personnel, State inspectors, and area and group supervisors should be utilized for field contacts when necessary. Reserve and National Guard Officers performing training can be used effectively for making employer contacts.

6. With the training and skills information available for each registrant, from his file and from the SSS Form 152, it will be possible to match as closely as possible a registrant's qualifications with the job descriptions of the actual openings. The State Director should attempt to approve a job which may utilize a registrant's talents and skills, but his assignment to alternate service work should not be delayed because there may not be a job available which will enable him to use his talents and skills.

7. When a registrant submits his own proposed job a decision must be made within 10 days as to whether it is approved. Delay can result in the loss of the job opening. Likewise, when a registrant does not locate an approvable job on his own, he should be assigned immediately after his 60-day search period to one of the existing job vacancies that appears on the current inventory of job openings.

8. Each State Director should establish a program for making periodic on-the-job checks of registrants in alternate service assignments. This can be accomplished in many cases along with the contact with employers to secure new position vacancies. In addition to the State Director and his immediate staff, State inspectors and area and group supervisors as well as Reserve and National Guard Officers should be utilized in making on-the-job checks.

9. When complaints are received from alternate service employers or from employed registrants, immediate steps should be taken to resolve the problem. Complaints should be handled through personal contact by a member of the State Headquarters staff whenever possible.

SEC. 660.11 *Failure to enter upon or complete alternate service.* 1. Whenever a registrant is refused employment by an employer who had previously agreed to hire him, or whenever a registrant's employment is terminated, or whenever he quits his job, the State Director of the State in which the registrant is employed will review the circumstances involved to determine whether the registrant has failed to perform his work satisfactorily or to conduct himself satisfactorily.

2. Whenever the State Director of the State in which the registrant is employed has reason to believe that a registrant refused or constructively refused employment, or was relieved for cause or left his job unjustifiably he will conduct an investigation which will include the following steps: (1) Obtain a statement from the former employer describing the circumstances; (2) forward such statement to the registrant for review; (3) obtain a statement from the registrant in his own defense, if he wishes to make it; and (4) compile any other evidence which he thinks is relevant. He will then determine whether the termination was or was not due to the fault of the registrant. If he determines that it was due to the fault of the registrant, he may report the registrant for prosecution.

3. If the State Director of the State in which the registrant is employed finds that the termination was not due to the fault of the registrant, the State Director, as soon as practicable, will designate a new alternate service assignment, and issue a letter order reassigning the registrant to the new assignment. If the registrant complies with this reassignment, the intervening time between jobs will not constitute a break in the required period of alternate service.

SEC. 660.12 *Release from alternate service.* 1. The State Director of the State in which a registrant is working, or the Director, when the registrant is under his jurisdiction, will release the registrant upon completion of 24 months of satisfactory alternate service.

2. The State Director of the State in which the registrant is working, or the Director, may release a registrant prior to the completion of 24 months of satisfactory alternate service upon a determination of hardship, medical disqualification, or other bona fide basis for such early release. A 1–W registrant may be considered for early release, not to exceed 90 days, if evidence is presented that he is returning to school and that he has been accepted by such school. Further, a 1–W registrant may be considered for early release, not to exceed 90 days, upon submission of evidence that he has been accepted for employment and such employment will not be available if he remains in alternate service for 24 months. If the registrant is working outside the State in which he is registered, the decision as to early release will be made in consultation with the State Director of the State in which the registrant is registered.

3. When the registrant is employed in alternate service outside the State in which he is registered, the State Director of the State in which the registrant is employed, or the Director in the case of registrants employed overseas, will, upon completion of the registrant's term of service or approved early release, forward the registrant's complete selective service file to the State Director of the State wherein the registrant is registered. The file will be accompanied by a letter approving the registrant's release and will cite the reasons for release and the date of such release. When the file and letter approving release are received by the State Director of the State wherein the registrant is registered, he will forward them to the registrant's local board with a letter authorizing the issuance of Certificate of Release from Alternate Service (SSS Form 154) by the local board. A copy of SSS Form 154 will be placed in the registrant's file folder and an entry as to the date of mailing of the form shall be placed on page 8 of the SSS Form 100 or page 2 of the SSS Form 101.

4. When the registrant is employed in alternate service in the State in which he is registered, that State Director will, upon completion of the registrant's term of service or approved early release, forward the registrant's complete selective service file to his local board, together with a letter authorizing his release and citing the reason for release and the date of such release. Upon receipt of this letter of authorization and the file, the local board will issue an SSS Form 154. A copy of the SSS Form 154 will be placed in the registrant's file folder and an entry as to the date of mailing of the form shall be placed on page 8 of the SSS Form 100 or page 2 of the SSS Form 101.

5. If a registrant is released by the Director or State Director prior to the completion of 6 months of alternate service, his classification shall be reopened by his local board, and he shall be classified in the lowest class for which he qualifies.

SEC. 660.13 *Completion of alternate service.* A registrant who completes his 24 months of obligated alternate service in lieu of induction or is sooner released as provided for in sec. 660.12, paragraph 2, by the Director or State Director after 6 months or more of appropriate work, shall be classified in Class 4–W.

LOCAL BOARD STAMPS

STATEMENT OF WAIVER

Date_____

I desire to begin my alternate service work in lieu of induction:

(Check one)

☐ Prior to 60 days from the date Selection for Alternate Service (SSS Form 155) was mailed to me by my local board.

☐ Prior to the reporting date designated on Order to Report for Alternate Service and Statement of Employer (SSS Form 153) issued to me.

I desire to begin work on _____ or as soon thereafter as possible.

Signed _____

SS No. _____

RSN _____

BYRON V. PEPITONE,
Acting Director.

OCTOBER 16, 1972.

[FR Doc.72–17389 Filed 10–18–72;8:51 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–0295]

BT CAPITAL CORP.

Notice of Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1972)) under the name of BT Capital Corp., 600 Third Avenue, New York, NY 10016, for a license to operate in the State of New York as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.).

The proposed officers, directors and shareholders are:

Name	Title	Percent ownership of outstanding stock
William M. Eaton, 17 East 89th St., New York, NY 10028.	President and Director.	5
James G. Hellmuth, 1105 Park Ave., New York, NY 10028.	Vice President and Director.	----------
Charles F. Jennings, 50 Walthery Ave., Ridgewood, NJ 07450.	Treasurer	----------
Peter H. Bickford, 132 East 35th St., New York, NY 10016.	Secretary	----------
James J. Baechle, 128 Harbor Road, Cold Spring Harbor, NY 11724.	Director	----------
Chester Baylis, Jr., Box 91, Locust, NJ 07760.	do	----------
Robert H. Brome, 175 Beechwood Road, Ridgewood, NJ 07450.	do	----------
Alan V. Iselin, 30 Marion Ave., Albany, NY 12203.	do	----------
Douglas L. King, 242 East 72d St., New York, NY 10021.	do	----------
Burton I. Koffman, 300 Plaza Dr., Binghampton, NY 13903.	do	8.33
Marion J. Lebworth, 784 Park Ave., New York, NY 10021.	do	5
Glenway W. Maxon, Jr., 901 Runnymede Rd., Dayton, OH 45419.	do	----------
Irwin Schloss, 895 Park Ave., New York, NY 10021.	do	----------
Allen D. R. Stern, 280 Park Ave., New York, NY 10017.	do	----------
Bankers Trust New York Corp.		45
Frank B. Hall & Co.		8.33
A. V. Iselin & Co., Inc.		5
Maxon Corp.		5
Marcus Schloss & Co., Inc.		8.33
Baylis & Co.		5
Isador M. Gross		5

The company will begin operations with an initial capital of $600,000. No concentration in any particular industry is planned.

Neither Bankers Trust New York Corp. nor any of its subsidiaries or affiliates has any direct or indirect stock ownership or management contracts in any of the corporations or partnerships which are to become stockholders of BT Capital Corp.

The applicant expects to make loans and equity investments with an emphasis on loans convertible into equity and equity investments with stock options. It intends to finance small business concerns located principally in New York State which have had difficulty obtaining funds to finance their operations and for normal growth expansion. It may expand its future operations into other states, territories and possessions.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than fifteen (15) days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, N.Y.

Dated: October 16, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-17867 Filed 10-18-72;8:53 am]

TARIFF COMMISSION

[TEA-W-158]

MUTER CO.

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Jensen Manufacturing Division, The Muter Co., Chicago, Ill., plant, and its successor Pemcor, Inc., the U.S. Tariff Commission, on October 13, 1972, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with loudspeakers (of the type provided for in Item 684.7020 of the Tariff Schedules of the United States Annotated) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: October 16, 1972.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-17868 Filed 10-18-72;8:53 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

TAX TREATMENT OF CONTRIBUTIONS OF APPRECIATED PROPERTY TO COMMITTEES OF POLITICAL PARTIES

Notice of Opportunity To Submit Written Comments and To Request Public Hearing

This notice is given in accordance with the announcement made in Internal Revenue Service News Release IR-1257, dated October 3, 1972.

It has come to the attention of the Internal Revenue Service that campaign committees affiliated with both major parties have been accepting contributions of appreciated property. Questions have been raised as to what tax consequences arise where such committee or the party later sells such property.

It has been the position of the Internal Revenue Service that campaign contributions are gifts for gift tax purposes. (However, a recent decision by the Court of Appeals for the Fifth Circuit held to the contrary).

The general rule with respect to gifts is that the donee takes over the contributor's "basis," i.e., his tax cost, for income tax purposes. Thus, if an individual contributes property worth $100, which cost him $10, to another person, the tax cost of the property in the hands of the latter person would be $10. If such latter person then sells the property for $100, he has realized a gain of $90. The same result occurs if the contributor sells the property to the latter person for $10. Applying this general rule in the political area, persons who contribute appreciated property (or who sell it for no more than their cost) realize no gain on the contribution; but, gain would be realized by the recipient when it sells the appreciated property.

It is the published position of the Internal Revenue Service (Rev. Proc. 68-19, C.B. 1968-1, 810) (copy set forth below) that where a political campaign fund maintained by or for an individual candidate realizes income on the fund balance, such income constitutes gross income and may be reported on a fiduciary tax return (Form 1041) with any tax due thereon paid with the filing of the return.

It is a matter of history that the Internal Revenue Service has never required the filing of income tax returns by political parties as such. It appears that this practice had its inception and was continued in the belief that virtually all of the receipts of the parties were from gifts and that the parties would not have taxable income. This practice made it unnecessary to decide finally whether parties were subject to tax. Until recently the Internal Revenue Service was unaware of any extensive practice of political contributions being made in appreciated property.

In view of the apparent and recent common practice of transactions involving appreciated property for political purposes, the Internal Revenue Service must now consider what tax results arise where such property is sold. It must also consider whether and what type of income tax returns are required from political parties, it being recognized that the sale of such property by the parties may produce substantial amounts of realized gain which may go untaxed if the parties file no returns.

Rev. Proc. 68-19 was directed principally at funds maintained for individual candidates and did not provide definitive guidelines with reference to political parties and the many varied political

committees presently in existence. No definitive guidelines have previously been issued with regard to whether, and to what extent, deductions are allowable against any income reported by a political party, committee, or fund maintained for an individual candidate. Under these circumstances, the Internal Revenue Service believes that persons affected should have the right to present briefs on the issues involved, and that a public hearing should be held in connection with the issues.

Among the issues to be considered is the extent to which the rules to be formulated should be applied without retroactive effect pursuant to section 7805(b) of the Internal Revenue Code of 1954.

Further, consideration will be given to whether there is a need to formulate new, or to amend existing, income tax regulations and also to what extent it may be desirable for the Treasury Department to seek legislation.

Accordingly, notice is hereby given that consideration will be given to any comments or suggestions pertaining to the matters discussed hereinbefore which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by November 20, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on the matters discussed hereinbefore should submit his request, in writing, to the Commissioner by November 20, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register.

LEE H. HENKEL, Jr.,
Chief Counsel.

[Rev. Proc. 68-19]

Factors Considered by the Internal Revenue Service in Determining the Taxability of Political Funds

SECTION 1. *Purpose.* .01 The purpose of this Revenue Procedure is to set forth the factors considered by the Internal Revenue Service in determining the taxability of political funds such as campaign contributions, political gifts, and proceeds derived from fund-raising dinners (sometimes referred to as "testimonial dinners") received and disposed of by or on behalf of political candidates.

.02 For purposes of this Revenue Procedure, the term "political candidates" includes any political figure who receives or has received political funds, whether or not he has announced his candidacy for nomination or election or reelection to any elective public office.

SEC. 2. *Background.* Political funds are not taxable to the political candidate by or for whom they are collected if they are used for expenses of a political campaign or some similar purpose. However, any amount diverted from the channel of campaign activity and used by the political candidate for any personal purpose is income taxable to such candidate for the year in which the funds are so diverted. See I.T. 3276, C.B. 1939-1 (Part 1), 108, and Rev. Rul. 54-80, C.B. 1954-1, 11, cited with approval in William O'Dwyer, et ux. v. Commissioner, 266 F. 2d 575 (4th Cir. 1959), certiorari denied, 361 U.S. 862 (1959), and United States v. Leslie E. Jett, 352 F. 2d 179 (6th Cir. 1965), certiorari deined, 383 U.S.C. 935 (1966).

SEC. 3. *Expenditures of political funds.* .01 Political funds expended by a political candidate, or by a political organization or committee which accepts contributions on behalf of such candidate will be considered to be used for campaign or similar purposes if they are: (1) Utilized for generally recognized campaign expenses (see, for example, Cal. Elections Code, sec. 11504; N.Y. Penal Law sec. 767), regardless of when such expenses were incurred; (2) contributed to the national, State or local committee of the candidate's party; or (3) used to reimburse the political candidate for out-of-pocket campaign expenses paid by him during a current campaign, or, if he is not currently campaigning, during his last previous campaign.

.02 The expenditure of political funds by a political candidate for other than campaign or similar purposes will be considered a diversion of such funds requiring the funds so expended to be included in his income. However, deductions will be allowed for those expenditures which qualify as deductible under the applicable provisions of the Internal Revenue Code of 1954. For example, depending on the facts and circumstances present, an expenditure could qualify as an ordinary and necessary business expense deductible under section 162 of the Code or as a charitable contribution deductible under section 170 of the Code.

.03 Unexpended balances of political funds which are repaid to known contributors are not considered to be either expended or diverted for purposes of this section.

SEC. 4. *Accounting for political funds.* .01 Detailed substantiating records should be kept by the political candidate or other custodian so as to enable the candidate to account accurately for the receipt and disbursement of political funds if he wishes to have political funds treated as such by the Service or to take advantage of allowable deductions. Disbursements will be included in the income of the political candidate in the absence of a showing that the funds were used for campaign or similar purposes or repaid to known contributors. If political funds are commingled with the personal funds of the political candidate so as to render tracing or identification impracticable, the political funds will be presumed to have been diverted to personal use at the time so commingled.

.02 If an unexpended balance of political funds is set aside in a separate bank account, the political candidate, committee, or organization holding such funds may report any income credited to the account on a U.S. Fiduciary Income Tax Return, Form 1041, for the taxable year in which such income is so credited, and pay any tax shown by such return to be payable.

SEC. 5. *Presumption against unrestricted gifts.* The Service will presume in the absence of evidence to the contrary that contributions to a political candidate are political funds which are not intended for the unrestricted personal use of such recipient. If it can be shown that the funds were intended for the unrestricted personal use of the political candidate, then the Service will apply the principles set forth in Commissioner v. Mose Duberstein, et al., 363 U.S. 278 (1960), Ct. D. 1850, C.B. 1960-2, 428, and Max Kralstein, et ux., 38 T.C. 810 (1962), acquiescence, C.B. 1963-2, 4, to determine whether or not the funds may be excluded from his gross income under section 102 of the Code.

[FR Doc.72-18037 Filed 10-18-72;10:17 am]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 83, Amdt. 3]

ALASKA CARRIERS ASSOCIATION, INC.

Approval of Agreement Regarding Application for Relief

Order. At a session of the Interstate Commerce Commission, Review Board No. 4, held at its office in Washington, D.C., on the 4th day of October 1972.

It appearing, that in prior reports in 321 I.C.C. 7, and 322 I.C.C. 697, the Commission, Division 2, considered the agreement, as amended, filed in the above-entitled proceeding under section 5a of the Interstate Commerce Act, and that upon submittal of further amendments to the agreement in conformity with the views and conclusions expressed in the prior reports, an order was entered August 21, 1964, approving the revised agreement; and that proposed amendments filed November 22, 1965, assigned amendment No. 1, were permitted to be voluntarily withdrawn; and that further amendments to the said agreement were approved by order of January 15, 1969;

It further appearing, that the parties to the agreement approved herein filed an application on December 1, 1971, under the provisions of section 5a of the act, seeking approval of further amendments to the agreement as set forth in detail in said application, which would change the agreement so as to (1) authorize standing rate committees to appoint subcommittees within any regional area to initially process proposals and make recommendations to the committee; and (2) modify provisions governing the business affairs of the Association so as to (a) increase the maximum indebtedness or liability of the association to $200,000 in lieu of $20,000; (b) restrict the voting rights of associate members to election of the Chairman, Vice Chairman and Secretary of the Associate Member Conference; (c) permit a mail vote on amendment of bylaws or articles of incorporation in cases of urgency, in lieu of an emergency, (d) increase the number of directors at large, based on the amount of equipment registered with the Association, (e) establish the office of second vice president, and (f) make incidental changes made necessary by the foregoing changes;

And it further appearing, that the applicants have served copies of the said application upon all parties to the proceeding, that public notice of the nature of the amendments was issued and published in the FEDERAL REGISTER, and that no objections thereto have been filed.

Wherefore, and good cause appearing therefor:

We find, that approval of the amendments herein are not prohibited by paragraphs (4), (5), or (6) of section 5a of the Interstate Commerce Act, and that by reason of the furtherance of the national transportation policy, the relief provided in paragraph (9) of section 5a of the act should apply with respect to the making and carrying out of the agreement as so further amended;

We further find, that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; therefore:

It is ordered, That the amendments to the said agreement as specified in the application filed December 1, 1971, be, and they are hereby, approved; and that this order shall become effective on, and remain in force on and after 35 days from the service date of this order, subject to such terms and conditions or regulations as may hereafter be prescribed.

And it is further ordered, That the applicants hereto, within 3 months from the date of service of this order furnish the Commission with four copies of the revised agreement, including the amendments approved herein, to which is appended a verified current list of the signatory carrier parties to the said agreement, for the purpose of providing the Commission with a single document containing the agreement with all revisions and carrier parties thereto.

By the Commission, Review Board No. 4.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-17880 Filed 10-18-72;8:54 am]

[Notice 99]

ASSIGNMENT OF HEARINGS

OCTOBER 16, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 115841 Sub 434, Colonial Refrigerated Transportation, Inc., now assigned November 3, 1972, at Dallas, Tex., is postponed indefinitely.

FD-26588, Detroit and Toledo Shore Line Railroad, petition for joint use of terminal facilities at Trenton, Mich., now assigned October 30, 1972, at Toledo, Ohio, is postponed indefinitely.

MC 119767 Subs 287 and 292, Beaver Transport Co., now assigned November 6, 1972, I & S 8773, transit, vegetable and animal oils, Midwest to West, now assigned November 8, 1972, hearings will be held in Room 705, Customhouse, 610 South Canal Street, Chicago, Ill.

MC-C-7822, Mississippi Chemical Express, Inc., and Stauffer Chemical Co., Inc.—investigation of operations, now assigned November 7, 1972, MC-107002 Sub 416, Miller Transporters, Inc., now assigned November 9, 1972, will be held in Room 1210 (main floor), Federal Building, 701 Loyola Avenue, New Orleans, LA.

MC-115162 Sub 212, Poole Truck Lines, Inc., now assigned November 13, 1972, will be held at Howard Johnson Motel, 3132 Government Boulevard, Junction Highways 90 and I-95, Mobile, Ala.

MC 3700 Sub 66, Manhattan Transit Co., now assigned October 30, 1972, at Newark, N.J., hearing is postponed indefinitely.

MC 116710 Sub 17, Mississippi Chemical Express, Inc., now being assigned hearing November 7, 1972 (2 days), at New Orleans, La., in a hearing room to be later designated.

MC 116165 Sub 5, Murray Hill Limousine Service, Ltd., continued to January 15, 1973 (1 week), at New York, N.Y., and January 22, 1973 (3 days), at Albany, N.Y., in hearing rooms to be later designated.

MC 78400 Sub 27, Beaufort Transfer Co., now assigned December 12, 1972, at Jefferson City, Mo., hearing will be held in the Jefferson State Office Building, 14th Floor, 100 Jefferson Street.

MC-C-7408, Klipsch Hauling Co.—investigation and revocation of certificates—now being assigned hearing December 5, 1972, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 119632 Sub 54, Reed Lines, Inc., now assigned January 8, 1973, MC 29886 Sub 282, Dallas & Mavis Forwarding Co., Inc., now assigned January 9, 1973, MC 105566 Sub 53, Sam Tanksley Trucking, Inc., extension—bananas, now assigned January 10, 1973, MC-C-4201, Midwest Emery Freight System, Inc., investigation and revocation of certificates, now assigned January 15, 1973, MC 114019 Sub 199, Midwest Emery Freight System, Inc., extension—meats, now assigned January 15, 1973, hearings will be held in the Courtroom 4, State Office Building, 65 South Front Street, Columbus, OH.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-17873 Filed 10-18-72;8:53 am]

[Notice 143]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. 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-73891. By order of October 2, 1972, the Motor Carrier Board approved the transfer to Carter Moving & Storage of New Jersey, Inc., Jersey City, N.J., of the operating rights in Certificate No. MC-21474 issued March 29, 1949, to Theodore Burak, doing business as Strawberry Mansion Storage Co., acquired by James Carter, Jr., Jersey City, N.J., pursuant to approval in No. MC-FC-73504, authorizing the transportation of household goods between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, and the District of Columbia. Maurice M. Green, 1530 Chestnut Street, Philadelphia, PA 19102, attorney for applicants.

No. MC-FC-73897. By order of October 6, 1972, the Motor Carrier Board approved the transfer to F. G. G. Motor Freight, Inc., Wallington, N.J., of the operating rights in certificates Nos. MC-112107 (Sub-No. 1), MC-112107 (Sub-No. 2), MC-112107 (Sub-No. 3), and MC-112107 (Sub-No. 4) issued July 23, 1951, October 22, 1953, February 23, 1956, and May 13, 1968, respectively, to New England Motor Freight, Inc., Paterson, N.J., authorizing the transportation of general commodities, with usual exceptions, (1) over regular routes between Paterson, N.J., and Providence, R.I., serving all intermediate points and various off-route points in New Jersey, Connecticut, Rhode Island, and Massachusetts; between New London, Conn., and Providence, R.I.; between Norwich, Conn., and New London, Conn., and between Danielson, Conn., and Providence, R.I., and (2) over irregular routes, between points within 15 miles of Boston, Mass., including Boston, and between points in Massachusetts within 25 miles of Providence, R.I., and those within 15 miles of Boston, including Boston, on the one hand, and, on the other, points in Massachusetts. Morton E. Kiel, 140 Cedar Street, New York, NY 10006, registered practitioner for applicants.

No. MC-FC-73951. By order of October 2, 1972, the Motor Carrier Board approved the transfer to Paul B. Forsyth, Helen T. Forsyth, and John J. Forsyth, doing business as Forsyth Trucking Co., 39 Center Street, Batavia, NY 14020, of the Certificate and Certificate of Registration in Nos. MC-7690 and MC-7690 (Sub-No. 5), issued September 25, 1962, and July 1, 1964, respectively, to John T. Forsyth, Helen T. Forsyth, and Paul B. Forsyth, a partnership, doing business as Forsyth Trucking Co., Batavia, N.Y., authorizing the transportation of general commodities, with usual exceptions, between Batavia, N.Y., and Akron, N.Y.,

serving specified intermediate points, and general commodities, household goods, and heavy merchandise as described in certificate of public convenience and necessity No. 1275 dated March 22, 1960, issued by the New York Public Service Commission, between specified points in New York.

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17872 Filed 10-18-72;8:53 am]

[Notice 144]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 16, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-74022. By application filed October 13, 1972, SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, Post Office Box 616 Pico Rivera, CA 90660, seeks temporary authority to lease the operating rights of BOAT TRANSIT, INC., Post Office Box 1403, Newport Beach, CA 92663, under section 210a(b). The transfer to SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17871 Filed 10-18-72;8:53 am]

[Sec. 5a Application 72, Amdt. 1]

NATIONAL ASSOCIATION OF SPECIALIZED CARRIERS, INC.

Motor Carrier Interrelated Rate Agreement

AUGUST 25, 1972.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed April 10, 1972 by:

National Association of Specialized Carriers, Inc., Post Office Box 331, 74 Moore Avenue NE., Marietta, GA 30060.

Archie B. Culbreth, Attorney for Applicant, Suite 246, 1252 West Peachtree Street NW., Atlanta, GA 30309.

The amendments involve: The addition of certain motor common carrier members of National Association of Specialized Carriers, Inc., as new carrier parties to the approved titled agreement and designating James M. Parrish as their agent and Attorney-in-fact thereunder. Applicants are collectively engaged between and among themselves in the establishment of rates and related matters governing the transportation of commodities which, because of size or weight, require the use of special equipment, pursuant to an agreement approved in section 5a Application No. 87, and seek approval to participate in interrelated matters with other motor carrier member groups presently party to such interrelated agreement.

The application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

By the Commission.

JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-17877 Filed 10-18-72;8:54 am]

[Sec. 5a Application 109]

MISTLETOE EXPRESS SERVICE

Motor Express Carriers Bureau—Agreement

OCTOBER 2, 1972.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed September 1, 1972 by:

John F. Fesler, Mistletoe Express Service, 111 East Harrison, Oklahoma City, OK 73104, for and on behalf of Applicants, Max G. Morgan and Robert J. Mildfelt, 600 Leininger Building, Oklahoma City, OK 73112, attorneys for applicants.

Agreement between and among common carriers by motor vehicle governing the organization and procedures for the joint consideration, initiation or establishment of joint rates and rules, regulations and practices applicable thereto, for the transportation of freight in express service, in interstate and foreign commerce, between points in the States of Arkansas, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Oregon, Texas, Utah, and Wyoming.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters without public hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17879 Filed 10-18-72;8:54 am]

[Sec. 5a Application 6, Amdt. 9]

SOUTHERN FREIGHT ASSOCIATION ET AL.

Approval of Agreement Regarding Application for Relief

Order. At a session of the Interstate Commerce Commission, Review Board Number 4, held at its office in Washington, D.C., on the 4th day of October, 1972.

It appearing, that the Commission, Division 2, in a report of October 18, 1951, 283 ICC 245, approved, subject to terms and conditions, the agreements filed in the above-entitled proceeding under section 5a of the Interstate Commerce Act; that upon submittal of amendments in conformity with the views and conclusions expressed in the said report, an order was entered July 14, 1952, approving the amended agreements; and that further amendments to the said agreements were approved by orders of December 3, 1952, February 24, 1955, November 10, 1955, July 12, 1956, May 1, 1962, February 2, 1968, February 2, 1970, and April 8, 1970;

It further appearing, that carriers parties to the agreement approved herein, filed an application on May 15, 1972, under the provisions of section 5a of the act, seeking approval of further proposed amendments to the said agreement so as to (1) eliminate the requirement of title rankings for eligible members and alternates represented on the Conference Committee and to provide for such committee meetings upon call rather than bimonthly (Article II, section 3), and (2) authorize the Executive Committee to determine the equitable apportionment of ordinary association expenses among members, in lieu of apportionment by annual gross revenues (Article V, paragraph (e));

And it further appearing, that the applicants have served copies of the said application upon all parties to the proceeding, that public notice of the nature of the amendments was issued and published in the FEDERAL REGISTER, and that no objections thereto have been filed.

Wherefore, and good cause appearing therefor:

We find, that approval of the amendments herein are not prohibited by paragraphs (4), (5), or (6) of section 5a of the Interstate Commerce Act, and that by reason of the furtherance of the national transportation policy, the relief provided in paragraph (9) of section 5a of the act should apply with respect to the making and carrying out of the agreement as so further amended; therefore:

We further find, that this decision is not a major Federal action significantly

affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

It is ordered, That the amendments to the said agreement as specified in the application filed May 15, 1972, be, and they are hereby, approved; and that this order shall become effective on, and remain in force on and after 35 days from the service date of this order, subject to such terms and conditions or regulations as may hereafter be prescribed.

And it is further ordered, That the applicants hereto, within 3 months from the date of service of this order furnish the Commission with (4) copies of the revised agreement, including the amendments approved herein, to which is appended a verified current list of the signatory carrier parties to the said agreement, for the purpose of providing the Commission with a single document containing the agreement with all revisions and carrier parties thereto.

By the Commission, Review Board Number 4.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17875 Filed 10-18-72;8:54 am]

[Sec. 5a, Application 64, Amdt. 7]

STEEL CARRIERS' TARIFF ASSOCIATION, INC.

Application for Approval of Amendments to Agreement

OCTOBER 6, 1972.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed Sept. 7, 1972 by:

Warren A. Rawson, Managing Director, Steel Carriers' Tariff Assoc., Inc., 6410 Kenilworth Ave., East Riverdale, MD 20840.

Bryce Rea, Jr., 917 Munsey Building, 1329 E Street NW., Washington, DC 20004.

The amendments involve: (1) Changing the number of trustees of the Association from nine to 13, additional members to be elected at a special election; extending terms of all trustees from 3 to 4 years and number of trustees constituting a quorum from five to seven; and (2) Enlarge the territorial jurisdiction for members collective ratemaking to include the following States: Arkansas, Georgia, Iowa, Kansas, Minnesota, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, and the portions of Kentucky and Michigan not presently embraced in the Agreement.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigation and determine the matters involved without public hearing.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17874 Filed 10-18-72;8:53 am]

[Notice 84]

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

OCTOBER 13, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing: (1) That it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 29660 (Sub-No. 19), filed September 5, 1972. Applicant: HERMAN LOZOWICK TRUCKING CO., a corporation, 1551 Park Avenue South, Linden, NJ 07037. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Cable and wire,* from Linden and Hillside, N.J., to New York, N.Y., and points in Westchester, Suffolk, and Nassau Counties, N.Y.; and (2) *empty reels, returned, damaged, and salvaged cable or wire, and materials and supplies* used in the manufacture of cable and wire (except in bulk), from New York, N.Y., and points in Westchester, Suffolk, and Nassau Counties, N.Y., to Linden and Hillside, N.J., under contract with Hatfield Wire & Cable Division of Continental Copper & Steel Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 29886 (Sub-No. 286) (Correction), filed September 8, 1972, published in the FEDERAL REGISTER, issue of October 5, 1972, under MC 136990 Sub No. 1, and republished as corrected this issue. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *tractor parts and attachments therefor,* from Romeo, Mich., to points in that part of Illinois east of U.S. Highway 51 and north of U.S. Highway 50; Indiana, Ohio, that part of Kentucky east of U.S. Highway 127, that part of New York west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219 to Hamburg, N.Y., and thence along U.S. Highway 62 to Niagara, N.Y., that part of Pennsylvania west of U.S. Highway 219, and that part of West Virginia west of U.S. Highway 219. Restriction: The authority sought hereinabove is restricted to the transportation of shipments originating

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

at the plantsite of Ford Motor Co. located at or near Romeo, Mich., and destined to the named destination points above. NOTE: Common control may be involved. The purpose of this correction is to show the correct docket number assigned thereto. Applicant also conducts operations as a passenger carrier under MC 136990. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30837 (Sub-No. 455), filed September 25, 1972. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks*, in secondary movements, in truckaway service, from points in Multnomah County, Oreg.; Clark, King, and Pierce Counties, Wash., to points in Oregon, Washington, Idaho, Montana, California, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg. or Seattle, Wash.

No. MC 35628 (Sub-No. 337), filed September 5, 1972. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Wilson Certified Foods, Inc., at Marshall, Mo., to points in Colorado, Connecticut, Delaware, Indiana, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 35628 (Sub-No. 338), filed September 22, 1972. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, MI 49504. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49504. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities, in bulk, and those requiring special equipment, serving the plantsite and facilities of Spicer Axle Division, Dana Corp., at Edgerton, Wis., as an off-route point in connection with operations between Janesville and Madison, Wis. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 35628 (Sub-No. 339), filed September 28, 1972. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the warehouse site of Western Electric located at or near Underwood, Iowa, as an off-route point in connection with operations to and from Omaha, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 56679 (Sub-No. 68), filed September 11, 1972. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue, Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Hart, Holland, and Lake Odessa, Mich., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Connecticut, Maine, Massachusetts New Hampshire, Rhode Island, Vermont, and the District of Columbia. Restricted to the transportation of shipments originating at the warehouse facilities of Ore-Ida Foods, Inc. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Grand Rapids, Mich., or Washington, D.C.

No. MC 59531 (Sub-No. 94), filed September 18, 1972. Applicant: ESTATE OF HARRY E. STEWART, PETER P. STEWART, HENRY EXALL, JR., PETER STEWART TRUST A–E, WALDO E. STEWART TRUST 1–5, AND IAN, INC., a partnership, doing business as AUTO CONVOY CO., 3020 South Haskell Avenue, Dallas, TX 75223. Applicant's representative: Walter N. Bieneman, 1 Woodward Avenue, Suite 1700, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *parts thereof* moving therewith, in secondary movements, in truckaway and driveaway service, from Houston, Galveston, and Port Arthur, Tex., to points in Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Missouri, and Kansas, restricted to traffic moving in foreign commerce only. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 69371 (Sub-No. 4), filed September 18, 1972. Applicant: NORMAN TRANSPORTATION LINES, INC., 6201 Lee Road, Maple Heights (Cleveland), OH 44137. Applicant's representative: John H. Baker, 435 Delaware Avenue, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, (1) from Buffalo, N.Y., to Youngstown, Ohio and (2) from Cleveland (Maple Heights), Ohio, to Burgettstown (Washington County), Pa., and points in Allegheny, Beaver, and Butler Counties, Pa., under contract with The Great Atlantic & Pacific Tea Co., Inc. NOTE: Applicant states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 72243 (Sub-No. 31), filed September 22, 1972. Applicant: THE AETNA FREIGHT LINES, INC., Post Office Box 350, 2507 Youngstown Road SE., Warren, OH 44482. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products, equipment, materials, and supplies* used in the manufacture and processing of aluminum and aluminum products, between points in Hancock County, Ky., on the one hand, and, on the other, points in Florida, Georgia, Kansas, North Carolina, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 77972 (Sub-No. 20), filed September 25, 1972. Applicant: MERCHANTS TRUCK LINE, INC., Post Office Box 908, New Albany, MS 38652. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Pontotoc and Bruce, Miss., from Pontotoc over

Mississippi Highway 9 to Bruce and return over the same route, serving no intermediate points, including Bruce, but serving the plantsites and/or warehouse facilities of Brookwood Furniture, a division of U.S. Industries, located at or near Bruce, Miss., as off-route points in connection with applicant's presently authorized authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 82063 (Sub-No. 42), filed August 21, 1972. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough, St. Louis, MO 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid alum*, in bulk, in tank vehicles, from Pine Bluff, Ark., to points in Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, Texas; (2) *Pentachlorophenol*, dry, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Alabama, Mississippi, Louisiana, and Tennessee, and (3) *Liquid sweeteners*, in bulk, in tank vehicles, from Pine Bluff, Ark., to points in Arkansas and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 87720 (Sub-No. 133) (amendment), filed September 20, 1972, published in the FEDERAL REGISTER issue of October 5, 1972, and republished as corrected this issue. Applicant: BASS TRANSPORTATION CO., INC., Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collings, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, paint additives, ink and ink additives, plastic materials and products*, from Fords, Garfield, Elizabeth, East Rutherford, Rockaway, Carlstadt, Belleville, Paterson, Moonachie, Piscataway, and Linden, N.J., and New York, N.Y., to points in Indiana, Michigan, Ohio, Illinois, Missouri, Minnesota, Wisconsin, Kentucky, Iowa, and Kansas; and (2) *materials, supplies and equipment*, utilized in the manufacture, sale, and distribution of the commodities described above, from the named destination States to the above-described origins. Restriction: The proposed service to be restricted against the transportation of commodities in bulk, and be performed under contract with Tenneco, Inc. NOTE: Applicant holds common carrier authority under MC 135684 and (Sub-No. 1), therefore common control and dual operations may be involved. The purpose of this republication is to amend the proposed authority by broadening the commodity description and territorial scope. The rest of the application remains the same. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95876 (Sub-No. 129), filed September 15, 1972. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies used in the quarrying, fabricating, manufacturing, and installation of granite, marble, slate, and stone* (except commodities which because of size or weight require the use of special equipment and commodities in bulk), between points in Vermont on the one hand, and, on the other, points in the United States (except Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, Virginia, Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 103993 (Sub-No. 735), filed September 17, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Chippewa County, Minn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 107012 (Sub-No. 162), filed September 21, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New household furnishings and equipment*, crated and uncrated, (1) between points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming and (2) between points in Illinois, Indiana, Michigan, Missouri, Ohio, and Wisconsin, on the one hand, and, on the other, points in the United States (except points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, the District of Columbia, Alaska, and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority at Chicago, Ill., Cleveland, Ohio, and specified points in Indiana to provide through service involving Iowa and Kentucky. However applicant indicates it has no present intent to do so. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107818 (Sub-No. 62), filed September 22, 1972. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Post Office Box 608, Pompano Beach, FL 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. 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*, from the plantsites and facilities of Lee & Johnson, Inc., at Alma, Ga., to points in Alabama, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at said origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 109462 (Sub-No. 23), filed September 25, 1972. Applicant: LUMBER TRANSPORT, INC., Post Office Box 6181, South Station, Fort Smith, AR 72901. Applicant's representative: Robert G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products* (except commodities in bulk, in tank vehicles) from El Paso, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., or Albuquerque, N. Mex.

No. MC 110064 (Sub-No. 3), filed September 13, 1972. Applicant: BILL MEEKER, 1733 North Washington (Post Office Box 11184), Wichita, KS 67202. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*,

by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from St. Louis, Mo., to Arkansas City, Kans., and (2) *empty malt beverage containers*, from Arkansas City, Kans., to St. Louis, Mo., under contract with Ark Valley Distributing Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 110192 (Sub-No. 2), filed September 11, 1972. Applicant: HIRAM LEIGH, doing business as SANDERS & LEIGH, Liberty, Ky. 42539. Applicant's representative: Fred F. Bradley, Post Office Box 773, Courthouse, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Casey County, Ky. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Frankfort, Louisville, or Lexington, Ky.

No. MC 110380 (Sub-No. 8), filed September 25, 1972. Applicant: BERSCHENS OF MADISON, INC., 241 South Segoe Road, Madison, WI 53705. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *plastic pipe and conduit*, (2) *metal culverts*, and (3) *materials, supplies, and tools* used in the installation of plastic pipe and conduit and metal culverts, from Madison, Wis., to points in Minnesota, Wisconsin, Iowa, Illinois, Indiana, Ohio, Michigan, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 110563 (Sub-No. 87), filed September 25, 1972. Applicant: COLDWAY FOOD EXPRESS, INC., 113 North Ohio Avenue, Ohio Building, Post Office Box 747, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from York and Grand Island, Nebr., to points in Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Maryland, Delaware, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and Rhode Island. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Chicago, Ill., and Cleveland, Ohio, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Grand Island or Lincoln, Nebr.

No. MC 110563 (Sub-No. 88), filed September 25, 1972. Applicant: COLDWAY FOOD EXPRESS, INC., 113 North Ohio Avenue, Ohio Building, Post Office Box 747, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* and (2) *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides, pelts, and commodities in bulk), from Lyons, Nebr., to points in Pennsylvania, Missouri, Kansas, Colorado, Iowa, South Dakota, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 112304 (Sub-No. 60), filed August 29, 1972. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from Malvern, Pa., to points in Massachusetts, Connecticut, Rhode Island, Delaware, New Jersey, and Nassau and Suffolk Counties, N.Y., and (2) from Claymont, Del., to Malvern, Pa. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114004 (Sub-No. 120), filed September 22, 1972. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: Harold G. Hernly, Jr., 2030 North Adams Street, Suite 510, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, and *buildings mounted on wheeled undercarriage equipped with hitch ball connections*, from points of manufacture located in Pickens County, Ala., to points in the United States including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 114211 (Sub-No. 175), filed September 26, 1972. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, 324 Manhard Street, Waterloo, IA 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors;* (2) *Equipment* designed for use in conjunction with tractors; (3) *Attachments* for the above-described commodities; (4) *Parts* of the above-described commodities and (5) *Materials, equipment, and supplies* (except commodities in bulk), used in the manufacture, sale and distribution of the commodities described in (1) through (4) above, between Fargo, N. Dak., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but, indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 114211 (Sub-No. 176), filed September 26, 1972. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements, loaders, platforms feeders, trailers, wagons, augers, spreaders, buckets, hoists, accessories, attachments and parts*, from Lester Prairie, Minn., to points in the United States (except Alaska and Hawaii), and (2) *Equipment, materials, and supplies*, used in the manufacture or distribution of the above described commodities (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Lester Prairie, Minn. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the applicant may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 115180 (Sub-No. 86), filed August 22, 1972. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10011. Applicant's representative:

George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor, vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Farmland Foods, Inc., Omaha, Nebr., and Carroll, Iowa, to points in New Mexico, Arizona, Idaho, Nevada, Utah, California, Oregon, Washington, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 115654 (Sub-No. 19), filed September 25, 1972. Applicant: TENNESSEE CARTAGE CO., INC., 809 Ewing Avenue, Post Office Box 1193, Nashville, TN 37202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, cooked and/or prepared (except in bulk), in vehicles equipped with mechanical protection from heat and cold, between Cincinnati, Ohio, points in Kentucky, Tennessee, points in Alabama on and north of U.S. Highway 278, and points in Georgia on and north of Interstate Highway 85 from the Georgia-South Carolina State line to Atlanta, and Interstate Highway 20 from Atlanta to the Georgia-Alabama State line. NOTE: Applicant states that tacking will be made at Frankfort, Ind., with its Sub-No. 13, to serve Nashville, Tenn. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 115840 (Sub-No. 79), filed September 28, 1972. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Environmental control and protective systems, equipment, and parts* and (2) *equipment, materials, and supplies* (except in bulk), used in the construction or installation of environmental control or protective systems, between points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at the plantsites, warehouses, suppliers, and subcontractors of, or utilized by the Air Systems Division of Zurn Industries, Inc. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala., or Nashville, Tenn.

No. MC 116763 (Sub-No. 228), filed September 25, 1972. Applicant: CARL SUBLER TRUCKING, INC., Route 92, Post Office Box 215, Auburndale, FL 33823. Applicant's representative: H. M. Richters, North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet related items*, from the plantsite and warehouse facilities of Lipton Pet Foods, Inc., at or near Woburn, Mass., to points in Alabama, Florida, Georgia, Illinois, Indiana, Louisiana, Michigan, Minnesota, Mississippi, Ohio, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 116763 (Sub-No. 229), filed August 25, 1972. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units*, from Clinton and Laurinburg, N.C., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116816 (Sub-No. 12), filed September 26, 1972. Applicant: MERIT TRUCKING CORP., 849 Harrison Avenue, Kearny, NJ 07032. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Household appliances, air-conditioning equipment, water heaters, central home heating and cooling units, radio, recorder, phonograph and television sets and parts and equipment therefor*, from the site of carrier's warehouse at Kearny, N.J., to points in Dutchess, Orange, Putnam, Sullivan, and Ulster Counties, N.Y., and Middlesex and New Haven Counties, Conn., and (b) *Returned shipments of the above-specified commodities*, from the above-specified destination points to site of carrier's warehouse at Kearny, N.J., under contract with Philco Distributors, Inc., and Bruno-New York, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117160 (Sub-No. 3), filed August 28, 1972. Applicant: ROBERTS CARTAGE, INC., Post Office Box 7162, Akron, OH 44306. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and classes A and B explosives), between Cleveland-Hopkins Airport, Cleveland, Ohio, and Detroit Metropolitan Airport, Detroit, Mich., restricted to shipments having a prior or subsequent movement by air. NOTE: Applicant states that the requested authority can be tacked to a degree with its existing authority, however, applicant has no present intention of tacking and does not identify the points or territories which can be served. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 117883 (Sub-No. 173), filed August 30, 1972. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles, supplies, and materials*, used in the manufacture thereof, from Troy, Ohio, to points in Illinois, Indiana, Iowa, Minnesota, Missouri, Kansas, Wisconsin, and Nebraska, restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by the Laminated and Coated Products Division of St. Regis Paper Co. and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 117940 (Sub-No. 80) (Amendment), filed June 22, 1972, published FEDERAL REGISTER, issue of July 27, 1972, under MC 114789 (Sub-No. 39) and republished as amended this issue. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 530 Univac Building, 1700 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, from points in Georgia, Illinois, Maryland, Massachusetts, New Jersey, New York, North Carolina, South Carolina, and Pennsylvania, to Denver, Colo.; Detroit, Mich.; St. Louis, Mo.; Minneapolis-St. Paul, Minn.; Oklahoma City, Okla.; Dallas and Houston, Tex.; and Milwaukee, Wis. Limited to traffic originating at/or destined to the plantsites and storage facilities of the Dayton-Hudson Corp. and its wholly owned subsidiaries. NOTE: Applicant has contract carrier authority under MC 114789, therefore, dual operations may be involved. The purpose of this republication is to show that application has been amended to seek common carrier authority rather than that as a contract carrier. A new docket number has also been assigned. If a hearing is deemed necessary,

applicant requests it be held at Minneapolis, Minn.

No. MC 118806 (Sub-No. 26), filed September 28, 1972. Applicant: ARNOLD BROS. TRANSPORT, LTD. 739 Lagimodiere Boulevard, Winnipeg, MB, Canada. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Tractors* (except those with vehicle beds, bed frames and fifth wheels); (2) *equipment* designed for use in conjunction with tractors; (3) *agricultural, industrial, construction and forestry machinery and equipment;* (4) *trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles); (5) *attachments* for the above-described commodities; (6) *internal combustion engines;* (7) *such merchandise* as is dealt in by lawn care, sports and recreational vehicle dealers (except chemicals and commodities in bulk); which the above, at the time of movement (a) are being transported for the purpose of display, (b) are moving under a bill of lading issued by the Government of Canada, and (c) are moving from or to the sites of displays or shows utilized by the Government of Canada; and (B) *parts* of the above-described commodities, paraphernalia, advertising and displays moving in the same vehicle and at the same time, between points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123282 (Sub-No. 11), filed September 14, 1972. Applicant: McKINLEY TRANSPORT LIMITED, a corporation, Highway 25 at 401, Milton, ON, Canada. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between the port of entry on the international boundary line between the United States and Canada located at Sault Ste. Marie, Mich., on the one hand, and, on the other, Detroit, Mich., over the following described route: From the international boundary at Sault Ste. Marie, Mich., over Interstate Highway 75 to Detroit, Mich., and return over the same route, as an alternate route for operating convenience and serving no intermediate points. Restriction: The service herein described shall be restricted to the transportation of foreign commerce only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 124083 (Sub-No. 44), filed August 30, 1972. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, IN 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and iron*, between points in Indiana, Kentucky, and Michigan. NOTE: Applicant states that tacking will be made at common points with presently held authority in its Sub-No. 9 which authorizes the transportation of scrap metal between points in Illinois, Indiana, Ohio, and parts of Pennsylvania west of U.S. Highway 219. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Louisville, Ky., or Chicago, Ill.

No. MC 124236 (Sub-No. 46), filed August 28, 1972. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Wm. E. Livingstone, III, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicate of soda*, in bulk, from Dallas, Tex., to points in Missouri. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Cleveland, Ohio.

No. MC 124679 (Sub-No. 57), filed August 31, 1972. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk), and (2) *advertising, promotional and display materials, stationary, forms and materials supplies, and equipment used or useful in the manufacture and distribution of foodstuffs*, when moving at the same time and in the same vehicle with (1) above, from Suffolk, Va., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Dual operations may be involved in permit No. MC 128813 and subs thereunder. Applicant states that no duplicating authority is sought. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Salt Lake City, Utah.

No. MC 125358 (Sub-No. 7), filed September 8, 1972. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, MB Canada. Applicant's representative: Joseph P. Summers, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, equipment and materials used in the manufacture and assembly of automotive buses*, from Marysville, Ohio, to Pembina, N. Dak., under contract with Motor Coach Industries, Inc. NOTE: Applicant also holds common carrier authority under MC 134638, therefor dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 125358 (Sub-No. 8), filed September 12, 1972. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, MB Canada. Applicant's representative: Joseph P. Summers, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bags, from Richmond, Ind., to port of entry on the international boundary line between the United States and Canada located at or near Pembina, N. Dak., under contract with Victor Fox Foods, Ltd. NOTE: Applicant also holds common carrier authority under MC 134638, therefor dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 125918 (Sub-No. 14), filed August 21, 1972. Applicant: JOHN A. DI MEGLIO, INC., White Horse Pike, Ancora, N.J. 08037. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Iona, N.J. (Gloucester County), to points in Pennsylvania, Maryland, Delaware, Virginia, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, under contract with Grays Ferry Brick Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 126514 (Sub-No. 36), filed September 25, 1972. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, AZ 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes*, (a) from New York, N.Y., to Clinton, Tenn., Anaheim, Calif., and points in Arizona; and (b) from Clinton, Tenn., to Anaheim, Los Angeles, and San Francisco, Calif., and points in Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 129355 (Sub-No. 2), filed September 25, 1972. Applicant: GILMORE ENTERPRISES, INC., Post Office Drawer D, Fort Walton Beach, FL 32548. Applicant's representative: Paul F. Sullivan, 711 Washington Building, 15th and New York Avenue NW., Washington,

DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Okaloosa, Walton, Holmes, Santa Rosa, and Escambia Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Common control may be involved. Duplicating authority may also be involved in certificate No. MC 129355, authorizing, as pertinent, transportation of used household goods, between points in Okaloosa County, Fla. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pensacola or Tallahassee, Fla.

No. MC 133097 (Sub-No. 8), filed September 25, 1972. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Avenue, Cypress, CA 90630. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Welding rods and wire* from Bowling Green, Ky., to points in California, Colorado, Oregon, and Washington, and (2) *Chains, cotter pins, hoists and hoisting equipment, trolleys, screws, washers, and abrasive wheels* from York, Pa., to points in Texas, under contract with American Chain & Cable Co., York, Pa. (Chain Division) and Bowling Green, Ky. (Page Division). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133542 (Sub-No. 3), filed September 25, 1972. Applicant: FLOYD WILD, INC., Post Office Box 91, Marshall, MN 56258. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice beverages, imitation maple flavored syrup, pancake mixes*, and *frozen foods*, from Marshall, Minn., to points in Arkansas, Colorado, Kentucky, Montana, Oklahoma, Tennessee, Texas, West Virginia, and Wyoming, under contract with Vita-Sun Distributing Co., of Marshall, Minn., and Schwan's Sales Enterprises, Inc., also of Marshall, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Sioux Falls, S. Dak.

No. MC 133973 (Sub-No. 6), filed September 22, 1972. Applicant: HUNTINGTON MOVING & STORAGE COMPANY, a corporation, 1102 Vernon Street, Huntington, WV 25719. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in West Virginia, points in the Ohio counties of Adams, Allen, Athens, Auglaize, Belmont, Brown, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Coshocton, Defiance, Delaware, Drake, Gallia, Greene, Fairfield, Fayette, Franklin, Fulton, Guernsey, Hamilton, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingham, Noble, Paulding, Perry, Pickaway, Pike, Preble, Putnam, Ross, Scioto, Shelby, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Williams, and Wyandot; and points in the Kentucky counties of Anderson, Bath, Bell, Boone, Bourbon, Boyd, Boyle, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, and Woodford, restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it holds duplicating authority under its Sub-No. 1. All such duplicating authority shall be eliminated if and when the instant application is granted. If a hearing is deemed necessary, applicant requests it be held at Huntington or Charleston, W. Va.

No. MC 134068 (Sub-No. 14), filed September 22, 1972. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 Fruitland Avenue, Vernon, CA 90058. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, foodstuffs, and those requiring special equipment because of size or weight) from the plantsites and warehouse facilities of Minnesota Mining and Manufacturing Co. located in Alexandria, Cottage Grove, Fairmont, Hutchinson, Lindstrom, New Ulm, Pine City, and St. Paul, Minn.; Cumberland and Prairie du Chien, Wis.; Ames, Iowa; and Springfield, Mo.; and their commercial zones, to points in California, Oregon, and Washington, restricted to the transportation of traffic originating at the said plantsites and warehouse facilities. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 134599 (Sub-No. 55), filed September 5, 1972. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Muskegon, Mich., and its commercial zone, to points in Virginia, West Virginia, Massachusetts, Maine, Pennsylvania, Maryland, Washington, D.C., New Jersey, New York, Connecticut, Rhode Island, Vermont, and New Hampshire, under a continuous contract with S. D. Warren Co., a division of Scott Paper Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134599 (Sub-No. 56), filed September 5, 1972. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110. Applicants' representatives: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501; and Gordon L. Roberts, 520 Kerns Building, Salt Lake City, Utah, 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, under a continuing contract or contracts with S. D. Warren Co., a division of Scott Paper Co., from Muskegon, Mich. to points in Idaho, Montana, Oregon, Wyoming, Utah, Arizona, New Mexico, Nevada, South Carolina, and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Lincoln, Nebr.

No. MC 135698 (Sub-No. 8), filed September 25, 1972. Applicant: GERALD E. AMUNDSON, doing business as JERRY AMUNDSON TRUCKING, Rural Route 3, New Richmond, Wis. 54017. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, from Roberts, Wis., to points in Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135833 (Sub-No. 9), filed September 27, 1972. Applicant: B & C SPECIALIZED CARRIERS, INC., 6524 Brookville Road, Indianapolis, IN 46219. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Indian Oaks, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Ohio,

Pennsylvania, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Indianapolis, Ind.

No. MC 136429 (Sub-No. 2), filed September 6, 1972. Applicant: FRANK A. HOFFMANN, doing business as FRANK A. HOFFMANN TRUCKING COMPANY, 11 Buckingham Way, Freehold, NJ 07728. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel and plastic strapping, machinery, tools, steel box strap seals, wire, steel accessories and supplies, and pneumatic inflatable dunnage*, from Conshohocken and Fort Washington, Pa., to points in New Jersey and New York, N.Y., under a continuing contract or contracts with Interlake, Inc., of Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136661 (Sub-No. 1), filed September 18, 1972. Applicant: ROBERT J. GRALL, Post Office Box 313, Manitowoc, WI 54220. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum siding* and *accessories*, from Oconomowoc and Watertown, Wis., to points in the United States (except Alabama, Alaska, Arizona, Colorado, Georgia, Hawaii, Idaho, Maine, Mississippi, Montana, Nevada New Hampshire, New Mexico, Utah, Vermont, and Wyoming), under contract with Mirro Aluminum Co. NOTE: Applicant now holds common carrier authority under its No. MC 119406 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 136701 (Sub-No. 2), filed September 12, 1972. Applicant: WALT A. STURMOSKI, Post Office Box 671, Belen, NM 87002. Applicant's representative: W. Farrell Peyton, Suite 1030, National Building, 505 Marquette NW., Albuquerque, NM 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquor, wine, beer, and advertising material related thereto*, except commodities in bulk, in tank vehicles, from Phoenix, Ariz.; El Segundo, Lodi, Los Angeles, Ripon, Rutherford, and San Francisco, Calif.; Belleville and Peoria, Ill.; Bardstown, Frankfort, Lawrenceburg, Louisville, and Owensboro, Ky.; Boston, Mass.; Canandaigua and Maspeth, N.Y.; and Houston, Tex., to Albuquerque, N. Mex., under a contract or contracts with United Wholesale Liquor Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., Phoenix, Ariz., Denver, Colo., or El Paso, Tex.

No. MC 136724 (Sub-No. 1), filed August 23, 1972. Applicant: HUTT TRANSPORTATION CO., a corporation, 5280 West 161st Street, Cleveland, OH 44135. Applicant's representative: Bernard S. Goldfarb, 1825 The Illuminating Building, 55 Public Square, Cleveland, OH 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, and commodities in bulk), having a prior or subsequent movement by air, in express service, between Cleveland Hopkins International Airport, Cleveland, Ohio, on the one hand, and, on the other, Detroit Metropolitan Airport, Wayne County, Mich.; John F. Kennedy International Airport, New York, N.Y.; and O'Hare International Airport, Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 136794 (Sub-No. 2), filed September 8, 1972. Applicant: E. E. McCREARY, Rural Route No. 1, Centerville, Iowa 52544. Applicant's representative: Marvin V. Colton, 421 North 10th, Centerville, IA 52544. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured homes*, from Rothschild, Wis., to points in Iowa and Missouri, under contract with Ozark Homes, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 136998 (Sub-No. 1), filed September 1, 1972. Applicant: KORAL SALES, INC., doing business as KSI, Route 2, Box 659, Kenosha, Wis. 53140. Applicant's representative: Joseph F. Madrigrano, Jr., 6225 22d Avenue, Kenosha, WI 53140. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, lamps and parts for both, wrought iron, plastics, and general surplus commodities*, (1) from Paterson, N.J.; Chicago, Ill.; Kenosha and Milwaukee, Wis.; Los Angeles, San Francisco and San Diego, Calif., to ports of entry on the international boundary line between the United States and Mexico at San Ysidro, Calif., and (2) from the international boundary line between the United States and Mexico at San Ysidro, Calif., to San Diego and Los Angeles, Calif.; Chicago, Ill., Kenosha and Milwaukee, Wis., and Paterson, N.J., under contract with Mex-Am Enterprises, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kenosha or Milwaukee, Wis., or Chicago, Ill.

No. MC 138001 (Sub-No. 2), filed September 27, 1972. Applicant: WILLIAM SCHMIDT, doing business as A.I.D.S., 95 Schuyler Avenue, North Arlington, NJ 07032. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Avenue, White Plains, NY 10605. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene tape*, from Madison, Conn., to points in Alabama, Arkansas, Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, under contract with Shore Line Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at White Plains, N.Y., or New York, N.Y.

No. MC 138034 (Sub-No. 1), filed September 25, 1972. Applicant: HARRY MAHLANDT, Helena, Mo. 55118. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed supplements*, (a) from the plantsite and/or storage facilities of Cargill, Inc.—Nutrena Feed Division at or near Kansas City, Kans., to points in Atchison, Holt, Buchanan, Platte, Nodaway, Andrew, Worth, Gentry, De Kalb, Clinton, Clay, Jackson, Cass, Bates, Vernon, Cedar, St. Clair, Henry, Johnson, Lafayette, Saline, Chariton, Carroll, Ray, Caldwell, Daviess, Livingston, Linn, and Macon Counties, Mo.; (b) from the plantsite and/or storage facilities of Cargill, Inc.—Nutrena Feed Division at or near Kansas City, Kans., to the Armour and Co. hog farm located approximately 4 miles east of Seneca, Mo.; (c) from the plantsite and/or storage facilities of Cargill, Inc.—Nutrena Feed Division at or near Kansas City, Kans., to the Armour & Co. hog farm located approximately 1 mile east of the junction of Missouri Highway 96 and Missouri Highway 171, located north of Webb City, Mo.; and (d) from the plantsite and/or storage facilities of Cargill, Inc.—Nutrena Feed Division at or near Morrill, Kans., to points in Atchison, Holt, Andrew, Buchanan, Clinton, Platte, Clay, Ray, Carroll, Caldwell, Livingston, De Kalb, Daviess, Grundy, Mercer, Harrison, Worth, Nodaway, Gentry, and Jackson Counties, Mo., under contract with Cargill, Inc.—Nutrena Feed Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 138064, filed August 25, 1972. Applicant: GARITH J. WHETSTONE, BRUCE WHETSTONE, AND JOSEPH CISEWSKI, doing business as WHETSTONE SALVAGE & TOWING, 273 East Third Street, Winona, MN 55987. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked or disabled motor vehicles*, in towaway service, from points in North Dakota, South Dakota, Nebraska, Iowa, Illinois, Indiana, Ohio, and Wisconsin, to Winona, Minn.; and (2) *used motor vehicles*, in towaway service, on return from Winona, Minn., to points in the above-named origin States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minona, Minneapolis, or St. Paul, Minn.

No. MC 138069, filed September 15, 1972. Applicant: LUCIUS, INC., 9250 North Wadsworth Boulevard, Broomfield, CO 80020. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, wines, nonalcoholic mixes and prepared alcoholic cocktails and mixes*, from points in Illinois, Indiana, Michigan, Kentucky, Louisiana, and Texas, and Delano, St. Helena, Livermore, Lodi, San Francisco, San Jose, San Martin, and Sonora, Calif., to Denver, Colo., limited to a transportation service to be performed under a continuing contract or contracts with Davis Bros., Inc., and further restricted to the transportation of shipments destined to the facilities of Davis Bros., Inc., at Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 138070, filed August 30, 1972. Applicant: A. T. D. TRUCKING CORP., 142-50 Rockaway Boulevard, Jamaica, Queens, New York, NY 11436. Applicant's representative: Harvey L. Strelzin, 253 Broadway, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* including knit goods, shoes, radios, tape players, electronic tubes, piece goods, and synthetic hair, between New York, N.Y., and Bergen, Middlesex, Hudson, Somerset, Essex, Union, Passaic, and Morris Counties, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130177 (Amendment), filed August 11, 1972, published in the FEDERAL REGISTER issue of September 28, 1972, and republished as amended this issue. Applicant: RONALD T. KING, doing business as THE KING CO., 218 Independence Avenue, Trenton, NJ 08610. For a license (BMC 5) to engage in operations as a broker at Trenton, N.J., in arranging snow ski trips procuring transportation for passengers and their baggage, in round-trip tours in special and charter operations, beginning at points in New Jersey and extending to points in Connecticut, Massachusetts, New Hampshire, New York, Pennsylvania, and Vermont. NOTE: The purpose of this republication is to redescribe the authority sought.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 68860 (Sub-No. 16), filed October 6, 1972. Applicant: RUSSELL TRANSFER, INCORPORATED, 444 Glenmore Drive, Salem, VA 24153. Applicant's representative: Robert G. Perry, 1701 Charleston National Plaza, Charleston, WV. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron steel manufacture* as defined by the Commission, between Roanoke and Troutville, Va., on the one hand, and, on the other, points in Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, West Virginia, and the District of Columbia, restricted to tacking with applicant's other existing authority. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17760 Filed 10-18-72;8:45 am]

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THURSDAY, OCTOBER 19, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 203

PART II

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

Safety and Health Standards for Maritime Employment

Revision

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

SAFETY AND HEALTH STANDARDS FOR MARITIME EMPLOYMENTS

Revision

Pursuant to authority in section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended; 33 U.S.C. 941) and in Secretary of Labor's Order No. 12–71 (36 F.R. 8754), Parts 1915, 1916, 1917, 1918, and 1919 of Title 29 of the Code of Federal Regulations are hereby revised to read as set forth below.

The reason for the revision of the maritime standards is to correct typographical errors, and includes amendments published in the FEDERAL REGISTER through September 25, 1972, and to provide immediately indexes to facilitate reference to the provisions of the standards.

Since this revision does not make any substantive changes in the standards, it is not necessary to provide notice of proposed rulemaking, opportunity for public participation therein, nor any delay in effective date. For the same reasons, good cause is found for not following the regular procedure for rulemaking provided in 5 U.S.C. 553, and for making this revision effective immediately.

Signed at Washington, D.C., this 5th day of October, 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

PART 1915—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

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Subject Index for 29 CFR 1915—Ship Repairing

AUTHORITY: The provisions of this Part 1915, issued under sec. 41, 44 Stat. 1444; sec. 1, 72 Stat. 835; 33 U.S.C. 941.

Subpart A—General Provisions

§ 1915.1 Purpose, scope and responsibility.

(a) The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 901 et seq.) provides compensation for injuries suffered by employees when they are working for private employers within the Federal maritime jurisdiction on the navigable waters of the United States, including drydocks. Public Law 85–742, 72 Stat. 835, approved August 23, 1958, which amends section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444; 33 U.S.C. 941) requires, among other things, that every employer of the aforementioned employees "shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment used by and working conditions established by such employers as the Secretary may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees." It is the purpose of the regulations of this part to carry out the intent of Public Law 85–742.

(b) Pursuant to Public Law 85–742 the regulations of this part do not make determinations with respect to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (46 U.S.C. 1–1388, passim), including, but not restricted to, the master, ship's officers, crew members, design, construction, and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.); including the provisions of Executive Order 10173, as amended by Executive Orders 10277 and 10352 (3 CFR 1949–1953 Comp., pp. 356, 778, and 873); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

(c) The responsibility for compliance with the regulations of this part is placed upon "employers" as defined in § 1915.2(c).

(d) It is not the intent of the regulations of this part to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

(e) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

§ 1915.2 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in ship repair or related employments as defined in this section on the navigable waters of the United States, including dry docks, graving docks and marine railways.

(d) The term "employee" means any ship repairman or other person engaged in ship repair or related employments on the navigable waters of the United States, including dry docks, graving docks and marine railways, other than the master, ship's officers, crew of the vessel, or any person engaged by the master to repair any vessel under 18 net tons.

(e) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and brows.

(f) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(g) For purposes of § 1915.44, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of this section, the term does not include ship shaped or deep draft barges.

(h) For purposes of § 1915.44, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of this section, the term does not include other towing vessels.

(i) The term "ship repair" means any repair of a vessel including, but not restricted to, alterations, conversions, installations, cleaning, painting, and maintenance work.

(j) The term "related employments" means any employments performed as an incident to or in conjunction with ship repair work, including, but not restricted to, inspection, testing and employment as a watchman.

(k) The term "hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant, or otherwise harmful is likely to cause injury.

(l) The term "competent person" for purposes of this part means a person who is capable of recognizing and evaluating employee exposure to hazardous substances or to other unsafe conditions and is capable of specifying the necessary protection and precautions to be taken to ensure the safety of employees as required by the particular regulation under the condition to which it applies. For the purposes of Subparts B, C, and D, of this part except for §§ 1915.11(a)(1)(iv) and 1915.24(b)(8), to which the above definition applies, the competent person must also meet the additional requirements of § 1915.10.

(m) The term "confined space" means a compartment of small size and limited access such as a double bottom tank, cofferdam, or other space which by its small size and confined nature can readily create or aggravate a hazardous exposure.

(n) The term "enclosed space" means any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.

(o) The term "hot work" means riveting, welding, burning or other fire or spark producing operations.

(p) The term "cold work" means any work which does not involve riveting, welding, burning or other fire or spark producing operations.

(q) The term "portable unfired pressure vessel" means any pressure container or vessel used aboard ship, other than the ship's equipment, containing liquids or gases under pressure, excepting pressure vessels built to ICC regulations under 49 CFR Part 78, Subparts C and H.

(r) The term "powder actuated fastening tool" means a tool or machine which drives a stud, pin, or fastener by means of an explosive charge.

(s) For purposes of § 1915.57, the term "hazardous material" means a material which has one or more of the following characteristics: (1) Has a flash point below 140° F., closed cup, or is subject to spontaneous heating; (2) has a threshold limit value below 500 p.p.m. in the case of a gas or vapor, below 500 mg./m.³ for fumes, and below 25 m.p.p.c.f. in case of a dust; (3) has a single dose oral LD_{50} below 500 mg./kg.; (4) is subject to polymerization with the release of large amounts of energy; (5) is a strong oxidizing or reducing agent; (6) causes first degree burns to skin in short time exposure, or is systemically toxic by skin contact; or (7) in the course of normal operations, may produce dusts, gases, fumes, vapors, mists, or smokes which have one or more of the above characteristics.

§ 1915.3 Penalty.

(a) As provided in Public Law 85–742, any employer who, willfully, violates or fails or refuses to comply with the provisions of the regulations of this part and any employer or other person who willfully interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of section 41 of the Act by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of the regulations of this part, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than $100 nor more than $3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than $100 nor more than $3,000.

(b) The liability under this provision of Public Law 85–742 shall not affect any other liability of the employer under the Longshoremen's and Harbor Workers' Compensation Act.

§ 1915.4 [Reserved]

§ 1915.5 Reference specifications, standards, and codes.

Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, Subpart B § 1915.13(a).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill. 60611, Subpart B, §1915.12 (b) and (f); Subpart C, §§ 1915.24(b)(7), 1915.25(a)(4); Subpart H, § 1915.72(a).

United States of America Standard Safety Code for Portable Wood Ladders, A14.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1915.42(a)(6).

United States of America Standard Safety Code for Portable Metal Ladders, A14.2–1956, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1915.42(a)(4).

United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart I, §§ 1915.81(a)(1), 1915.83(b).

American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017, Subpart K, § 1915.101(a).

Threshold Limit Values, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, Ohio 45202, Subpart B, § 1915.11(a)(3) and (b)(3); Subpart C, § 1915.21(b).

United States of America Standards Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1–1964, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart H, § 1915.74(c).

§ 1915.6 Notification of accidents resulting in fatalities or serious injuries.

Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an em-

ployee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form BEC—202 (approved by Budget Bureau No. 44–R 887.3) with the Field Safety Consultant of the Occupational Safety and Health Administration serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily. (44 Stat. 1444; 33 U.S.C. 930)

§ 1915.7 Amendment of the regulations of this part.

The Secretary may at any time, upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of the regulations of this part.

Subpart B—Explosive and Other Dangerous Atmospheres

§ 1915.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts B, C, D, and H of this part, except for §§ 1915.24(b)(8) and 1915.25(a)(5), one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts B, C, D, and H of this part are always carried out by a National Fire Protection Association Certified Marine Chemist.

(2) The employer shall indicate on U.S. Department of Labor Form MAR–8, "Designation of Competent Person" either those employees designated as competent persons or that the prescribed functions of such persons are always carried out by a National Fire Protection Association Certified Marine Chemist in addition to his professional duties. When additions or changes are made in the personnel so designated, a new Form MAR–8 shall be executed. A copy of this executed form shall be forwarded to the nearest office of the Occupational Safety and Health Administration.

(b) *Criteria.* The following criteria shall guide the employer in designating employees as competent persons:

(1) Ability to understand the meaning of designations on certificates and of any qualifications relating thereto and to carry out any instructions, either written or oral, left by the National Fire Protection Association Certified Marine Chemist or person authorized by the U.S. Coast Guard referred to in § 1915.13.

(2) Ability to use and interpret the readings of an oxygen indicator and a combustible gas indicator. The ability to use and interpret the readings of a carbon monoxide indicator and a carbon dioxide indicator, if the operations involve such hazardous gases.

(3) Familiarity with and understanding of Subparts B, C, D, and H of this part.

(4) Familiarity with the structure and knowledge of the location and designation of spaces of the types of vessels on which repair work is done.

(5) Capability to perform the tests and inspections required by Subparts B, C, D, and H of this part and to write the required logs.

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts B, C, D, and H of this part, except those referred to in §§ 1915.24(b)(8) and 1915.25(a)(5) are made, a record of the locations, operations performed and date, time, and results of the tests and any instructions resulting therefrom shall be recorded on U.S. Department of Labor Form MAR–9, "Log of Inspections and Tests by Competent Person." A separate form shall be used for each vessel on which tests and inspections are made.

(2) This record shall be available for inspection in the immediate vicinity of the affected operations while they are in progress. This record or copy thereof shall be kept on file for a period of at least three months from the date of the completion of the job.

(3) A copy of any certificate issued in accordance with § 1915.13 and of any instructions issued by the National Fire Protection Association Certified Marine Chemist shall be kept on file with the log for a period of at least 3 months from the date of the completion of the job. The certificate and instructions issued by the person doing the fumigation referred to in § 1915.11(b)(1)(ii) shall also be kept on file for a period of at least 3 months from the date of the completion of the job.

(d) *Application.* The provisions of this section are intended to apply in their entirety to employers engaged in general ship repair work. They do not apply to employers whose work involves situations to which Subparts B, C and D of this part are not applicable, such as general cleaning work in which flammable and toxic atmospheres are not involved. Any employer whose work involves only certain portions of Subparts B, C and D of this part, such as work on small craft in boat yards where only combustible gas indicator tests are necessary for fuel tank leaks or when using flammable paints below decks, may designate persons as competent on the basis of the applicable portion of the criteria set forth in paragraph (b) of this section.

§ 1915.11 Precautions before entering.

(a) *Flammable atmospheres and residues.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) and (ii) of this subparagraph, the atmosphere within the space to be entered shall be tested by a competent person to determine the concentration of flammable vapors or gases within the space.

(i) Cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk.

(ii) Spaces immediately adjacent to those described in subdivision (i) of this subparagraph.

(2) If the tests indicate that the atmosphere in the space to be entered contains a concentration of flammable vapor or gas greater than 10 percent of the lower explosive limit, the space shall be ventilated to reduce the concentration below 10 percent of the lower explosive limit before men are permitted to enter.

(3) If the atmosphere in the space to be entered is found to contain a concentration of flammable vapor or gas below the level immediately dangerous to life as defined in § 1915.82(b)(1), but above the threshold limit value, employees shall be protected in accordance with the requirements of § 1915.82 (a), and (c), (d), or (e), whichever is applicable.

(b) *Toxic atmospheres and residues.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i), (ii), and (iii) of this subparagraph, the atmosphere in the space to be entered shall be tested for toxic atmospheric contaminants, and the space inspected for the presence of toxic or corrosive residues by a Marine Chemist, Industrial Hygienist or other person qualified to make these tests and inspections.

(i) Cargo spaces or other spaces containing or having last contained bulk liquids, gases, or solids of a toxic, corrosive, or irritant nature.

(ii) Spaces which have been fumigated.

(iii) Spaces immediately adjacent to those described in subdivisions (i) and (ii) of this subparagraph.

(2) If the tests indicate that the atmosphere in the space to be entered contains a concentration of toxic contaminants above the level which is immediately dangerous to life, the space shall be ventilated to reduce the concentration below the level immediately dangerous to life as defined in § 1915.82(b)(1).

(3) If the atmosphere in the space to be entered is found to contain a concentration of toxic contaminants below the level immediately dangerous to life as defined in § 1915.82(b)(1), but above the threshold limit value, employees shall be protected in accordance with the requirements of § 1915.82 (a), and (c), (d), or (e), whichever is applicable.

(4) The person qualified to make the tests and inspections referred to in subparagraph (1) of this paragraph shall make a record of the tests, inspections and instructions pertaining to subparagraph (3) of paragraph (a) of this section and subparagraphs (2) and (3) of this paragraph on U.S. Department of Labor Form MAR–9, which shall be available for inspection and kept on file in accordance with § 1915.10(c)(2).

(c) *Oxygen deficient atmospheres.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) through (v) of this subparagraph, the atmosphere in the spaces to be entered shall be tested by a competent person with an oxygen indicator or other suitable device to en-

sure that it contains at least 16.5 percent oxygen.

(i) Spaces in which the tests required by paragraphs (a) and (b) of this section indicate that no flammable or toxic contaminants are present in the atmosphere.

(ii) Compartments which have been sealed.

(iii) Spaces which have been coated and closed up.

(iv) Nonventilated compartments which have been freshly painted.

(v) Cargo spaces containing cargoes or residues of cargoes which absorb oxygen, such as scrap iron, fresh fruit and molasses, and various vegetable drying oils in bulk.

(2) If the tests indicate that the atmosphere in the space to be entered contains less than 16.5 percent oxygen, the space shall be ventilated until tests indicate an oxygen content above this level.

(d) *Exceptions.* In emergencies and in cases of work of brief duration necessary to accomplish the ventilation required or to start operations, work may be performed in atmospheres containing concentrations of flammable contaminants above the upper explosive limit or otherwise immediately dangerous to life, provided employees are protected in accordance with the requirements of § 1915.82 (a) and (b).

§ 1915.12 Cleaning and other cold work.

(a) Employees shall be permitted to perform manual cleaning to remove residue materials, scale, and debris or to perform other cold work in spaces described in § 1915.11 (a) (1) (i) and (ii) and (b) (1) (i) through (iii) before they have been certified as gas free only under the following conditions:

(1) Liquid residues of flammable and toxic materials shall be removed from the spaces as thoroughly as practicable before employees start actual cleaning operations in these spaces. Drippings and spills of these materials on deck or elsewhere alongside the vessel shall be cleaned up as the work progresses. Special care shall be taken to prevent the spilling or the draining of these materials into the water surrounding the vessel.

(2) Continuous natural or mechanical ventilation shall be provided to keep the concentration of flammable vapors below ten (10) percent of the lower explosive limit in all parts of the space, provided that if, because of the high volatility of the residues, a uniform concentration of less than ten (10) percent of the lower explosive limit cannot be achieved, sufficient exhaust ventilation shall be provided to reduce the concentration to or below that level in the major portions of the compartment.

(3) Tests shall be made by a competent person prior to commencement of cold work and with sufficient frequency thereafter, in accordance with temperature, volatility of the residues and other existing conditions in and about the spaces, to ensure that the concentration stated in subparagraph (2) of this paragraph is not exceeded.

(4) Cold work only shall be permitted.

(5) Tests shall be made by a competent person to ensure that the exhaust vapors from these spaces are not accumulating in other areas within or around the vessel, marine railway, dry-dock, graving dock, or under the pier where sources of ignition may be present. Should such accumulations be found, any sources of ignition within the affected area shall be removed or extinguished.

(b) Only approved explosion-proof, self-contained, battery-fed, portable lamps shall be used in spaces described in paragraph (a) of § 1915.13 before the spaces have been certified as "Safe for Men." Battery-fed, portable lamps bearing the approval of the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines, and such lamps listed by the U.S. Coast Guard as approved for such use are deemed to meet the requirements of this paragraph.

(c) Signs shall be posted on the open deck adjacent to the access to spaces described in paragraph (a) of § 1915.13 prohibiting smoking and the use of open flames.

(d) The metallic parts of air moving devices, including fans, blowers, and jet-type air movers, and all duct work shall be electrically bonded to the vessel's structure.

(e) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferous blades. Portable air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(f) In spaces described in paragraph (a) of § 1915.13 which have been certified "Safe for Men," either battery lamps or explosion-proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used, provided the lights are mounted to the space openings from the exterior, or suspended within the space with the cables so led as to protect them from injury.

(g) In spaces certified "Safe for Fire" nonexplosion proof lights may be used.

§ 1915.13 Certification before hot work is begun.

(a) Employees shall not be permitted to engage in hot work or the use of powder actuated fastening tools in or on the following spaces, boundaries or pipe lines until a certificate setting forth that the hot work can be done in safety is issued. Such certificate shall be acceptable only if issued by a Marine Chemist certificated by the National Fire Protection Association, except that a certificate issued by another person authorized by the U.S. Coast Guard pursuant to the provisions of 46 CFR 35.01–1(c)(1) for tank vessels, 46 CFR 71.60–1(c)(1) for passenger vessels, and 46 CFR 91.50–1(c)(1) for cargo and miscellaneous vessels is acceptable for a particular inspection:

(1) *On tank vessels.* (i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk, or within spaces adjacent to such cargo tanks.

(ii) Within or on the boundaries of fuel tanks.

(iii) On pipe lines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(2) *On dry cargo, miscellaneous and passenger vessels.* (i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk.

(ii) Within spaces adjacent to cargo tanks which have been used to carry flammable gases, or liquids with a flash point below 150° F., except where the distance between such cargo tanks and the work to be performed is not less than twenty-five (25) feet.

(iii) Within or on the boundaries of fuel tanks.

(iv) On pipe lines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(b) In dry cargo holds for which a Marine Chemist's certificate is not required by paragraph (a) (2) (ii) of this section, hot work may be performed only after a competent person has carefully examined the hold and found it to be free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

(c) Before hot work is performed in engine room and boiler room spaces of any vessel for which a Marine Chemist's certificate is not required by the provision of paragraph (a) of this section or in fuel tank and engine compartments of boats, the bilges shall be inspected and tested by a competent person to ensure that they are free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

§ 1915.14 Maintaining gas free conditions.

The following rules shall apply in maintaining gas free conditions:

(a) Pipe lines which may convey hazardous substances into the spaces certified "Safe For Men—Safe For Fire" shall be disconnected or blanked off, or other positive means shall be used to prevent discharge of hazardous substances from entering the space. Manholes and other closures which were secured when tests were made shall remain secured. If such manholes or other closures are opened or any manipulation of valves takes place which tends to alter existing conditions, work in the affected spaces or areas shall be stopped and not resumed until such time as the area has been retested and again certified "Safe For Men—Safe For Fire" in ac-

cordance with the requirements of § 1915.13(a).

(b) Before hot work is commenced on the weather deck over spaces which, under these regulations, are not required to be gas freed or inerted, all valves, closures and vents, except those which are vented up masts, connecting with non-gas free tanks or compartments below, shall be closed. Valves, closures and vents shall not be opened until hot work is completed unless the hot work is stopped and the work location posted as unsafe for fire. The latter notice shall not be removed nor hot work resumed until the area is again made safe.

(c) The employer shall inform masters and chief engineers of vessels of the provisions of this section and shall confirm that they are aware of their responsibilities for seeing that their crews understand and obey all warning signs, tags, and the limitations stated on the marine chemist's certificates.

(d) When conditions in a tank are such that there is a possibility of hazardous vapor being released from residues or other sources after a marine chemist's certificate has been issued, a competent person shall make tests to insure that the gas-free condition is maintained irrespective of whether hot work is being performed in the tank. When the competent person finds that atmospheric conditions have altered, work shall be stopped and a new marine chemist's certificate in accordance with the requirements of § 1915.13(a) shall be obtained before work is resumed.

(e) Before hot work is begun on any metal covered with preservative coatings the requirements of § 1915.33 shall be met.

§ 1915.15 Warning signs.

(a) Except as provided in paragraph (c) of this section, all tanks, compartments, or spaces which have been certified "Safe For Men—Not Safe for Fire," or "Not Safe For Men—Not Safe For Fire" shall be plainly and conspicuously marked with paint or signs indicating that no hot work shall be performed on such tanks, compartments, or spaces or in the vicinity thereof.

(b) Except as provided in paragraph (c) of this section, all tanks, compartments or spaces which have been inerted with gas or certified "Not Safe For Men—Safe For Fire" shall be plainly and conspicuously marked with paint or signs indicating that the tank, compartment or space contains a gas which will not support life or is hazardous to employees.

(c) The warning marks or signs required by paragraphs (a) and (b) of this section need not be posted on individual tanks, compartments or spaces if the entire vessel has been certified "Safe For Men—Not Safe For Fire," "Not Safe For Men— Not Safe For Fire," or if the entire vessel has been inerted or certified "Not Safe For Men—Safe For Fire," and if a sign to this effect is conspicuously posted at the gangway and at all other means of access to the vessel.

Subpart C—Surface Preparation and Preservation

§ 1915.21 Toxic cleaning solvents.

(a) When toxic solvents are used, the employer shall employ one or more of the following measures to safeguard the health of employees exposed to these solvents.

(1) The cleaning operation shall be completely enclosed to prevent the escape of vapor into the working space.

(2) Either natural ventilation or mechanical exhaust ventilation shall be used to remove the vapor at the source and to dilute the concentration of vapors in the working space to a concentration which is safe for the entire work period.

(3) Employees shall be protected against toxic vapors by suitable respiratory protective equipment in accordance with the requirements of § 1915.82 (a) and (c), and, where necessary, against exposure of skin and eyes to contact with toxic solvents and their vapors by suitable clothing and equipment.

(b) The principles in the threshold limit values to which attention is directed in § 1915.5 will be used by the Department of Labor in enforcement proceedings in defining a safe concentration of air contaminants.

(c) When flammable solvents are used, precautions shall be taken in accordance with the requirements of § 1915.25.

§ 1915.22 Chemical paint and preservative removers.

(a) Employees shall be protected against skin contact during the handling and application of chemical paint and preservative removers and shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 1915.81 (a) and (b).

(b) When using flammable paint and preservative removers, precautions shall be taken in accordance with the requirements of § 1915.25.

(c) When using chemical paint and preservative removers which contain volatile and toxic solvents, such as benzol, acetone and amyl acetate, the provisions of § 1915.21 shall be applicable.

(d) When using paint and rust removers containing strong acids or alkalies, employees shall be protected by suitable face shields to prevent chemical burns on the face and neck.

(e) When steam guns are used, all employees working within range of the blast shall be protected by suitable face shields. Metal parts of the steam gun itself shall be insulated to protect the operator against heat burns.

§ 1915.23 Mechanical paint removers.

(a) *Power tools.* (1) Employees engaged in the removal of paints, preservatives, rusts or other coatings by means of power tools shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 1915.81(a).

(2) All portable rotating tools used for the removal of paints, preservatives, rusts or other coatings shall be adequately guarded to protect both the operator and nearby workers from flying missiles.

(3) Portable electric tools shall be grounded in accordance with the requirements of § 1915.72 (a) and (b).

(4) In a confined space, mechanical exhaust ventilation sufficient to keep the dust concentration to a minimum shall be used, or employees shall be protected by respiratory protective equipment in accordance with the requirements of § 1915.82 (a) and (d).

(b) *Flame removal.* (1) Hardened preservative coatings shall not be removed by flame in enclosed spaces unless the employees exposed to fumes are protected by air line respirators in accordance with the requirements of § 1915.82 (a). Employees performing such an operation in the open air, and those exposed to the resulting fumes, shall be protected by a fume filter type respirator in accordance with requirements of paragraphs (a) and (d)(2)(iv) of § 1915.82.

(2) Flame or heat shall not be used to remove soft and greasy preservative coatings.

(c) *Abrasive blasting*—(1) *Equipment.* Hoses and fittings used for abrasive blasting shall meet the following requirements:

(i) *Hoses.* Hose of a type to prevent shocks from static electricity shall be used.

(ii) *Hose couplings.* Hose lengths shall be joined by metal couplings secured to the outside of the hose to avoid erosion and weakening of the couplings.

(iii) *Nozzles.* Nozzles shall be attached to the hose by fittings that will prevent the nozzle from unintentionally becoming disengaged. Nozzle attachments shall be of metal and shall fit onto the hose externally.

(iv) *Dead man control.* A dead man control device shall be provided at the nozzle end of the blasting hose either to provide direct cutoff or to signal the pot tender by means of a visual and audible signal to cut off the flow, in the event the blaster loses control of the hose. The pot tender shall be available at all times to respond immediately to the signal.

(2) *Replacement.* Hoses and all fittings used for abrasive blasting shall be inspected frequently to insure timely replacement before an unsafe amount of wear has occurred.

(3) *Personal protective equipment.* (i) Abrasive blasters working in enclosed spaces shall be protected by hoods and air fed respirators or by air helmets of a positive pressure type in accordance with the requirements of § 1915.82(a).

(ii) Abrasive blasters working in the open shall be protected as indicated in subdivision (i) of this subparagraph except that when synthetic abrasives containing less than one percent free silica are used filter type respirators approved by the Bureau of Mines for exposure to lead dusts may be used in accordance with § 1915.82 (a) and (d).

(iii) Employees, other than blasters, including machine tenders and abrasive recovery men, working in areas where unsafe concentrations of abrasive materials and dusts are present shall be protected by eye and respiratory protective equipment in accordance with the requirements of §§ 1915.81 (a) and (b) and 1915.82 (a) and (d).

(iv) The blaster shall be protected against injury from exposure to the blast by appropriate protective clothing, including gloves.

(v) Since surges from drops in pressure in the hose line can be of sufficient proportions to throw the blaster off the staging, the blaster shall be protected by a safety belt when blasting is being done from elevations where adequate protection against falling cannot be provided by railings.

§ 1915.24 Painting.

(a) *Paints mixed with toxic vehicles or solvents.* (1) When paints mixed with toxic vehicles or solvents are sprayed, the following conditions shall apply:

(i) In confined spaces, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of § 1915.82(a).

(ii) In tanks or compartments, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of § 1915.82(a). Where mechanical ventilation is provided, employees shall be protected by respirators in accordance with the requirements of § 1915.82 (a) and (e).

(iii) In large and well ventilated areas, employees exposed to such spraying shall be protected by respirators in accordance with the requirements of § 1915.82 (a) and (e).

(2) Where brush application of paints with toxic solvents is done in confined spaces, or other areas where lack of ventilation creates a hazard, employees shall be protected by filter respirators in accordance with the requirements of § 1915.82 (a) and (c).

(3) When flammable paints or vehicles are used, precautions shall be taken in accordance with the requirements of § 1915.25.

(4) The metallic parts of air moving devices, including fans, blowers, and jet-type air movers, and all duct work shall be electrically bonded to the vessel's structure.

(b) *Paints and tank coatings dissolved in highly volatile, toxic and flammable solvents.* Several organic coatings, adhesives and resins are dissolved in highly toxic, flammable and explosive solvents with flash points below 80° F. Work involving such materials shall be done only when all of the following special precautions have been taken:

(1) Sufficient exhaust ventilation shall be provided to keep the concentration of solvent vapors below ten (10) percent of the lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(2) If the ventilation fails or if the concentration of solvent vapors rises above ten (10) percent of the lower explosive limit, painting shall be stopped and the compartment shall be evacuated until the concentration again falls below ten (10) percent of the lower explosive limit. If the concentration does not fall when painting is stopped, additional ventilation to bring the concentration down to ten (10) percent of the lower explosive limit shall be provided.

(3) Ventilation shall be continued after the completion of painting until the space or compartment is gas free. The final determination as to whether the space or compartment is gas free shall be made after the ventilating equipment has been shut off for at least ten minutes.

(4) Exhaust ducts shall discharge clear of working areas and away from sources of possible ignition. Periodic tests shall be made to ensure that the exhausted vapors are not accumulating in other areas within or around the vessel or dry dock.

(5) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Portable air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(6) Only non-sparking paint buckets, spray guns and tools shall be used. Metal parts of paint brushes and rollers shall be insulated. Staging shall be erected in a manner which ensures that it is non-sparking.

(7) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used.

(8) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty (50) feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(9) The face, eyes, head, hands and all other exposed parts of the bodies of employees handling such highly volatile paints shall be protected. All footwear shall be non-sparking, such as rubbers, rubber boots or rubber soled shoes without nails. Coveralls or other outer clothing shall be of cotton. Rubber, rather than plastic, gloves shall be used because of the danger of static sparks.

(10) No matches, lighted cigarettes, cigars, or pipes, and no cigarette lighters or ferrous articles shall be taken into the area where work is being done.

(11) All solvent drums taken into the compartment shall be placed on nonferrous surfaces and shall be grounded to the vessel. Metallic contact shall be maintained between containers and drums when materials are being transferred from one to another.

(12) Spray guns, paint pots, and metallic parts of connecting tubing shall be electrically bonded, and the bonded assembly shall be grounded to the vessel.

(13) All employees continuously in a compartment in which such painting is being performed, shall be protected by air line respirators in accordance with the requirements of § 1915.82(a) and by suitable protective clothing. Employees entering such compartments for a limited time shall be protected by filter cartridge type respirators in accordance with the requirements of § 1915.82 (a) and (e).

(14) All employees doing exterior paint spraying with such paints shall be protected by suitable filter cartridge type respirators in accordance with the requirements of § 1915.82 (a) and (e) and by suitable protective clothing.

§ 1915.25 Flammable liquids.

(a) In all cases when liquid solvents, paint and preservative removers, paints or vehicles, other than those covered by § 1915.24(b), are capable of producing a flammable atmosphere under the conditions of use, the following precautions shall be taken:

(1) Smoking, open flames, arcs and spark-producing equipment shall be prohibited in the area.

(2) Ventilation shall be provided in sufficient quantities to keep the concentration of vapors below ten (10) percent of their lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(3) Scrapings and rags soaked with these materials shall be kept in a covered metal container.

(4) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used.

(5) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty (50) feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(6) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use.

Subpart D—Welding, Cutting and Heating

§ 1915.31 Ventilation and protection in welding, cutting and heating.

(a) *Mechanical ventilation requirements.* (1) For purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This

system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, blowing dust or dirt from clothing, or for cleaning the work area.

(b) *Welding, cutting and heating in confined spaces.* (1) Except as provided in paragraphs (b)(3) and (c)(2) of this section, either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(2) The means of access shall be provided to a confined space and ventilation ducts to this space shall be arranged in accordance with § 1915.46(b) (1) and (2).

(3) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of § 1915.82(a), and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(c) *Welding, cutting or heating of metals of toxic significance.* (1) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section.

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(2) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (a) of this section or employees shall be protected by air line respirators in accordance with the requirements of § 1915.82(a).

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with the requirements of paragraphs (a) and (d)(2)(iv) of § 1915.82, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of § 1915.82(a).

(4) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(d) *Inert-gas metal-arc welding.* (1) Since the inert-gas metal-arc welding process involves the production of ultraviolet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least two hundred (200) feet from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in § 1915.36(e) shall be protected by filter lenses meeting the requirements of § 1915.81(a) and (c). When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type meeting the requirements of § 1915.81 (a) and (c) shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when either the helmet is lifted or the shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel, the requirements of paragraph (c)(2) of this section shall be met to protect against dangerous concentrations of nitrogen dioxide.

(e) *General welding, cutting and heating.* (1) Welding, cutting and heating not involving conditions or materials described in paragraphs (b), (c) or (d) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(2) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of § 1915.81 (a) and (c).

(f) *Residues and cargos of metallic ores.* (1) Residues and cargos of metallic ores of toxic significance shall be removed from the area or protected from the heat before welding, cutting or heating is begun.

§ 1915.32 Fire prevention.[1]

(a) When practical, objects to be welded, cut or heated shall be moved to a designated safe location or, if the object to be welded, cut or heated cannot be readily moved, all movable fire hazards including residues of combustible bulk cargos in the vicinity shall be taken to a safe place.

(b) If the object to be welded, cut or heated cannot be moved and if all the fire hazards including combustible cargos cannot be removed, positive means shall be taken to confine the heat, sparks, and slag, and to protect the immovable fire hazards from them.

(c) No welding, cutting or heating shall be done where the application of flammable paints or the presence of other flammable compounds or of heavy dust concentrations creates a hazard.

(d) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use. In addition, when hot work is being performed aboard a vessel and pressure is not available on the vessel's fire system, an auxiliary supply of water shall be made available where practicable, consistent with avoiding freezing of the lines or hose.

(e) When the welding, cutting, or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting, or heating operation is being performed and for a sufficient period of time after completion of the work to insure that no possibility of fire exists. Such personnel shall be instructed as to the specific anticipated fire hazards and how the fire fighting equipment provided is to be used.

(f) When welding, cutting or heating is performed on tank shells, decks, overheads and bulkheads, since direct penetration of sparks or heat transfer may introduce a fire hazard to an adjacent compartment, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(g) In order to eliminate the possibility of fire in confined spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the confined space whenever the torch is not to be used or whenever the torch is left unattended for a substantial period of time, such as during the lunch hour. Overnight and at the change of shifts the torch and hose shall be removed from the confined space. Open end fuel

[1] 46 CFR 146.02-20 contains Coast Guard regulations pertaining to welding and cutting while explosives and dangerous cargoes are being handled.

gas and oxygen hoses shall be immediately removed from confined spaces when they are disconnected from the torch or other gas consuming device.

(h) Vaporizing liquid extinguishers shall not be used in enclosed spaces.

(i) Except when the contents are being removed or transferred, drums, pails, and other containers which contain or have contained flammable liquids shall be kept closed. Empty containers shall be removed to a safe area apart from hot work operations, or open flames.

§ 1915.33 Welding, cutting and heating in way of preservative coatings.

(a) Before welding, cutting or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(b) Precautions shall be taken to prevent ignition of highly flammable hardened preservative coatings. When coatings are determined to be highly flammable they shall be stripped from the area to be heated to prevent ignition. A 1½-inch or larger fire hose with fog nozzle, which has been uncoiled and placed under pressure, shall be immediately available for instant use in the immediate vicinity, consistent with avoiding freezing of the hose.

(c) *Protection against toxic preservative coatings.* (1) In enclosed spaces all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application or the employees shall be protected by air line respirators meeting the requirements of § 1915.82(a).

(2) In the open air employees shall be protected by a filter type respirator in accordance with requirements of § 1915.82 (a) and (d).

(d) Before welding, cutting or heating is commenced in enclosed spaces on metals covered by soft and greasy preservatives, the following precautions shall be taken:

(1) A competent person shall test the atmosphere in the space to ensure that it does not contain explosive vapors, since there is a possibility that some soft and greasy preservatives may have flash points below temperatures which may be expected to occur naturally. If such vapors are determined to be present, no hot work shall be commenced until such precautions have been taken as will ensure that the welding, cutting or heating can be performed in safety.

(2) The preservative coatings shall be removed for a sufficient distance from the area to be heated to ensure that the temperature of the unstripped metal will not be appreciably raised. Artificial cooling of the metal surrounding the heated area may be used to limit the size of the area required to be cleaned. The prohibition contained in § 1915.23(b)(2) shall apply.

(e) Immediately after welding, cutting or heating is commenced in enclosed spaces on metal covered by soft and greasy preservatives, and at frequent intervals thereafter, a competent person shall make tests to ensure that no flammable vapors are being produced by the coatings. If such vapors are determined to be present, the operation shall be stopped immediately and shall not be resumed until such additional precautions have been taken as are necessary to ensure that the operation can be resumed safely.

§ 1915.34 Welding, cutting and heating of hollow metal containers and structures not covered by § 1915.11.

(a) Drums, containers, or hollow structures which have contained flammable substances shall, before welding, cutting, or heating is undertaken on them, either be filled with water or throughly cleaned of such substances and ventilated and tested.

(b) Before heat is applied to a drum, container, or hollow structure, a vent or opening shall be provided for the release of any built-up pressure during the application of heat.

(c) Before welding, cutting, heating or brazing is begun on structural voids such as skegs, bilge keels, fair waters, masts, booms, support stanchions, pipe stanchions or railings, a competent person shall inspect the object and, if necessary, test it for the presence of flammable liquids or vapors. If flammable liquids or vapors are present, the object shall be made safe.

(d) Objects such as those listed in paragraph (c) of this section shall also be inspected to determine whether water or other non-flammable liquids are present which, when heated, would build up excessive pressure. If such liquids are determined to be present, the object shall be vented, cooled, or otherwise made safe during the application of heat.

(e) Jacketed vessels shall be vented before and during welding, cutting or heating operations in order to release any pressure which may build up during the application of heat.

§ 1915.35 Gas welding and cutting.

(a) *Transporting, moving and storing compressed gas cylinders.* (1) Valve protection caps shall be in place and secure. Oil shall not be used to lubricate protection caps.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard or pallet. They shall not be hoisted by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck, or permitted to strike each other violently.

(4) When cylinders are transported by vehicle, they shall be secured in position.

(5) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(6) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(7) A suitable cylinder truck, chain, or other steadying device shall be used to keep cylinders from being knocked over while in use.

(8) When work is finished, when cylinders are empty or when cylinders are moved at any time, the cylinder valves shall be closed.

(9) Acetylene cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

(b) *Placing cylinders.* (1) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(2) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(3) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal, or other sources of artificial heat.

(4) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(c) *Treatment of cylinders.* (1) Cylinders, whether full or empty, shall not be used as rollers or supports.

(2) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. Only cylinders bearing Interstate Commerce Commission identification and inspection markings shall be used.

(3) No damaged or defective cylinder shall be used.

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(1) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator.) The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame or other possible sources of ignition.

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. To permit quick closing, valves on fuel gas cylinders shall not be opened more than 1½ turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall

be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(3) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(5) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the vessel. In the event that fuel gas should leak from the cylinder valve rather than from the valve stem and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the vessel. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the vessel.

(6) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the vessel.

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe and accessible locations in the open air. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangeable. A single hose having more than one gas passage, a wall failure of which would permit the flow of one gas into the other gas passage, shall not be used.

(2) When parallel sections of oxygen and fuel gas hose are taped together, not more than 4 inches out of 8 inches shall be covered by tape.

(3) All hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion or be in any way harmful to employees, shall be inspected at the beginning of each shift. Defective hose shall be removed from service.

(4) Hose which has been subjected to flashback or which shows evidence of severe wear or damage shall be tested to twice the normal pressure to which it is subject, but in no case less than two hundred (200) psi. Defective hose or hose in doubtful condition shall not be used.

(5) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(6) Boxes used for the stowage of gas hose shall be ventilated.

(g) *Torches.* (1) Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills or other devices designed for such purpose.

(2) Torches shall be inspected at the beginning of each shift for leaking shut-off valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

(h) *Pressure regulators.* Oxygen and fuel gas pressure regulators including their related gauges shall be in proper working order while in use.

§ 1915.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) Only manual electrode holders which are specifically designed for arc welding and cutting and are of a capacity capable of safely handling the maximum rated current required by the electrodes shall be used.

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(2) Only cable free from repair or splices for a minimum distance of ten (10) feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(3) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(4) Cables in poor repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tapes or other equivalent insulation.

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(2) Structures or pipe lines, except pipe lines containing gases or flammable liquids or conduits containing electrical circuits, may be used as part of the ground return circuit, provided that the pipe or structure has a current carrying capacity equal to that required by subparagraph (1) of this paragraph.

(3) When a structure or pipe line is employed as a ground return circuit, it shall be determined that the required electrical contact exists at all joints. The generation of an arc, sparks or heat at any point shall cause rejection of the structure as a ground circuit.

(4) When a structure or pipe line is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(5) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the vessel's structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(6) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(1) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(2) Hot electrode holders shall not be dipped in water, since to do so may expose the arc welder or cutter to electric shock.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Any faulty or defective equipment shall be reported to the supervisor.

(e) *Shielding.* Whenever practicable, all arc welding and cutting operations shall be shielded by noncombustible or flame-proof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

§ 1915.37 Uses of fissionable material in ship repair.

(a) In ship repair and related activities involving the use of and exposure to sources of ionizing radiation not only on conventionally powered but also on nuclear powered vessels, the applicable provisions of the Atomic Energy Commission's Standards for Protection Against Radiation (10 CFR Part 20), relating to protection against occupational radiation exposure, shall apply.

(b) Any activity which involves the use of radioactive material, whether or not under license from the Atomic Energy Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under Commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

Subpart E—Scaffolds, Ladders and Other Working Surfaces

§ 1915.41 Scaffolds or staging.

(a) *General requirements.* (1) All scaffolds and their supports whether of lumber, steel or other material, shall be capable of supporting the load they are designed to carry with a safety factor of not less than four (4).

(2) All lumber used in the construction of scaffolds shall be spruce, fir, long leaf yellow pine, Oregon pine or wood of equal strength. The use of hemlock, short leaf yellow pine, or short fiber lumber is prohibited.

(3) Lumber dimensions as given in this subpart are nominal except where given in fractions of an inch.

(4) All lumber used in the construction of scaffolds shall be sound, straight-grained, free from cross grain, shakes and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength or durability.

(5) Scaffolds shall be maintained in a safe and secure condition. Any component of the scaffold which is broken, burned or otherwise defective shall be replaced.

(6) Barrels, boxes, cans, loose bricks, or other unstable objects shall not be used as working platforms or for the support of planking intended as scaffolds or working platforms.

(7) No scaffold shall be erected, moved, dismantled or altered except under the supervision of competent persons.

(8) No welding, burning, riveting or open flame work shall be performed on any staging suspended by means of fiber rope.

(9) Lifting bridles on working platforms suspended from cranes shall consist of four legs so attached that the stability of the platform is assured.

(10) Unless the crane hook has a safety latch or is moused, the lifting bridles on working platforms suspended from cranes shall be attached by shackles to the lower lifting block or other positive means shall be taken to prevent them from becoming accidentally disengaged from the crane hook.

(b) *Independent pole wood scaffolds.* (1) All pole uprights shall be set plumb. Poles shall rest on a foundation of sufficient size and strength to distribute the load and to prevent displacement.

(2) In light-duty scaffolds not more than 24 feet in height, poles may be spliced by overlapping the ends not less than 4 feet and securely nailing them together. A substantial cleat shall be nailed to the lower section to form a support for the upper section except when bolted connections are used.

(3) All other poles to be spliced shall be squared at the ends of each splice, abutted, and rigidly fastened together by not less than two cleats securely nailed or bolted thereto. Each cleat shall overlap each pole end by at least 24 inches and shall have a width equal to the face of the pole to which it is attached. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the pole.

(4) Ledgers shall extend over two consecutive pole spaces and shall overlap the poles at each end by not less than 4 inches. They shall be left in position to brace the poles as the platform is raised with the progress of the work. Ledgers shall be level and shall be securely nailed or bolted to each pole and shall be placed against the inside face of each pole.

(5) All bearers shall be set with their greater dimension vertical and shall extend beyond the ledgers upon which they rest.

(6) Diagonal bracing shall be provided between the parallel poles, and cross bracing shall be provided between the inner and outer poles or from the outer poles to the ground.

(7) Minimum dimensions and spacing of members shall be in accordance with table E–1 in § 1915.68.

(8) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(c) *Independent pole metal scaffolds.* (1) Metal scaffold members shall be maintained in good repair and free of corrosion.

(2) All vertical and horizontal members shall be fastened together with a coupler or locking device which will form a positive connection. The locking device shall be of a type which has no loose parts.

(3) Posts shall be kept plumb during erection and the scaffold shall be subsequently kept plumb and rigid by means of adequate bracing.

(4) Posts shall be fitted with bases supported on a firm foundation to distribute the load. When wooden sills are used, the bases shall be fastened thereto.

(5) Bearers shall be located at each set of posts, at each level, and at each intermediate level where working platforms are installed.

(6) Tubular bracing shall be applied both lengthwise and crosswise as required.

(7) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(8) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(d) *Wood trestle and extension trestle ladders.* (1) The use of trestle ladders, or extension sections or base sections of extension trestle ladders longer than 20 feet is prohibited. The total height of base and extension may, however, be more than 20 feet.

(2) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows:

(i) Ladders up to and including those 16 feet long shall have side rails of not less than 1⅝ x 2¾ inch lumber.

(ii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than 1⅝ x 3 inch lumber.

(3) The side rails of the extension section of the extension trestle ladder shall be parallel and shall have minimum dimensions as follows:

(i) Ladders up to and including 12 feet long shall have side rails of not less than 1⅝ x 2¼ inch lumber.

(ii) Ladders over 12 feet long and up to and including those 16 feet long shall have side rails of not less than 1⅝ x 2½ inch lumber.

(iii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than 1⅝ x 2¾ inch lumber.

(4) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be not less than 5½ inches per foot of the length of the ladder.

(5) The width between the side rails at the bottom of the trestle ladder or of the base section of the extension trestle ladder shall be not less than 21 inches for all ladders and sections 6 feet or less in length. For longer lengths of ladder the width shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension section of the trestle ladder shall be not less than 12 inches.

(6) In order to limit spreading, the top ends of the side rails of both the trestle ladder and of the base section of the extension trestle ladder shall be beveled, or of equivalent construction, and shall be provided with a metal hinge.

(7) A metal spreader or locking device to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of each trestle ladder or extension trestle ladder.

(8) Rungs shall be parallel and level. On the trestle ladder, or on the base section of the extension trestle ladder, rungs shall be spaced not less than 8 inches nor more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches nor more than 12 inches apart.

(9) Platform planking shall be in accordance with the requirements of paragraph (h) of this section, except that the width of the platform planking shall not exceed the distance between the siderails.

(10) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(e) *Painters' suspended scaffolds.* (1) The supporting hooks of swinging scaffolds shall be constructed to be equivalent in strength to mild steel or wrought iron, shall be forged with care, shall be not less than ⅞ inch in diameter, and shall be secured to a safe anchorage at all times.

(2) The ropes supporting a swinging scaffold shall be equivalent in strength to first-grade ¾ inch diameter manila rope properly rigged into a set of standard 6 inch blocks consisting of at least one double and one single block.

(3) Manila and wire ropes shall be carefully examined before each operation and thereafter as frequently as may be necessary to ensure their safe condition.

(4) Each end of the scaffold platform shall be supported by a wrought iron or mild steel stirrup or hanger, which in turn is supported by the suspension ropes.

(5) Stirrups shall be constructed so as to be equivalent in strength to wrought iron ¾ inch in diameter.

(6) The stirrups shall be formed with a horizontal bottom member to support the platform, shall be provided with means to support the guardrail and midrail and shall have a loop or eye at the top for securing the supporting hook on the block.

(7) Two or more swinging scaffolds shall not at any time be combined into one by bridging the distance between them with planks or any other form of platform.

(8) No more than two men shall be permitted to work at one time on a swinging scaffold built to the minimum specifications contained in this paragraph. Where heavier construction is used, the number of men permitted to work on the scaffold shall be determined by the size and the safe working load of the scaffold.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(10) The swinging scaffold platform shall be one of the three types described in subparagraphs (11), (12), and (13) of this paragraph.

(11) The ladder-type platform consists of boards upon a horizontal ladder-like structure, referred to herein as the ladder, the side rails of which are parallel. If this type of platform is used the following requirements shall be met:

(i) The width between the side rails shall be no more than 20 inches.

(ii) The side rails of ladders in ladder-type platforms shall be equivalent in strength to a beam of clear straight-grained spruce of the dimensions contained in Table E–2 in § 1915.68.

(iii) The side rails shall be tied together with tie rods. The tie rods shall be not less than 5/16 inch in diameter, located no more than 5 feet apart, pass through the rails, and be riveted up tight against washers at both ends.

(iv) The rungs shall be of straight-grained oak, ash, or hickory, not less than 1⅛ inches diameter, with ⅞ inch tenons mortised into the side rails not less than ⅞ inch and shall be spaced no more than 18 inches on centers.

(v) Flooring strips shall be spaced no more than ⅝ inch apart except at the side rails, where 1 inch spacing is permissible.

(vi) Flooring strips shall be cleated on their undersides.

(12) The plank-type platform consists of planks supported on the stirrups or hangers. If this type of platform is used, the following requirements shall be met:

(i) The planks of plank-type platforms shall be of not less than 2 x 10 inch lumber.

(ii) The platform shall be no more than 24 inches in width.

(iii) The planks shall be tied together by cleats of not less than 1 x 6 inch lumber, nailed on their undersides at intervals of not more than 4 feet.

(iv) The planks shall extend not less than 6 inches nor more than 18 inches beyond the supporting stirrups.

(v) A cleat shall be nailed across the platform on the underside at each end outside the stirrup to prevent the platform from slipping off the stirrup.

(vi) Stirrup supports shall be not more than 10 feet apart.

(13) The beam-type platform consists of longitudinal side stringers with cross beams set on edge and spaced not more than 4 feet apart on which longitudinal platform planks are laid. If this type platform is used the following requirements shall be met:

(i) The side stringers shall be of sound, straight-grained lumber, free from knots, and of not less than 2 x 6 inch lumber, set on edge.

(ii) The stringers shall be supported on the stirrups with a clear span between stirrups of not more than 16 feet.

(iii) The stringers shall be bolted to the stirrups by U-bolts passing around the stirrups and bolted through the stringers with nuts drawn up tight on the inside face.

(iv) The ends of the stringers shall extend beyond the stirrups not less than 6 inches nor more than 12 inches at each end of the platform.

(v) The platform shall be supported on cross beams of 2 x 6 inch lumber between the side stringers securely nailed thereto and spaced not more than 4 feet on centers.

(vi) The platform shall be not more than 24 inches wide.

(vii) The platform shall be formed of boards ⅞ inch in thickness by not less than 6 inches in width, nailed tightly together, and extending to the outside face of the stringers.

(viii) The ends of all platform boards shall rest on the top of the cross beams, shall be securely nailed, and at no intermediate points in the length of the platform shall there be any cantilever ends.

(f) *Horse scaffolds.* (1) The minimum dimensions of lumber used in the construction of horses shall be in accordance with Table E–3 in § 1915.68.

(2) Horses constructed of materials other than lumber shall provide the strength, rigidity and security required of horses constructed of lumber.

(3) The lateral spread of the legs shall be equal to not less than one-third of the height of the horse.

(4) All horses shall be kept in good repair, and shall be properly secured when used in staging or in locations where they may be insecure.

(5) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(6) Backrails and toeboards shall be in accordance with paragraph (i) of this section.

(g) *Other types of scaffolds.* (1) Scaffolds of a type for which specifications are not contained in this section shall meet the general requirements of paragraphs (a), (h) and (i) of this section, shall be in accordance with recognized principles of design and shall be constructed in accordance with accepted standards covering such equipment.

(h) *Scaffold or platform planking.* (1) Except as otherwise provided in paragraph (e) (11) and (13) of this section, platform planking shall be of not less than 2 x 10 inch lumber. Platform planking shall be straight-grained and free from large or loose knots and may be either rough or dressed.

(2) Platforms of staging shall be not less than two 10 inch planks in width except in such cases as the structure of the vessel or the width of the trestle ladders make it impossible to provide such a width.

(3) Platform planking shall project beyond the supporting members at either end by at least 6 inches but in no case shall project more than 12 inches unless the planks are fastened to the supporting members.

(4) Table E–4 in § 1915.68 shall be used as a guide in determining safe loads for scaffold planks.

(i) *Backrails and toeboards.* (1) Scaffolding, staging, runways, or working platforms which are supported or suspended more than 5 feet above a solid surface, or at any distance above the water, shall be provided with a railing which has a top rail whose upper surface is from 42 to 45 inches above the upper surface of the staging, platform, or runway and a midrail located halfway between the upper rail and the staging, platform, or runway.

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured. Where exposed to hot work or chemicals, fiber rope rails shall not be used.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted, employees working more than 5 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of § 1915.84(b), and employees working over water shall be protected by buoyant work vests meeting the requirements of § 1915.84(a).

(4) Employees working from swinging scaffolds which are triced out of a vertical line below their supports or from scaffolds on paint floats subject to surging, shall be protected against falling toward the vessel by a railing or a safety belt and line attached to the backrail.

(5) When necessary, to prevent tools and materials from falling on men below, toeboards of not less than 1 x 4 inch lumber shall be provided.

(j) *Access to staging.* (1) Access from below to staging more than 5 feet above a floor, deck or the ground shall consist of well secured stairways, cleated ramps, fixed or portable ladders meeting the applicable requirements of § 1915.42 or rigid type non-collapsible trestles with parallel and level rungs.

(2) Ramps and stairways shall be provided with 36-inch handrails with midrails.

(3) Ladders shall be so located or other means shall be taken so that it is not necessary for employees to step more than one foot from the ladder to any intermediate landing or platform.

(4) Ladders forming integral parts of prefabricated staging are deemed to meet the requirements of these regulations.

(5) Access from above to staging more than 3 feet below the point of access shall consist of a straight, portable ladder meeting the applicable requirements of § 1915.42 or a Jacob's ladder properly secured, meeting the requirements of § 1915.44(d).

§ 1915.42 Ladders.

(a) *General requirements.* (1) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end, hollow rungs.

(2) When sections of ladders are spliced, the ends shall be abutted, and not fewer than 2 cleats shall be securely nailed or bolted to each rail. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the side rail. The dimensions of side rails for their total length shall be those specified in paragraphs (b) or (c) of this section.

(3) Portable ladders shall be lashed, blocked or otherwise secured to prevent their being displaced. The side rails of ladders used for access to any level shall extend not less than 36 inches above that level. When this is not practical, grab rails which will provide a secure grip for an employee moving to or from the point of access shall be installed.

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Metal Ladders, A14.2.

(5) Portable metal ladders shall not be used near electrical conductors nor for electric arc welding operations.

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Wood Ladders, A14.1.

(b) *Construction of portable wood cleated ladders up to 30 feet in length.* (1) Wood side rails shall be made from West Coast hemlock, Eastern spruce, Sitka spruce, or wood of equivalent strength. Material shall be seasoned, straight-grained wood, and free from shakes, checks, decay or other defects which will impair its strength. The use of low density woods is prohibited.

(2) Side rails shall be dressed on all sides, and kept free of splinters.

(3) All knots shall be sound and hard. The use of material containing loose knots is prohibited. Knots shall not appear on the narrow face of the rail and, when in the side face, shall be not more than ½ inch in diameter or within ½ inch of the edge of the rail or nearer than 3 inches to a tread or rung.

(4) Pitch pockets not exceeding ⅛ inch in width, 2 inches in length and ½ inch in depth are permissible in wood side rails, provided that not more than one such pocket appears in each 4 feet of length.

(5) The width between side rails at the base shall be not less than 11½ inches for ladders 10 feet or less in length. For longer ladders this width shall be increased at least ¼ inch for each additional 2 feet in length.

(6) Side rails shall be at least 1⅜ x 3⅝ inches in cross section.

(7) Cleats (meaning rungs rectangular in cross section with the wide dimension parallel to the rails) shall be of the material used for side rails, straight-grained and free from knots. Cleats shall be mortised into the edges of the side rails ½ inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or fastened with through bolts or other fasteners of equivalent strength. Cleats shall be uniformly spaced not more than 12 inches apart.

(8) Cleats 20 inches or less in length shall be at least $^{25}/_{32}$ x 3 inches in cross section. Cleats over 20 inches but not more than 30 inches in length shall be at least $^{25}/_{32}$ x 3¾ inches in cross section.

(c) *Construction of portable wood cleated ladders from 30 to 60 feet in length.* (1) Ladders from 30 to 60 feet in length shall be in accordance with the specifications of paragraph (b) of this section with the following exceptions:

(i) Rails shall be of not less than 2 x 6 inch lumber.

(ii) Cleats shall be of not less than 1 x 4 inch lumber.

(iii) Cleats shall be nailed to each rail with five 10d common wire nails or fastened with through bolts or other fastenings of equivalent strength.

§ 1915.43 Guarding of deck openings and edges.

(a) When employees are working in the vicinity of flush manholes and other small openings of comparable size in the deck and other working surfaces, such openings shall be suitably covered or guarded to a height of not less than 30 inches, except where the use of such guards is made impracticable by the work actually in progress.

(b) When employees are working around open hatches not protected by coamings to a height of 24 inches or around other large openings, the edge of the opening shall be guarded in the working area to a height of 36 to 42 inches, except where the use of such guards is made impracticable by the work actually in progress.

(c) When employees are exposed to unguarded edges of decks, platforms, flats, and similar flat surfaces, more than 5 feet above a solid surface, the edges shall be guarded by adequate guardrails meeting the requirements of § 1915.41(i) (1) and (2), unless the nature of the work in progress or the physical conditions prohibit the use or installation of such guardrails.

(d) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by buoyant work vests, meeting the requirements of § 1915.84(a).

(e) Sections of bilges from which floor plates or gratings have been removed shall be guarded by guardrails except where they would interfere with work in progress. If these open sections are in a walkway at least two 10-inch planks placed side by side, or equivalent, shall be laid across the opening to provide a safe walking surface.

(f) Gratings, walkways, and catwalks, from which sections or ladders have been removed, shall be barricaded with adequate guardrails.

§ 1915.44 Access to vessels.

(a) *Access to vessels afloat.* The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(1) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping,

shall be provided. When conditions are such that neither a gangway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of paragraph (d) (1) and (2) of this section may be used.

(2) Each side of such gangway, and the turn table if used, shall have a railing with a minimum height of approximately 33 inches measured perpendicularly from rail to walking surface at the stanchion, with a mid rail. Rails shall be of wood, pipe, chain, wire or rope and shall be kept taut at all times.

(3) Gangways on vessels inspected and certificated by the U.S. Coast Guard are deemed to meet the foregoing requirements, except in cases where the vessel's regular gangway is not being used.

(4) The gangway shall be kept properly trimmed at all times.

(5) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(6) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(7) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings, with a minimum height of approximately 33 inches with mid rails on both sides.

(8) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(9) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(10) Obstructions shall not be laid on or across the gangway.

(11) The means of access shall be adequately illuminated for its full length.

(12) Unless the construction of the vessel makes it impossible, the means of access shall be so located that drafts of cargo do not pass over it. In any event, loads shall not be passed over the means of access while employees are on it.

(b) *Access to vessels in drydock or between vessels.* Gangways meeting the requirements of paragraph (a) (1), (2), (9), (10), (11) of this section shall be provided for access from wing wall to vessel or, when two or more vessels, other than barges or river towboats, are lying abreast, from one vessel to another.

(c) *Access to barges and river towboats.* (1) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained and properly secured.

(2) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp in accordance with the requirements of subparagraph (1) of this paragraph or a safe walkway in accordance with the requirements of paragraph (a) (7) of this section shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping, shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder in accordance with the requirements of paragraph (d) of this section may be used.

(3) The means of access shall be in accordance with the requirements of paragraph (a) (9), (10) and (11) of this section.

(d) *Jacob's ladders.* (1) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(2) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1915.45 Access to and guarding of dry docks and marine railways.

(a) A gangway, ramp or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(b) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wing walls from dry dock floors, shall have a railing with a mid rail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 or more than approximately 34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope, and shall be kept taut at all times.

(c) Railings meeting the requirements of paragraph (b) of this section shall be provided on the means of access to and from the floors of graving docks.

(d) Railings approximately 42 inches in height, with a mid rail, shall be provided on the edges of wing walls of floating dry docks and on the edges of graving docks. Sections of the railings may be temporarily removed where necessary to permit line handling while a vessel is entering or leaving the dock.

(e) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42 inch railings with a mid rail. When such a railing would be impracticable or ineffective, other effective means shall be provided to prevent men from falling into the water.

(f) Access to wingwalls from floors of dry-docks shall be by ramps, permanent stairways or ladders meeting the applicable requirements of § 1915.42.

(g) Catwalks on stiles of marine railways shall be no less than 20 inches wide and shall have on at least one side a guardrail and midrail meeting the requirements of § 1915.41(i) (1) and (2).

§ 1915.46 Access to cargo spaces and confined spaces.

(a) *Cargo spaces.* (1) There shall be at least one safe and accessible ladder in any cargo space which employees must enter.

(2) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(3) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed ladders in cargo spaces do not meet the requirements of subparagraph (1) of this paragraph. When conditions are such that a straight ladder cannot be used, a Jacob's ladder meeting the requirements of § 1915.44(d) may be used.

(4) When cargo is stowed within 4 inches of the back of ladder rungs, the ladder shall be deemed "unsafe" for the purpose of this section.

(5) Fixed ladders or straight ladders provided for access to cargo spaces shall not be used at the same time that cargo drafts or other loads are entering or leaving the hold. Before using these ladders to enter or leave the hold, the employee shall be required to inform the winchman or crane signalman of his intention.

(b) *Confined spaces.* (1) More than one means of access shall be provided to a confined space in which employees are working and in which the work may generate a hazardous atmosphere in the space except where the structure or arrangement of the vessel makes this provision impractical.

(2) When the ventilation ducts required by these regulations must pass through these means of access, the ducts shall be of such a type and so arranged as to permit free passage of an employee through at least two of these means of access.

§ 1915.47 Working surfaces.

(a) When firebox floors present tripping hazards of exposed tubing or of missing or removed refractory, sufficient planking to afford safe footing shall be laid while work is being carried on within the boiler.

(b) When employees are working aloft, or elsewhere at elevations more than 5 feet above a solid surface, either scaffolds or a sloping ladder, meeting the requirements of this subpart, shall be used to afford safe footing, or the employees shall be protected by safety belts and lifelines meeting the requirements of § 1915.84(b). Employees visually restricted by blasting hoods, welding helmets, and burning goggles shall work from scaffolds, not from ladders, except for the initial and final welding or burning operation to start or complete a job, such as the erection and dismantling of hung scaffolding, or other similar, nonrepetitive jobs of brief duration.

(c) For work performed in restricted quarters, such as behind boilers and in between congested machinery units and piping, work platforms at least 20 inches

wide meeting the requirements of § 1915.41(h)(1) shall be used. Backrails may be omitted if bulkheading, boilers, machinery units, or piping afford proper protection against falling.

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by buoyant work vests meeting the requirements of § 1915.84(a).

Subpart F—General Working Conditions

§ 1915.51 Housekeeping.

(a) Good housekeeping conditions shall be maintained at all times. Adequate aisles and passageways shall be maintained in all work areas. All staging platforms, ramps, stairways, walkways, aisles, and passageways on vessels or dry docks shall be kept clear of all tools, materials, and equipment except that which is in use, and all debris such as welding rod tips, bolts, nuts, and similar material. Hose and electric conductors shall be elevated over or placed under the walkway or working surfaces or covered by adequate crossover planks.

(b) All working areas on vessels and dry docks shall be kept reasonably free of debris, and construction material shall be so piled as not to present a hazard to employees.

(c) Slippery conditions on walkways or working surfaces shall be eliminated as they occur.

(d) Free access shall be maintained at all times to all exits and to all fire-alarm boxes or fire-extinguishing equipment.

(e) All oils, paints, thinners, solvents waste, rags, or other flammable substances shall be kept in fire resistant covered containers when not in use.

§ 1915.52 Illumination.

(a) All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

(b) Temporary lights shall meet the following requirements:

(1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices which have insulation equal to that of the cable are permitted.

(3) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(c) Exposed non-current-carrying metal parts of temporary lights furnished by the employer shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current. Grounding shall be in accordance with the requirements of § 1915.72(b).

(d) Where temporary lighting from sources outside the vessel is the only means of illumination, portable emergency lighting equipment shall be available to provide illumination for safe movement of empoyees.

(e) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited. In nongas free spaces, portable lights shall meet the requirements of § 1915.12(b).

(f) Temporary lighting stringers or streamers shall be so arranged as to avoid overloading of branch circuits. Each branch circuit shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1915.53 Utilities.

(a) *Steam supply and hoses.* (1) Prior to supplying a vessel with steam from a source outside the vessel, the employer shall ascertain from responsible vessel's representatives, having knowledge of the condition of the plant, the safe working pressure of the vessel's steam system. The employer shall install a pressure gauge and a relief valve of proper size and capacity at the point where the temporary steam hose joins the vessel's steam piping system or systems. The relief valve shall be set and capable of relieving at a pressure not exceeding the safe working pressure of the vessel's system in its present condition, and there shall be no means of isolating the relief valve from the system which it protects. The pressure gauge and relief valve shall be located so as to be visible and readily accessible.

(2) Steam hose and fittings shall have a safety factor of not less than five (5).

(3) When steam hose is hung in a bight or bights, the weight shall be relieved by appropriate lines. The hose shall be protected against chafing.

(4) Steam hose shall be protected from damage and hose and temporary piping shall be so shielded where passing through normal work areas as to prevent accidental contact by employees.

(b) *Electric power.* (1) When the vessel is supplied with electric power from a source outside the vessel, the following precautions shall be taken prior to energizing the vessel's circuits:

(i) If in dry dock, the vessel shall be adequately grounded.

(ii) The employer shall ascertain from responsible vessel's representatives, having a knowledge of the condition of the vessel's electrical system, that all circuits to be energized are in a safe condition.

(iii) All circuits to be energized shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

(c) *Infrared electrical heat lamps.* (1) All infrared electrical heat lamps shall be equipped with guards that surround the lamps with the exception of the face, to minimize accidental contact with the lamps.

§ 1915.54 Work in confined or isolated spaces.

When any work is performed in a confined space, except as provided in § 1915.31(b)(3), or when an employee is working alone in an isolated location, frequent checks shall be made to ensure the safety of the employees.

§ 1915.55 Work on or in the vicinity of radar and radio.

(a) No employees other than radar or radio repairmen shall be permitted to work on masts, king posts or other aloft areas unless the radar and radio are secured or otherwise made incapable of radiation. In either event, the radio and radar shall be appropriately tagged.

(b) Testing of radar or radio shall not be done until the employer can schedule such tests at a time when no work is in progress aloft or personnel can be cleared from the danger area according to minimum safe distances established for and based on the type, model, and power of the equipment.

§ 1915.56 Work in or on lifeboats.

(a) Before employees are permitted to work in or on a lifeboat, either stowed or in a suspended position, the employer shall ensure that the boat is secured independently of the releasing gear to prevent the boat from falling due to accidental tripping of the releasing gear and movement of the davits or capsizing of a boat in chocks.

(b) Employees shall not be permitted to remain in boats while the boats are being hoisted into final stowed position.

(c) Employees shall not be permitted to work on the outboard side of lifeboats stowed on their chocks unless the boats are secured by gripes or otherwise secured to prevent them from swinging outboard.

§ 1915.57 Health and sanitation.

(a) No chemical product, such as a solvent or preservative; no structural material, such as cadmium or zinc coated steel, or plastic material; and no process material, such as welding filler metal; which is a hazardous material within the meaning of § 1915.2(s), shall be used until the employer has ascertained the potential fire, toxic, or reactivity hazards which are likely to be encountered in the handling, application, or utilization of such a material.

(b) In order to ascertain the hazards, as required by paragraph (a) of this section, the employer shall obtain the following items of information which are applicable to a specific product or material to be used:

(1) The name, address, and telephone number of the source of the information specified in this paragraph, preferably those of the manufacturer of the product or material.

(2) The trade name and synonyms for a mixture of chemicals, a basic structural material, or for a process material; and the chemical name and synonyms, chemical family, and formula for a single chemical.

(3) Chemical names of hazardous ingredients, including, but not limited to, those in mixtures, such as those in: (i) Paints, preservatives, and solvents; (ii) alloys, metallic coatings, filler metals and their coatings or core fluxes; and (iii)

other liquids, solids, or gases (e.g., abrasive materials).

(4) An indication of the percentage, by weight or volume, which each ingredient of a mixture bears to the whole mixture, and of the threshold limit value of each ingredient, in appropriate units.

(5) Physical data about a single chemical or a mixture of chemicals, including boiling point, in degrees Fahrenheit; vapor pressure, in millimeters of mercury; vapor density of gas or vapor (air=1); solubility in water, in percent by weight; specific gravity of material (water=1); percentage volatile, by volume, at 70° F.; evaporation rate for liquids (either butyl acetate or ether may be taken as 1); and appearance and odor.

(6) Fire and explosion hazard data about a single chemical or a mixture of chemicals, including flash point, in degrees Fahrenheit; flammable limits, in percent by volume in air; suitable extinguishing media or agents; special fire fighting procedures; and unusual fire and explosion hazard information.

(7) Health hazard data, including threshold limit value, in appropriate units, for a single hazardous chemical or for the individual hazardous ingredients of a mixture, as appropriate; effects of overexposure; and emergency and first aid procedures.

(8) Reactivity data, including stability, incompatibility, hazardous decomposition products, and hazardous polymerization.

(9) Procedures to be followed and precautions to be taken in cleaning up and disposing of materials leaked or spilled.

(10) Special protection information, including use of personal protective equipment, such as respirators, eye protection, and protective clothing, and of ventilation, such as local exhaust, general, special, or other types.

(11) Special precautionary information about handling and storing.

(12) Any other general precautionary information.

(c) The pertinent information required by paragraph (b) of this section shall be recorded either on U.S. Department of Labor Form LSB 00S–4, Material Safety Data Sheet, or on an essentially similar form which has been approved by the Occupational Safety and Health Administration. Copies of Form LSB 00S–4 may be obtained at any of the following regional offices of the Occupational Safety and Health Administration:

(1) North Atlantic Region, 341 North Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont).

(2) Middle Atlantic Region, Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia).

(3) South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee).

(4) Great Lakes Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin).

(5) Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

(6) Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

(7) Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington).

A completed form shall be preserved and available for inspection for a period of 3 months from the date of the completion of the job.

(d) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(e) The employer shall provide all necessary controls, and the employees shall be protected by suitable personal protective equipment against the hazards identified under paragraph (a) of this section and those hazards for which specific precautions are required in Subparts B, C, and D of this part.

(f) The employer shall provide adequate washing facilities for employees engaged in the application of paints or coatings or in other operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employees. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(g) The employer shall not permit eating or smoking in areas undergoing surface preparation or preservation.

(h) The employer shall not permit employees to work in the immediate vicinity of uncovered garbage and shall ensure that employees working beneath or on the outboard side of a vessel are not subject to contamination by drainage or waste from overboard discharges.

§ 1915.58 First aid.

(a) Unless a first aid room and a qualified attendant are close at hand and prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier, only one kit shall be required. The kit, when required, shall be kept close to the vessel and at least one employee, close at hand, shall be qualified to administer first aid to the injured.

(b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall contain a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandage, 40 inch.
Ammonia inhalants and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.
Wire or thin board splints.
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job and at least weekly on each job to ensure that the expended items are replaced.

(d) There shall be available for each vessel on which ten (10) or more employees are working one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. A blanket or other liner suitable for transferring the patient to and from the stretcher shall be provided. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services which are available are known to carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

§ 1915.61 Inspection.

(a) All gear and equipment provided by the employer for rigging and materials handling shall be inspected before each shift and, when necessary, at intervals during its use to ensure that it is safe. Defective gear shall be removed and repaired or replaced before further use.

(b) The safe working load of gear as specified in §§ 1915.62 and 1915.63 shall not be exceeded.

§ 1915.62 Ropes, chains and slings.

(a) *Manila rope and manila rope slings.* (1) Table G–1 in § 1915.68 shall be used to determine the safe working load of various sizes of manila rope and manila rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Wire rope and wire rope slings.* (1) Tables G–2 through G–5 in § 1915.68 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Where U-bolt wire rope clips are used to form eyes, Table G–6 in § 1915.68 shall be used to determine the number

and spacing of clips. The U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(4) Wire rope shall not be secured by knots.

(c) *Chains and chain slings.* (1) Tables G–7 and G–8 in § 1915.68 shall be used to determine the working load limit of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products.

(2) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(3) Interlink wear, not accompanied by stretch in excess of 5 percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G–9 in § 1915.68 has been reached.

(4) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(5) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective as described in subparagraph (4) of this paragraph shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(6) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall never be annealed.

(7) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1915.63 Shackles and hooks.

(a) *Shackles.* (1) Table G–10 in § 1915.68 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than (5) is maintained.

(b) *Hooks.* (1) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(2) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(3) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

§ 1915.64 Chain falls and pull-lifts.

(a) Chain falls and pull-lifts shall be clearly marked to show the capacity and the capacity shall not be exceeded.

(b) Chain falls shall be regularly inspected to ensure that they are safe, particular attention being given to the lift chain, pinion, sheaves and hooks for distortion and wear. Pull-lifts shall be regularly inspected to ensure that they are safe, particular attention being given to the ratchet, pawl, chain and hooks for distortion and wear.

(c) Straps, shackles, and the beam or overhead structure to which a chain fall or pull-lift is secured shall be of adequate strength to support the weight of load plus gear. The upper hook shall be moused or otherwise secured against coming free of its support.

(d) Scaffolding shall not be used as a point of attachment for lifting devices such as tackles, chain falls, and pull-lifts unless the scaffolding is specifically designed for that purpose.

§ 1915.65 Hoisting and hauling equipment.

(a) Derrick and crane certification: (1) Derricks and cranes which are part of, or regularly placed aboard barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, shall be tested and certificated in accordance with the standards provided in Part 1505 of this chapter by persons accredited for that purpose.

(2) Subparagraph (1) of this paragraph shall take effect 180 days after the effective date of this amendment.

(b) The moving parts of hoisting and hauling equipment shall be guarded.

(c) Mobile crawler or truck cranes used on a vessel: (1) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(d) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane either permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(e) Marine railways: (1) The cradle or carriage on the marine railway shall be positively blocked or secured when in the hauled position to prevent it from being accidentally released.

§ 1915.66 Use of gear.

(a) Loads shall be safely rigged before being hoisted.

(b) Plates shall be handled on and off hulls by means of shackles whenever possible. Clips or pads of ample size shall be welded to the plate to receive the shackle pins when there are no holes in the plate. When it is not possible to make holes in or to weld pads to the plate, alligator tongs, grab hooks, grab clamps or screw clamps may be used. In such cases special precautions shall be taken to keep employees from under such lifts.

(c) Tag lines shall be provided on loads likely to swing or to need guidance.

(d) When slings are secured to eyebolts, the slings shall be so arranged, using spreaders if necessary, that the pull is within 20 degrees of the axis of the bolt.

(e) Slings shall be padded by means of wood blocks or other suitable material where they pass over sharp edges or corners of loads so as to prevent cutting or kinking.

(f) Skips shall be rigged to be handled by not less than 3 legged bridles, and all legs shall always be used. When open end skips are used, means shall be taken to prevent the contents from falling.

(g) Loose ends of idle legs of slings in use shall be hung on the hook.

(h) Employees shall not be permitted to ride the hook or the load.

(i) Loads (tools, equipment or other materials) shall not be swung or suspended over the heads of employees.

(j) Pieces of equipment or structure susceptible to falling or dislodgement shall be secured or removed as early as possible.

(k) An individual who is familiar with the signal code in use shall be assigned to act as a signalman when the hoist operator cannot see the load being handled. Communications shall be made by means of clear and distinct visual or auditory signals except that verbal signals shall not be permitted.

(l) Pallets, when used, shall be of such material and construction and so maintained as to safely support and carry the loads being handled on them.

(m) A section of hatch through which materials or equipment are being raised, lowered, moved, or otherwise shifted manually or by a crane, winch, hoist, or derrick, shall be completely opened. The beam or pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent it from being unshipped so that it cannot be displaced by accident.

(n) Hatches shall not be opened or closed while employees are in the square of the hatch below.

(o) Before loads or empty lifting gear are raised, lowered, or swung, clear and sufficient advance warning shall be given to employees in the vicinity of such operations.

(p) At no time shall an employee be permitted to place himself in a hazardous position between a swinging load and a fixed object.

§ 1915.67 Qualifications of operators.

(a) When ship's gear is used to hoist materials aboard, a competent person shall determine that the gear is properly rigged, that it is in safe condition, and that it will not be overloaded by the size and weight of the lift.

(b) Only those employees who understand the signs, notices, and operating instructions, and are familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power operated hoisting apparatus.

(c) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him, shall be permitted to operate a crane, winch or other power operated hoisting apparatus.

(d) No minor under eighteen (18) years of age shall be employed in occupations involving the operation of any power-driven hoisting apparatus or assisting in such operations by work such as hooking on, loading slings, rigging gear, etc.

§ 1915.68 Tables.

TABLE E-1

DIMENSIONS AND SPACING OF WOOD INDEPENDENT-POLE SCAFFOLD MEMBERS

Structural Members	Light duty (Up to 25 pounds per square foot)			Heavy duty (25 to 75 pounds per square foot)		
	Height in feet			Height in feet		
	24 or less	24–40	40–60	24 or less	24–40	40–60
Poles or uprights (in inches)	2 x 4	3 x 4 or 2 x 6	4 x 4	3 x 4	4 x 4	4 x 6
Bearers (in inches)	2 x 6	2 x 6	2 x 6	2 x 8	2 x 8	2 x 10
Ledgers (in inches)	2 x 6	2 x 6	2 x 6	2 x 8	2 x 8	2 x 8
Stringers (not supporting bearers) (in inches)	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6
Braces (in inches)	1 x 4	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6
Pole spacing—longitudinally (in feet)	7½	7½	7½	7	7	7
Pole spacing—transversely (in feet)	6½ min.	7½ min.	8½ min.	6½	10	10
Ledger spacing—vertically (in feet)	7	7	7	4½	4½	4½

TABLE E-2

SPECIFICATIONS FOR SIDE RAILS OF LADDERS

Length (in feet)	Cross section (in inches)	
	At ends	At center
15	1⅞ x 2¾	1⅞ x 3¾
16	1⅞ x 2¾	1⅞ x 3¾
18	1⅞ x 3	1⅞ x 4
20	1⅞ x 3	1⅞ x 4
24	1⅞ x 3	1⅞ x 4½

TABLE E-3

SPECIFICATIONS FOR THE CONSTRUCTION OF HORSES

Structural members	Height in feet		
	Up to 10	10 to 16	16 to 20
	Inches	*Inches*	*Inches*
Legs	2 x 4	3 x 4	4 x 6
Bearers or headers	2 x 6	2 x 8	4 x 6
Crossbraces	2 x 4 or 1 x 8	2 x 4	2 x 6
Longitudinal braces	2 x 4	2 x 6	2 x 6

TABLE E-4

SAFE CENTER LOADS FOR SCAFFOLD PLANK OF 1,100 POUNDS FIBRE STRESS

Span in Feet	Lumber dimensions in inches									
	A	B	A	B	A	B	A	B	A	B
	2 x 10	1⅝ x 9½	2 x 12	1⅝ x 11½	3 x 8	2⅝ x 7½	3 x 10	2⅝ x 9½	3 x 12	2⅝ x 11½
6	256	309	526	667	807					
8	192	232	395	500	605					
10	153	186	316	400	484					
12	128	155	263	333	404					
14	110	133	225	286	346					
16	-------	116	197	250	303					

(A)—Rough lumber.
(B)—Dressed lumber

TABLE G-1
MANILA ROPE
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

TABLE G–2

RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS

(In tons of 2000 pounds)

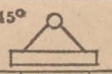
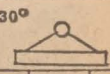
Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G–3

RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS

(In tons of 2000 pounds)

Rope Dia. Inches	TWO – LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45° 			30° 		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18.	17.	14.	15.	15.	12.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	18.	19.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	25.	28.	25.	22.	22.	21.	18.	16.	15.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	33.

(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

No. 36——9

TABLE G-4

RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS

(In tons of 2000 pounds)

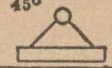
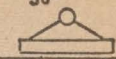
Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-5

RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS

(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45° 			30° 		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4	1.1	1.0	.99	.95	.88	.85	.77	.72	.70	.55	.51	.49
3/8	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1	17.	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
6x37 CLASSIFICATION												
1-1/4	25.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.8
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	55.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter, inches	Number of clips		Minimum spacing, inches
	Drop forged	Other material	
*	------	------	------
1/4	3	4	3
5/16	3	4	3 3/4
3/8	4	5	4 1/2
7/16	4	5	5 1/4
1/2	4	6	6
9/16	5	6	6 3/4
5/8	5	7	7 1/2
3/4	6	7	8 1/4
7/8	6	8	9

* Three clips shall be used on wire size less than 1/4 inch diameter.

TABLE G-7
WROUGHT IRON CHAIN
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
* 1/4	1060	1835	1500	1060
* 5/16	1655	2865	2340	1655
3/8	2385	2.1	3370	2385
* 7/16	3250	2.8	2.3	3250
1/2	2.1	3.7	3.0	2.1
* 9/16	2.7	4.6	3.8	2.7
5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

* These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G-8
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

TABLE G-9

MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
1/4 (9/32)	3/64
5/16	5/64
3/8	7/64
1/2	9/64
5/8	5/32
3/4	13/64
7/8	3/16
1	7/32
1 1/8	1/4
1 1/4	9/32
1 3/8	5/16
1 1/2	11/32
1 3/4	

TABLE G-10

SAFE WORKING LOADS FOR SHACKLES

[In tons of 2000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
1/2	5/8	1.4
5/8	3/4	2.2
3/4	7/8	3.2
7/8	1	4.3
1	1 1/8	5.6
1 1/8	1 1/4	6.7
1 1/4	1 3/8	8.2
1 3/8	1 1/2	10.0
1 1/2	1 5/8	11.9
1 3/4	2	16.2
2	2 1/4	21.2

TABLE I-1

FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY

Operation	Shade No.
Soldering	2
Torch Brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1-6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Light gas welding, up to ½ inch	4 or 5
Medium gas welding, ½-½ inch	5 or 6
Heavy gas welding, over ½ inch	6 or 8
Shielded Metal-Arc Welding 1/16- to 5/32-inch electrodes.	10
Inert-gas Metal-Arc Welding (Nonferrous) 1/16- to 5/32-inch electrodes.	11
Inert-gas Metal-Arc Welding (Ferrous) 1/16- to 5/32-inch electrodes.	12
Shielded Metal-Arc Welding:	
3/16- to ¼-inch electrodes	12
5/16- and ⅜-inch electrodes	14
Atomic Hydrogen Welding	10 to 14
Carbon Arc Welding	14

Subpart H—Tools and Related Equipment

§ 1915.71 General precautions.

(a) Hand lines, slings, tackles of adequate strength, or carriers such as tool bags with shoulder straps shall be provided and used to handle tools, materials, and equipment so that employees will have their hands free when using ship's ladders and access ladders. The use of hose or electric cords for this purpose is prohibited.

(b) When air tools of the reciprocating type are not in use, the dies and tools shall be removed.

(c) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(d) The moving parts of machinery on dry docks shall be guarded.

(e) Before use, pneumatic tools shall be secured to the extension hose or whip by some positive means to prevent the tool from becoming accidentally disconnected from the whip.

(f) The moving parts of drive mechanisms, such as gearing and belting on large portable tools, shall be adequately guarded.

(g) Headers, manifolds, and widely spaced hose connections on compressed air lines shall bear the word "air" in letters at least 1 inch high, which shall be painted either on the manifold or separate hose connections, or on signs permanently attached to the manifolds or connections. Grouped air connections may be marked in one location.

(h) Before use, compressed air hose shall be examined. Visibly damaged and unsafe hose shall not be used.

§ 1915.72 Portable electric tools.

(a) The frames of portable electric tools and appliances, except double insulated tools approved by Underwriters' Laboratories, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the tool is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(c) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in the closed position.

(d) Worn or frayed electric cables shall not be used.

(e) The employer shall notify the officer in charge of the vessel before using electric power tools operated with the vessel's current.

§ 1915.73 Hand tools.

(a) Employers shall not issue or permit the use of unsafe hand tools.

(b) Wrenches, including crescent, pipe, end and socket wrenches, shall not be used when jaws are sprung to the point that slippage occurs.

(c) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(d) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

§ 1915.74 Abrasive wheels.

(a) Floor stand and bench mounted abrasive wheels used for external grinding shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90 degrees, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125 degrees. In either case the exposure shall begin not more than 65 degrees above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(b) Floor and bench mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept a distance not to exceed ⅛ inch from the surface of the wheel.

(c) Cup type wheels use for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1. All other portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

(1) When the work location makes it impossible, in which case a wheel equipped with safety flanges as described in paragraph (f) of this section shall be used.

(2) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(d) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of paragraph (f) of this section, except as follows:

(1) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(2) If the wheel is entirely within the work being ground while in use.

(e) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180 degrees.

(f) When safety flanges are required, they shall be used only with wheels designed to fit the flanges. Only safety flanges of a type and design and properly assembled so as to insure that the pieces of the wheel will be retained in case of accidental breakage shall be used.

(g) All abrasive wheels shall be closely inspected and ring tested before mounting to ensure that they are free from cracks or defects.

(h) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(i) The power supply shall be sufficient to maintain the rated spindle speed under all conditions of normal grinding. The rated maximum speed of the wheel shall not be exceeded.

(j) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of § 1915.81 (a) and (b), except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

§ 1915.75 Powder actuated fastening tools.

(a) *General precautions.* (1) Powder actuated fastening tools shall be tested each day before loading to ensure that the safety devices are in proper working condition. Any tool found not to be in proper working order shall be immediately removed from service until repairs are made.

(2) Powder actuated fastening tools shall not be used in an explosive or flammable atmosphere.

(3) All tools shall be used with the type of shield or muzzle guard appropriate for a particular use.

(4) Fasteners shall not be driven into very hard or brittle materials, such as cast iron, glazed tile, surface hardened steel, glass block, live rock, face brick or hollow tile.

(5) Fasteners shall not be driven into soft materials unless such materials are backed by a substance that will prevent the pin or fastener from passing com-

pletely through and creating a flying missile hazard on the opposite side.

(6) Unless a special guard, fixture or jig is used, fasteners shall not be driven directly into materials such as brick or concrete within 3 inches of the unsupported edge or corner, or into steel surfaces within ½ inch of the unsupported edge or corner. When fastening other material, such as 2 x 4 inch lumber to a concrete surface, fasteners of greater than 7/32 inch shank diameter shall not be used and fasteners shall not be driven within 2 inches of the unsupported edge or corner of the work surface.

(7) Fasteners shall not be driven through existing holes unless a positive guide is used to secure accurate alignment.

(8) No attempt shall be made to drive a fastener into a spalled area caused by an unsatisfactory fastening.

(9) Employees using powder actuated fastening tools shall be protected by eye protection equipment in accordance with the requirements of § 1915.81 (a) and (b).

(b) *Instruction of operators.* Before employees are permitted to use powder actuated tools, they shall have been thoroughly instructed by a competent person with respect to the requirements of paragraph (a) of this section and the safe use of such tools as follows:

(1) Before using a tool, the operator shall inspect it to determine that it is clean, that all moving parts operate freely and that the barrel is free from obstructions.

(2) When a tool develops a defect during use, the operator shall immediately cease to use it and shall notify his supervisor.

(3) Tools shall not be loaded until just prior to the intended firing time and the tool shall not be left unattended while loaded.

(4) The tool, whether loaded or empty, shall not be pointed at any person, and hands shall be kept clear of the open barrel end.

(5) In case of a misfire, the operator shall hold the tool in the operating position for at least 15 seconds and shall continue to hold the muzzle against the work surface during disassembly or opening of the tool and removal of the powder load.

(6) Neither tools nor powder charges shall be left unattended in places where they would be available to unauthorized persons.

§ 1915.76 Internal combustion engines, other than ship's equipment.

(a) When internal combustion engines furnished by the employer are used in a fixed position below decks, for such purposes as driving pumps, generators, and blowers, the exhaust shall be led to the open air, clear of any ventilation intakes and openings through which it might enter the vessel.

(b) All exhaust line joints and connections shall be checked for tightness immediately upon starting the engine, and any leaks shall be corrected at once.

(c) When internal combustion engines on vehicles, such as forklifts and mobile cranes, or on portable equipment such as fans, generators, and pumps exhaust into the atmosphere below decks, the competent person shall make tests of the carbon monoxide content of the atmosphere as frequently as conditions require to ensure that dangerous concentrations do not develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 50 parts per million (0.005%). The employer shall use blowers sufficient in size and number and so arranged as to maintain the concentration below this allowable limit before work is resumed.

Subpart I—Personal Protective Equipment

§ 1915.81 Eye protection.

(a) *General precautions.* (1) All eye protection equipment required by these regulations shall meet the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1.

(2) Eye protection equipment shall be maintained in good condition.

(3) Eye protection equipment which has previously been used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

(b) *Protection against impact.* (1) In any operations such as chipping, caulking, drilling, riveting, grinding, and pouring babbitt metal, in which the eye hazard of flying particles, molten metal, or liquid chemical exists, employees shall be protected by suitable face shields or goggles meeting the requirements of paragraph (a) of this section.

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets, hand shields, or face shields equipped with filter lenses meeting the requirements of paragraphs (a) and (c) (2) of this section.

(2) Filter lenses shall be of a shade number appropriate to the type of work to be performed as indicated in Table I–1 in § 1915.68, except that variations of one or two shade numbers are permissible to suit individual preferences.

(3) If filter lenses are used in the goggles worn under the helmet, the shade number of the lens in the helmet may be reduced so that the sum of the shade numbers of the two lenses will equal the value shown in Table I–1 in § 1915.68.

§ 1915.82 Respiratory protection.

(a) *General.* (1) All respiratory protective equipment required by these regulations shall carry the U.S. Bureau of Mines approval for the use for which it is intended. Respiratory protective equipment shall be used only for the purpose intended and no modifications of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.

(4) Employees required to use respiratory protective equipment approved for use in atmospheres immediately dangerous to life shall be thoroughly trained in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

(5) When an air line respirator is used, the air line shall be fitted with a pressure regulating valve and a filter which will remove oil, water, and rust particles. The air intake shall be from a source which is free from all contaminants, such as the exhaust from internal combustion engines.

(6) In all cases when an employee is stationed outside a compartment, tank or space as a tender or safety man for men working inside in an atmosphere immediately dangerous to life, the tender shall have immediately available for emergency use respiratory protective equipment equivalent to that required for the men in the compartment. When a tender is stationed outside a compartment for men working inside in an atmosphere not immediately dangerous to life, the tender shall wear respiratory protective equipment equivalent to that required for the men in the compartment if he is exposed for prolonged periods to the same concentration of atmospheric contaminants.

(b) *Protection in atmospheres immediately dangerous to life.* (1) Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or high concentration of the contaminant, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(2) In atmospheres immediately dangerous to life the only approved types of respiratory protective equipment are the following:

(i) Self-contained breathing apparatus, in which the wearer carries with him a supply of oxygen, air, or an oxygen generating material.

(ii) Hose mask with blower, in which a hand or motor operated blower supplies air at high volume and low pressure through a large diameter hose through which the wearer can draw air in case the blower fails.

(iii) If there is known to be more than 16 percent oxygen and less than

2 percent gas by volume, a gas mask equipped with a canister approved for the particular type gas involved.

NOTE: A gas mask offers absolutely no protection in an atmosphere deficient in oxygen.

(3) Work in atmospheres immediately dangerous to life shall be performed only in an emergency, as when rescuing a man who has been overcome or when shutting off a source of contamination that cannot otherwise be controlled. When an employee enters such an atmosphere he shall be provided with and use an adequate, attended life line.

(4) In the vicinity of each vessel in which there is a danger of employees being exposed to an atmosphere immediately dangerous to life the employer shall have on hand and ready for use respiratory protective equipment approved for such use. When such equipment is required, one or more persons shall be thoroughly trained in the use of the equipment.

(c) *Protection against gaseous contaminants not immediately dangerous to life.* (1) Gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period without endangering the life of a person breathing them, but which might produce discomfort and possible injury after a prolonged single exposure or repeated short exposures.

(2) When employees are exposed to a gaseous contaminated atmosphere not immediately dangerous to life, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the gaseous contaminant as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator in lower concentrations is permissible.

(ii) In concentrations of ammonia of less than 3 percent, or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister. Different canisters are approved for specific use against the following gases or groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide, or combination of the above.

(iii) In low concentrations (less than 0.1 percent by volume), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subdivision (ii) of this subparagraph.

(d) *Protection against particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to unsafe concentrations of particulate contaminants, such as dusts and fumes, mists and fogs or combinations of solids and liquids, they shall be protected by either air line or filter respirators, except as otherwise provided in the regulations of this part.

(2) Filter respirators shall be equipped with the proper type of filter. Different filters are approved for specific protection against groups of contaminants, as follows:

(i) Pneumoconiosis-producing dust and nuisance dust filters which provide respiratory protection against pneumoconiosis-producing dusts, such as aluminum, cellulose, cement, charcoal, coal, coke, flour, gypsum, iron ore, limestone and wood.

(ii) Toxic dust filters which provide respiratory protection against toxic dusts that are not significantly more toxic than lead, such as arsenic, cadmium, chromium, lead, manganese, selenium, vanadium, and their compounds.

(iii) Mist filters which provide respiratory protection against pneumoconiosis-producing mists, chromic acid mists, and nuisance mists.

(iv) Fume filters which provide respiratory protection against fumes (solid dispersoids or particulate matter formed by the condensation of vapors, such as those from heated metals and other substances).

(v) Filters which provide respiratory protection against combinations of two or more of the contaminants described in subdivisions (i) through (iv) of this subparagraph.

(e) *Protection against combinations of gaseous and particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to combinations of gaseous and particulate contaminants not immediately dangerous to life, as in spray painting, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the contaminants, as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator is permissible in lower concentrations.

(ii) In concentrations of gaseous contaminants of less than 2 percent by volume, a canister type gas mask with a combination canister approved for the particular type of gaseous contaminant as specified in paragraph (c)(2) of this section and a filter for the particular type of particulate contaminant as specified in paragraph (d)(1) of this section.

(iii) In low concentrations of gaseous contaminants (less than 0.1 percent by volume) a respirator equipped with the type of cartridge and filter as specified in subdivision (ii) of this subparagraph.

§ 1915.83 Head, foot and body protection.

(a) When employees are working in areas where there is danger of falling objects they shall be protected by protective hats.

(b) Protective hats shall meet the specifications contained in the United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

(c) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

(d) The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use. Metal toe caps from which the covering has been worn shall be insulated when employees are working on exposed energized circuits of the vessel's electrical system.

(e) Employees shall not be permitted to wear excessively greasy clothing when performing hot work operations.

(f) Employees shall be protected by suitable gloves when engaged in operations hazardous to their hands.

§ 1915.84 Lifesaving equipment.

(a) *Buoyant work vests.* (1) Buoyant work vests shall not meet the requirements of these regulations unless approved by the U.S. Coast Guard.

(2) Prior to each use, buoyant work vests shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective buoyant work vests shall not be used.

(b) *Safety belts and lifelines.* (1) Safety belts shall be equipped with lifelines which in use are secured with a minimum of slack to a fixed structure.

(2) Prior to each use, belts and lifelines shall be inspected for dry rot, chemical damage, or other defects which may affect their strength. Defective belts and lifelines shall not be used.

(3) When employees are working in any location requiring a safety belt and a lifeline, care shall be exercised to ensure that the lifeline is not cut, pinched, or led over a sharp edge. In hot work operations or those involving the use of acids, solvents, or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the lifeline continuously attached with a minimum of slack to a fixed structure the attachment point of the lifeline shall be appropriately changed as the work progresses.

(c) *Life rings and ladders.* (1) At least three 30 inch Coast Guard approved life rings with lines attached shall be kept in easily visible and readily accessible places aboard each vessel afloat on which work is being performed. Life rings shall be located, one forward, one aft, and one on the gangway, except on vessels under 200 feet in length, in which case one at the gangway will be sufficient.

(2) At least one life ring with a line attached shall be located on each staging float alongside a vessel on which work is being performed.

(3) At least 90 feet of line shall be attached to each life ring. Life rings and lines shall be maintained in good condition.

(4) In the vicinity of each vessel afloat in which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

Subpart J—Ship's Machinery and Piping Systems

§ 1915.91 Ship's boilers.

(a) Before work is performed in the fire, steam, or water spaces of a boiler

where employees may be subject to injury from the direct escape of a high temperature medium, such as steam, or water, oil, or other medium at a high temperature entering from an interconnecting system, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, blanked, and tagged indicating that employees are working in the boiler. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working in the boiler, or until the work in the boiler is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

(3) A warning sign calling attention to the fact that employees are working in the boilers shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are out of the boilers.

§ 1915.92 Ship's piping systems.

(a) Before work is performed on a valve, fitting, or section of piping in a piping system where employees may be subject to injury from the direct escape of steam, or water, oil, or other medium at a high temperature, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, blanked, and tagged indicating that employees are working on the systems. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the system, or until the work on the system is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

§ 1915.93 Ship's propulsion machinery.

(a) Before work is performed on the main engine, reduction gear, or connecting accessories, the employer shall ensure that the following steps are taken:

(1) The jacking gear shall be engaged to prevent the main engine from turning over. A sign shall be posted at the throttle indicating that the jacking gear is engaged. This sign shall not be removed until the jacking gear can be safely disengaged.

(2) If the jacking gear is steam driven, the stop valves to the jacking gear shall be secured, locked, and tagged indicating that employees are working on the main engine.

(3) If the jacking gear is electrically driven, the circuit controlling the jacking gear shall be deenergized by tripping the circuit breaker, opening the switch or removing the fuse, whichever is appropriate. The breaker, switch, or fuse location shall be tagged indicating that employees are working on the main engine.

(b) Before the jacking engine is operated, the following precautions shall be taken:

(1) A check shall be made to ensure that all employees, equipment, and tools are clear of the engine, reduction gear, and its connecting accessories.

(2) A check shall be made to ensure that all employees, equipment and tools are free of the propeller.

(c) Before work is started on or in the immediate vicinity of the propeller, a warning sign calling attention to the fact that employees are working in that area shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are free of the propeller.

(d) Before the main engine is turned over (e.g., when warming up before departure or testing after an overhaul) a check shall be made to ensure that all employees, equipment, and tools are free of the propeller.

§ 1915.94 Ship's deck machinery.

(a) Before work is performed on the anchor windlass or any of its attached accessories, the employer shall ensure that the following steps are taken:

(1) The devil claws shall be made fast to the anchor chains.

(2) The riding pawls shall be in the engaged position.

(3) In the absence of devil claws and riding pawls, the anchor chains shall be secured to a suitable fixed structure of the vessel.

Subpart K—Portable, Unfired Pressure Vessels, Drums and Containers, Other Than Ship's Equipment

§ 1915.101 Portable air receivers and other unfired pressure vessels.

(a) Portable, unfired pressure vessels, built after the effective date of this regulation, shall be marked and reported indicating that they have been designed and constructed to meet the standards of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section XIII, Rules for Construction of Unfired Pressure Vessels, 1963. They shall be subjected to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(b) Portable, unfired pressure vessels, not built to the code requirements of paragraph (a) of this section, and built prior to the effective date of this regulation, shall be examined quarterly by a competent person. They shall be subjected yearly to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(c) The relief valves on the portable, unfired pressure vessels in paragraphs (a) and (b) of this section shall be set to the safe working pressure of the vessels, or set to the lowest safe working pressure of the systems, whichever is lower.

(d) A record of such examinations and tests made in compliance with the requirements of paragraphs (a) and (b) of this section shall be maintained.

§ 1915.102 Drums and containers.

(a) Shipping drums and containers shall not be pressurized to remove their contents.

(b) A temporarily assembled pressurized piping system conveying hazardous liquids or gases shall be provided with a relief valve and by-pass to prevent rupture of the system and the escape of such hazardous liquids or gases.

(c) Pressure vessels, drums and containers containing toxic or flammable liquids or gases shall not be stored or used where they are subject to open flame, hot metal, or other sources of artificial heat.

(d) Unless pressure vessels, drums and containers of 30 gallon capacity or over containing flammable or toxic liquids or gases are placed in an out-of-the-way area where they will not be subject to physical injury from an outside source, barriers or guards shall be erected to protect them from such physical injury.

(e) Containers of 55 gallons or more capacity containing flammable or toxic liquid shall be surrounded by dikes or pans which enclose a volume equal to at least 25 percent of the total volume of the containers.

(f) Fire extinguishers adequate in number and suitable for the hazard shall be provided. These extinguishers shall be located in the immediate area where pressure vessels, drums and containers containing flammable liquids or gases are stored or in use. Such extinguishers shall be ready for use at all times.

Subpart L—Electrical Machinery

§ 1915.111 Electrical circuits and distribution boards.

(a) Before an employee is permitted to work on an electrical circuit, except when the circuit must remain energized for testing and adjusting, the circuit shall be deenergized and checked at the point at which the work is to be done to insure that it is actually deenergized. When testing or adjusting an energized circuit a rubber mat, duck board, or other suitable insulation shall be used underfoot where an insulated deck does not exist.

(b) Deenergizing the circuit shall be accomplished by opening the circuit breaker, opening the switch, or removing the fuse, whichever method is appropriate. The circuit breaker, switch, or fuse location shall be tagged to indicate that an employee is working on the circuit. Such tags shall not be removed nor the circuit energized until it is definitely determined that the work on the circuit has been completed.

(c) When work is performed immediately adjacent to an open-front energized board or in back of an energized board, the board shall be covered or some other equally safe means shall be used to prevent contact with any of the energized parts.

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Subpart K—Portable, Unfired Pressure Vessels, Drums, and Containers, Other Than Ship's Equipment
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Subject Index for 29 CFR 1916—Shipbuilding

AUTHORITY: The provisions of this Part 1916 issued under sec. 41, 44 Stat. 1444; sec. 1, 72 Stat. 835; 33 U.S.C. 941.

Subpart A—General Provisions

§ 1916.1 Purpose, scope, and responsibility.

(a) Section 41 of the Longshoremen's and Harbor Workers' Compensation Act requires every employer to furnish and maintain employment and places of employment which are reasonably safe for his employees in all employments covered thereby (the Act applies to all injuries sustained by employees on navigable waters of the United States if the employees are employed by an "employer" as defined in section 2(4) of the Act, i.e., "an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any drydock)." Calbeck v. Travelers Insurance Co. and Donovan v. Avondale Shipyards, Inc. (52 S. Ct. 1196 (1962)) and to install, furnish, maintain, and use devices and safeguards (with particular reference to equipment used by such employers and working conditions established by them) determined by the Secretary of Labor to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment and to prevent injury to such employees. The purpose of this part is to make determinations under this standard with respect to shipbuilding activity.

(b) This part does not apply to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and acts supplementary or amendatory thereto (46 U.S.C. secs. 1–1388 passim) including, but not restricted to, the master, ship's officer, crew members, design, construction, and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 17, 1917, as amended (50 U.S.C. 191 et seq.; 22 U.S.C. 401, et seq.); including the provisions of Executive Order 10173, as amended by Executive Orders 10277 and 10352 (3 CFR 1949–1953 Comp., pp. 356, 778, and 873); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). Also, this part does not apply to owners, operators, agents, or masters of vessels unless they are acting as "employers". However, this part is not intended to relieve owners, operators, agents, or masters of vessels who are not "employers" from responsibilities or duties now placed upon them by law, regulations, or custom.

(c) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

§ 1916.2 Definitions.

(a) The term "shall", indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States, including dry docks, graving docks, and marine railways, and any of whose employees are employed, in whole or in part, in shipbuilding or related employments as defined in paragraphs (i) and (j) of this section, on the navigable waters of the United States, including drydocks, graving docks, and marine railways.

(d) The term "employee" means any person employed in shipbuilding or related employments on the navigable waters of the United States, including dry docks, graving docks and marine railways, by an employer as defined in paragraph (c) of this section.

(e) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and brows.

(f) The term "vessel" includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(g) For purposes of § 1916.44, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of this section, the term does not include ship shaped or deep draft barges.

(h) For purposes of § 1916.44, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of this section, the term does not include other towing vessels.

(i) The term "shipbuilding" means the construction of a vessel, including the installation of machinery and equipment.

(j) The term "related employment" means any employments performed as an incident to or in conjunction with shipbuilding work including, but not restricted to inspection, testing trials and employment as a watchman.

(k) The term "hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant, or otherwise harmful is likely to cause injury.

(l) The term "competent person" for purposes of this part means a person who is capable of recognizing and evaluating employee exposure to hazardous substances or to other unsafe conditions and is capable of specifying the necessary protection and precautions to be taken to ensure the safety of employees as required by the particular regulation under the condition to which it applies. For the purposes of Subparts C and D of this part, except for § 1916.24(b)(8), to which the above definition applies, the competent person must also meet the additional requirements of § 1916.10.

(m) The term "confined space" means a compartment of small size and limited access such as a double bottom tank, cofferdam, or other space which by its small size and confined nature can readily create or aggravate a hazardous exposure.

(n) The term "enclosed space" means any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters and machinery and boiler spaces.

(o) The term "hot work" means riveting, welding, burning or other fire or spark producing operations.

(p) The term "cold work" means any work which does not involve riveting, welding, burning or other fire or spark producing operations.

(q) The term "portable unfired pressure vessel" means any pressure container or vessel used aboard ship, other than the ship's equipment, containing liquids or gases under pressure, excepting pressure vessels built to ICC regulations under 49 CFR Part 78, Subparts C and H.

(r) The term "powder actuated fastening tool" means a tool or machine which drives a stud, pin or fastener by means of an explosive charge.

(s) For purposes of § 1916.57, the term "hazardous material" means a material which has one or more of the following characteristics: (1) Has a flash point below 140° F., closed cup, or is subject to spontaneous heating; (2) has a threshold limit value below 500 p.p.m. in the case of a gas or vapor, below 500 mg./m.³ for fumes, and below 25 m.p.p.c.f. in case of a dust; (3) has a single dose oral LD_{50} below 500 mg./kg.; (4) is subject to

polymerization with the release of large amounts of energy; (5) is a strong oxidizing or reducing agent; (6) causes first degree burns to skin in short time exposure, or is systemically toxic by skin contact; or (7) in the course of normal operations, may produce dusts, gases, fumes, vapors, mists, or smokes which have one or more of the above characteristics.

§ 1916.3 Penalty.

(a) As provided in Public Law 85–742, any employer who, willfully, violates or fails or refuses to comply with the provisions of the regulations of this part and any employer or other person who willfully interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of section 41 of the Act by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of the regulations of this part, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than $100 nor more than $3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than $100 nor more than $3,000.

(b) The liability under this provision of Public Law 85–742 shall not affect any other liability of the employer under the Longshoremen's and Harbor Workers' Compensation Act.

§ 1916.4 [Reserved]

§ 1916.5 Reference specifications, standards, and codes.

Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, Subpart B, § 1916.10(a).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill. 60611, Subpart C §§ 1916.24(b)(7), 1916.25(a)(4); Subpart H, § 1916.72(a).

United States of America Standard Safety Code for Portable Wood Ladders, A14.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1916.42(a)(6).

American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 19917, Subpart K, § 1916.101(a).

Threshold Limit Values, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, Ohio 45202, Subpart C, § 1916.21(b).

United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1–1964, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart H, § 1916.74(c).

§ 1916.6 Notification of accidents resulting in fatalities or serious injuries.

(a) Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form BEC—202 (approved by Budget Bureau No. 44–R 887.3) with the Field Safety Consultant of the Occupational Safety and Health Administration serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily. (44 Stat. 1444; 33 U.S.C. 930.)

§ 1916.7 Amendment of the regulations of this part.

The Secretary may at any time, upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of the regulations of this part.

Subpart B—Explosive and Other Dangerous Atmospheres

§ 1916.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts C, D, and H of this part, except for §§ 1916.24(b)(8) and 1916.25(a)(5), one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts C, D, and H of this part are always carried out by a National Fire Protection Association Certified Marine Chemist.

(2) The employer shall indicate on U.S. Department of Labor Form MAR–8, "Designation of Competent Person" either those employees designated as competent persons or that the prescribed functions of such persons are always carried out by a National Fire Protection Association Certified Marine Chemist in addition to his professional duties. When additions or changes are made in the personnel so designated, a new Form MAR–8 shall be executed. A copy of this executed form shall be forwarded to the nearest office of the Occupational Safety and Health Administration.

(b) *Criteria.* The following criteria shall guide the employer in designating employees as competent persons:

(1) Ability to understand the meaning of designations on certificates and of any qualifications relating thereto and to carry out any instructions, either written or oral, left by the National Fire Protection Association Certified Marine Chemist or issued by a consultant or chemist who may be used by the employer to make the tests and inspections required by Subparts C and D of this part.

(2) Ability to use and interpret the readings of an oxygen indicator and a combustible gas indicator. The ability to use and interpret the readings of a carbon monoxide indicator and a carbon dioxide indicator, if the operations involve such hazardous gases.

(3) Familiarity with and understanding of Subparts C, D, and H of this part.

(4) Familiarity with the structure and knowledge of the location and designation of spaces of the types of vessels on which construction work is done.

(5) Capability to perform the tests and inspections required by Subparts C, D, and H of this part and to write the required logs.

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts C, D, and H of this part, except those referred to in §§ 1916.24(b)(8) and 1916.25(a)(5), are made, a record of the locations, operations performed and date, time, and results of the tests and any instructions resulting therefrom shall be recorded on U.S. Department of Labor Form MAR–9, "Log of Inspections and Tests by Competent Person." A separate form shall be used for each vessel on which tests and inspections are made.

(2) This record shall be available for inspection in the immediate vicinity of the affected operations while they are in progress. This record or copy thereof shall be kept on file for a period of at least 3 months from the date of the completion of the job.

(d) *Application.* The provisions of this section are intended to apply in their entirety to employers engaged in general vessel construction. They do not apply in their entirety to employers whose work involves only certain portions of Subparts C and D of this part, such as the building of some wooden vessels, where only knowledge of the precautions to be taken when using flammable paints is necessary. In such cases employers may designate persons who are competent on the basis of the applicable portions of the criteria set forth in paragraph (b) of this section.

Subpart C—Surface Preparation and Preservation

§ 1916.21 Toxic cleaning solvents.

(a) When toxic solvents are used, the employer shall employ one or more of

the following measures to safeguard the health of employees exposed to these solvents.

(1) The cleaning operation shall be completely enclosed to prevent the escape of vapor into the working space.

(2) Either natural ventilation or mechanical exhaust ventilation shall be used to remove the vapor at the source and to dilute the concentration of vapors in the working space to a concentration which is safe for the entire work period.

(3) Employees shall be protected against toxic vapors by suitable respiratory protective equipment in accordance with the requirements of § 1916.82 (a) and (c), and, where necessary, against exposure of skin and eyes to contact with toxic solvents and their vapors by suitable clothing and equipment.

(b) The principles in the threshold limit values to which attention is directed in § 1916.5 will be used by the Department of Labor in enforcement proceedings in defining a safe concentration of air contaminants.

(c) When flammable solvents are used, precautions shall be taken in accordance with the requirements of § 1916.25.

§ 1916.22 Chemical paint and preservative removers.

(a) Employees shall be protected against skin contact during the handling and application of chemical paint and preservative removers and shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 1916.81 (a) and (b).

(b) When using flammable paint and preservative removers, precautions shall be taken in accordance with the requirements of § 1916.25.

(c) When using chemical paint and preservative removers which contain volatile and toxic solvents, such as benzol, acetone and amyl acetate, the provisions of § 1916.21 shall be applicable.

(d) When using paint and rust removers containing strong acids or alkalies, employees shall be protected by suitable face shields to prevent chemical burns on the face and neck.

(e) When steam guns are used, all employees working within range of the blast shall be protected by suitable face shields. Metal parts of the steam gun itself shall be insulated to protect the operator against heat burns.

§ 1916.23 Mechanical paint removers.

(a) *Power tools.* (1) Employees engaged in the removal of paints, preservatives, rusts or other coatings by means of power tools shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 1916.81(a).

(2) All portable rotating tools used for the removal of paints, preservatives, rusts or other coatings shall be adequately guarded to protect both the operator and nearby workers from flying missiles.

(3) Portable electric tools shall be grounded in accordance with the requirements of § 1916.72 (a) and (b).

(4) In a confined space, mechanical exhaust ventilation sufficient to keep the dust concentration to a minimum shall be used, or employees shall be protected by respiratory protective equipment in accordance with the requirements of § 1916.82 (a) and (d).

(b) *Flame removal.* (1) Hardened preservative coatings shall not be removed by flame in enclosed spaces unless the employees exposed to fumes are protected by air line respirators in accordance with the requirements of § 1916.82 (a). Employees performing such an operation in the open air, and those exposed to the resulting fumes, shall be protected by a fume filter type respirator in accordance with requirements of paragraphs (a) and (d)(2)(iv) of § 1916.82.

(2) Flame or heat shall not be used to remove soft and greasy preservative coatings.

(c) *Abrasive blasting*—(1) *Equipment.* Hoses and fittings used for abrasive blasting shall meet the following requirements:

(i) *Hoses.* Hose of a type to prevent shocks from static electricity shall be used.

(ii) *Hose couplings.* Hose lengths shall be joined by metal couplings secured to the outside of the hose to avoid erosion and weakening of the couplings.

(iii) *Nozzles.* Nozzles shall be attached to the hose by fittings that will prevent the nozzle from unintentionally becoming disengaged. Nozzle attachments shall be of metal and shall fit onto the hose externally.

(iv) *Dead man control.* A dead man control device shall be provided at the nozzle end of the blasting hose either to provide direct cut off or to signal the pot tender by means of a visual and audible signal to cutoff the flow, in the event the blaster loses control of the hose. The pot tender shall be available at all times to respond immediately to the signal.

(2) *Replacement.* Hoses and all fittings used for abrasive blasting shall be inspected frequently to insure timely replacement before an unsafe amount of wear has occurred.

(3) *Personal protective equipment.* (i) Abrasive blasters working in enclosed spaces shall be protected by hoods and air fed respirators or by air helmets of a positive pressure type in accordance with the requirements of § 1916.82(a).

(ii) Abrasive blasters working in the open shall be protected as indicated in subdivision (i) of this subparagraph except that when synthetic abrasives containing less than one percent free silica are used, filter type respirators approved by the Bureau of Mines for exposure to lead dusts may be used in accordance with § 1916.82 (a) and (d).

(iii) Employees, other than blasters, including machine tenders and abrasive recovery men, working in areas where unsafe concentrations of abrasive materials and dusts are present shall be protected by eye and respiratory protective equipment in accordance with the requirements of §§ 1916.81 (a) and (b) and 1916.82 (a) and (d).

(iv) The blaster shall be protected against injury from exposure to the blast by appropriate protective clothing, including gloves.

(v) Since surges from drops in pressure in the hose line can be of sufficient proportions to throw the blaster off the staging, the blaster shall be protected by a safety belt when blasting is being done from elevations where adequate protection against falling cannot be provided by railings.

§ 1916.24 Painting.

(a) *Paints mixed with toxic vehicles or solvents.* (1) When paints mixed with toxic vehicles or solvents are sprayed, the following conditions shall apply:

(i) In confined spaces, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of § 1916.82(a).

(ii) In tanks or compartments, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of § 1916.82(a). Where mechanical ventilation is provided, employees shall be protected by respirators in accordance with the requirements of § 1916.82 (a) and (e).

(iii) In large and well ventilated areas, employees exposed to such spraying shall be protected by respirators in accordance with the requirements of § 1916.82 (a) and (e).

(2) Where brush application of paints with toxic solvents is done in confined spaces, or other areas where lack of ventilation creates a hazard, employees shall be protected by filter respirators in accordance with the requirements of § 1916.82 (a) and (c).

(3) When flammable paints or vehicles are used, precautions shall be taken in accordance with the requirements of § 1915.25.

(4) The metallic parts of air moving devices, including fans, blowers, and jet-type air movers, and all duct work shall be electrically bonded to the vessel's structure.

(b) *Paints and tank coatings dissolved in highly volatile toxic and flammable solvents.* Several organic coatings, adhesives and resins are dissolved in highly toxic, flammable and explosive solvents with flash points below 80° F. Work involving such materials shall be done only when all of the following special precautions have been taken:

(1) Sufficient exhaust ventilation shall be provided to keep the concentration of solvent vapors below ten (10) percent of the lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(2) If the ventilation fails or if the concentration of solvent vapors rises above ten (10) percent of the lower explosive limit, painting shall be stopped and the compartment shall be evacuated until the concentration again falls below ten (10) percent of the lower explosive limit. If the concentration does not fall

when painting is stopped, additional ventilation to bring the concentration down to ten (10) percent of the lower explosive limit shall be provided.

(3) Ventilation shall be continued after the completion of painting until the space or compartment is gas free. The final determination as to whether the space or compartment is gas free shall be made after the ventilating equipment has been shut off for at least ten minutes.

(4) Exhaust ducts shall discharge clear of working areas and away from sources of possible ignition. Periodic tests shall be made to ensure that the exhausted vapors are not accumulating in other areas within or around the vessel or dry dock.

(5) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Portable air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(6) Only non-sparking paint buckets, spray guns and tools shall be used. Metal parts of paint brushes and rollers shall be insulated. Staging shall be erected in a manner which ensures that it is non-sparking.

(7) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used.

(8) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty (50) feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(9) The face, eyes, head, hands and all other exposed parts of the bodies of employees handling such highly volatile paints shall be protected. All footwear shall be non-sparking, such as rubbers, rubber boots or rubber soled shoes without nails. Coveralls or other outer clothing shall be of cotton. Rubber, rather than plastic gloves shall be used because of the danger of static sparks.

(10) No matches, lighted cigarettes, cigars, or pipes, and no cigarette lighters or ferrous articles shall be taken into the area where work is being done.

(11) All solvent drums taken into the compartment shall be placed on nonferrous surfaces and shall be grounded to the vessel. Metallic contact shall be maintained between containers and drums when materials are being transferred from one to another.

(12) Spray guns, paint pots, and metallic parts of connecting tubing shall be electrically bonded, and the bonded assembly shall be grounded to the vessel.

(13) All employees continuously in a compartment in which such painting is being performed, shall be protected by air line respirators in accordance with the requirements of § 1916.82(a) and by suitable protective clothing. Employees entering such compartments for a limited time shall be protected by filter cartridge type respirators in accordance with the requirements of § 1916.82 (a) and (e).

(14) All employees doing exterior paint spraying with such paints shall be protected by suitable filter cartridge type respirators in accordance with the requirements of § 1916.82 (a) and (e) and by suitable protective clothing.

§ 1916.25 Flammable liquids.

(a) In all cases when liquid solvents, paint and preservative removers, paints or vehicles, other than those covered by § 1916.24(b), are capable of producing a flammable atmosphere under the conditions of use, the following precautions shall be taken:

(1) Smoking, open flames, arcs and spark-producing equipment shall be prohibited in the area.

(2) Ventilation shall be provided in sufficient quantities to keep the concentration of vapors below ten (10) percent of their lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(3) Scrapings and rags soaked with these materials shall be kept in a covered metal container.

(4) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard shall be used.

(5) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty (50) feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(6) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use.

Subpart D—Welding, Cutting and Heating

§ 1916.31 Ventilation and protection in welding, cutting and heating.

(a) *Mechanical ventilation; requirements.* (1) For purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, blowing dust or dirt from clothing, or for cleaning the work area.

(b) *Welding, cutting and heating in confined spaces.* (1) Except as provided in paragraphs (b)(3) and (c)(2) of this section, either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(2) The means of access shall be provided to a confined space and ventilation ducts to this space shall be arranged in accordance with § 1916.46(b)(1) and (2).

(3) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of § 1916.82(a), and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(c) *Welding, cutting or heating of metals of toxic significance.* (1) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section.

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(2) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (a) of this section or employees shall be protected by air line respirators in accordance with the requirements of § 1916.82(a).

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals.

Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with the requirements of paragraphs (a) and (d)(2)(iv) of § 1916.82, except that employees performing such operations

on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of § 1916.82(a).

(4) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(d) *Inert-gas metal-arc welding.* (1) Since the inert-gas metal-arc welding process involves the production of ultraviolet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least two hundred (200) feet from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in § 1916.36(e) shall be protected by filter lenses meeting the requirements of § 1916.81 (a) and (c). When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type meeting the requirements of § 1916.81 (a) and (c) shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when either the helmet is lifted or the shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel, the requirements of paragraph (c)(2) of this section shall be met to protect against dangerous concentrations of nitrogen dioxide.

(e) *General welding, cutting and heating.* (1) Welding, cutting and heating not involving conditions or materials described in paragraphs (b), (c) or (d) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(2) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of § 1916.81 (a) and (c).

§ 1916.32 Fire prevention.[1]

(a) When practical, objects to be welded, cut or heated shall be moved to a designated safe location or, if the object to be welded, cut or heated cannot be readily moved, all movable fire hazards in the vicinity shall be taken to a safe place.

(b) If the object to be welded, cut or heated cannot be moved and if all the fire hazards cannot be removed, positive means shall be taken to confine the heat, sparks, and slag, and to protect the immovable fire hazards from them.

(c) No welding, cutting or heating shall be done where the application of flammable paints or the presence of other flammable compounds or of heavy dust concentrations creates a hazard.

(d) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use. In addition, when hot work is being performed aboard a vessel and pressure is not available on the vessel's fire system, an auxiliary supply of water shall be made available where practicable, consistent with avoiding freezing of the lines or hose.

(e) When the welding, cutting, or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting, or heating operation is being performed and for a sufficient period of time after completion of the work to insure that no possibility of fire exists. Such personnel shall be instructed as to the specific anticipated fire hazards and how the fire fighting equipment provided is to be used.

(f) When welding, cutting or heating is performed on tank shells, decks, overheads and bulkheads, since direct penetration of sparks or heat transfer may introduce a fire hazard to an adjacent compartment, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(g) In order to eliminate the possibility of fire in confined spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the confined space whenever the torch is not to be used or whenever the torch is left unattended for a substantial period of time, such as during the lunch hour. Overnight and at the change of shifts, the torch and hose shall be removed from the confined space. Open end fuel gas and oxygen hoses shall be immediately removed from confined spaces when they are disconnected from the torch or other gas consuming device.

(h) Vaporizing liquid extinguishers shall not be used in enclosed spaces.

(i) Except when the contents are being removed or transferred, drums, pails, and other containers which contain or have contained flammable liquids shall be kept closed. Empty containers shall be removed to a safe area apart from hot work operations, or open flames.

§ 1916.33 Welding, cutting and heating in way of preservative coatings.

(a) Before welding, cutting or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(b) Precautions shall be taken to prevent ignition of highly flammable hardened preservative coatings. When coatings are determined to be highly flammable they shall be stripped from the area to be heated to prevent ignition. A 1½-inch or larger fire hose with fog nozzle, which has been uncoiled and placed under pressure, shall be immediately available for instant use in the immediate vicinity, consistent with avoiding freezing of the hose.

(c) Protection against toxic preservative coatings. (1) In enclosed spaces, all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application, or the employees shall be protected by air line respirators meeting the requirements of § 1916.82(a).

(2) In the open air employees shall be protected by a filter type respirator in accordance with requirements of § 1916.82 (a) and (d).

(d) Before welding, cutting or heating is commenced in enclosed spaces on metals covered by soft and greasy preservatives, the following precautions shall be taken:

(1) A competent person shall test the atmosphere in the space to ensure that it does not contain explosive vapors, since there is a possibility that some soft and greasy preservatives may have flash points below temperatures which may be expected to occur naturally. If such vapors are determined to be present, no hot work shall be commenced until such precautions have been taken as will ensure that the welding, cutting or heating can be performed in safety.

(2) The preservative coatings shall be removed for a sufficient distance from the area to be heated to ensure that the temperature of the unstripped metal will not be appreciably raised. Artificial cooling of the metal surrounding the heated area may be used to limit the size of the area required to be cleaned. The prohibition contained in § 1916.23(b)(2) shall apply.

(e) Immediately after welding, cutting or heating is commenced in enclosed spaces on metal covered by soft and greasy preservatives, and at frequent intervals thereafter, a competent person shall make tests to ensure that no flammable vapors are being produced by the coatings. If such vapors are determined to be present, the operation shall be stopped immediately and shall not be resumed until such additional precautions have been taken as are necessary to ensure that the operation can be resumed safely.

§ 1916.34 Welding, cutting and heating of hollow metal containers and structures.

(a) Drums, containers, or hollow structures which have contained toxic

[1] 46 CFR 146.02-20 contains Coast Guard regulations pertaining to welding and cutting while explosives and dangerous cargoes are being handled.

or flammable substances shall, before welding, cutting or heating is undertaken on them, either be filled with water or thoroughly cleaned of such substances and ventilated and tested.

(b) Before heat is applied to a drum, container, or hollow structure, a vent or opening shall be provided for the release of any build-up pressure during the application of heat.

(c) Before welding, cutting, heating or brazing is begun on structural voids such as skegs, bilge keels, fair waters, masts, booms, support stanchions, pipe stanchions or railings, a competent person shall inspect the object and, if necessary, test it for the presence of flammable liquids or vapors. If flammable liquids or vapors are present, the object shall be made safe.

(d) Objects such as those listed in paragraph (c) of this section shall also be inspected to determine whether water or other non-flammable liquids are present which, when heated, would build up excessive pressure. If such liquids are determined to be present, the object shall be vented, cooled, or otherwise made safe during the application of heat.

(e) Jacketed vessels shall be vented before and during welding, cutting or heating operations in order to release any pressure which may build up during the application of heat.

§ 1916.35 Gas welding and cutting.

(a) *Transporting, moving and storing compressed gas cylinders.* (1) Valve protection caps shall be in place and secure. Oil shall not be used to lubricate protection caps.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard or pallet. They shall not be hoisted by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck, or permitted to strike each other violently.

(4) When cylinders are transported by vehicle, they shall be secured in position.

(5) Valve protection caps shall not be used for lifting cylinders from one verticle position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(6) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(7) A suitable cylinder truck, chain, or other steadying device shall be used to keep cylinders from being knocked over while in use.

(8) When work is finished, when cylinders are empty or when cylinders are moved at any time, the cylinder valve shall be closed.

(9) Acetylene cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

(b) *Placing cylinders.* (1) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(2) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(3) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal, or other sources of artificial heat.

(4) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(c) *Treatment of cylinders.* (1) Cylinders, whether full or empty, shall not be used as rollers or supports.

(2) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. Only cylinders bearing Interstate Commerce Commission identification and inspection markings shall be used.

(3) No damaged or defective cylinder shall be used.

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(1) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator). The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame or other possible sources of ignition.

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. To permit quick closing, valves on fuel gas cylinders shall not be opened more than 1½ turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(3) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(5) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the vessel. In the event that fuel gas should leak from the cylinder valve rather than from the valve stem and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the vessel. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the vessel.

(6) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the vessel.

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe and accessible locations in the open air. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangeable. A single hose having more than one gas passage, a wall failure of which would permit the flow of one gas into the other gas passage, shall not be used.

(2) When parallel sections of oxygen and fuel gas hose are taped together, not more than 4 inches out of 8 inches shall be covered by tape.

(3) All hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion or be in any way harmful to employees, shall be inspected at the beginning of each shift. Defective hose shall be removed from service.

(4) Hose which has been subjected to flashback or which shows evidence of severe wear or damage shall be tested to twice the normal pressure to which it is subject, but in no case less than two hundred (200) psi. Defective hose or hose in doubtful condition shall not be used.

(5) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(6) Boxes used for the stowage of gas hose shall be ventilated.

(g) *Torches.* (1) Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills or other devices designed for such purpose.

(2) Torches shall be inspected at the beginning of each shift for leaking shut-off valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

(h) *Pressure regulators.* Oxygen and fuel gas pressure regulators including their related gauges shall be in proper working order while in use.

§ 1916.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) only manual electrode holders which are specifically designed for arc welding and cutting and are of a capacity capable of safely handling the maximum rated current required by the electrodes shall be used.

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(2) Only cable free from repair or splices for a minimum distance of ten (10) feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(3) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(4) Cables in poor repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tapes or other equivalent insulation.

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(2) Structures or pipe lines, except pipe lines containing gases or flammable liquids or conduits containing electrical circuits, may be used as part of the ground return circuit, provided that the pipe or structure has a current carrying capacity equal to that required by subparagraph (1) of this paragraph.

(3) When a structure or pipe line is employed as a ground return circuit, it shall be determined that the required electrical contact exists at all joints. The generation of an arc, sparks or heat at any point shall cause rejection of the structure as a ground circuit.

(4) When a structure or pipe line is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(5) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the vessel's structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(6) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(1) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(2) Hot electrode holders shall not be dipped in water, since to do so may expose the arc welder or cutter to electric shock.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Any faulty or defective equipment shall be reported to the supervisor.

(e) *Shielding.* Whenever practicable, all arc welding and cutting operations shall be shielded by noncombustible or flame-proof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

§ 1916.37 Uses of fissionable material in shipbuilding.

(a) In shipbuilding and related activities involving the use of an exposure to sources of ionizing radiation not only on conventionally powered but also on nuclear powered vessels, the applicable provisions of the Atomic Energy Commission's Standards for Protection Against Radiation (10 CFR Part 20), relating to protection against occupational radiation exposure, shall apply.

(b) Any activity which involves the use of radioactive material, whether or not under license from the Atomic Energy Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under Commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

Subpart E—Scaffolds, Ladders and Other Working Surfaces

§ 1916.41 Scaffolds or staging.

(a) *General requirements.* (1) All scaffolds and their supports, whether of lumber, steel or other material, shall be capable of supporting the load they are designed to carry with a safety factor of not less than four (4).

(2) All lumber used in the construction of scaffolds shall be spruce, fir, long leaf yellow pine, Oregon pine or wood of equal strength. The use of hemlock, short leaf yellow pine or short fiber lumber is prohibited.

(3) Lumber dimensions as given in this subpart are nominal except where given in fractions of an inch.

(4) All lumber used in the construction of scaffolds shall be sound, straight-grained, free from cross grain, shakes and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength or durability.

(5) Scaffolds shall be maintained in a safe and secure condition. Any component of the scaffold which is broken, burned or otherwise defective shall be replaced.

(6) Barrels, boxes, cans, loose bricks, or other unstable objects shall not be used as working platforms or for the support of planking intended as scaffolds or working platforms.

(7) No scaffolds shall be erected, moved, dismantled or altered except under the supervision of competent persons.

(8) No welding, burning, riveting or open flame work shall be performed on any staging suspended by means of fiber rope.

(9) Lifting bridles on working platforms suspended from cranes shall consist of four legs so attached that the stability of the platform is assured.

(10) Unless the crane hook has a safety latch or is moused, the lifting bridles on working platforms suspended from cranes shall be attached by shackles to the lower lifting block or other positive

means shall be taken to prevent them from becoming accidentally disengaged from the crane hook.

(b) *Independent pole wood scaffolds.* (1) All pole uprights shall be set plumb. Poles shall rest on a foundation of sufficient size and strength to distribute the load and to prevent displacement.

(2) In light-duty scaffolds not more than 24 feet in height, poles may be spliced by overlapping the ends not less than 4 feet and securely nailing them together. A substantial cleat shall be nailed to the lower section to form a support for the upper section except when bolted connections are used.

(3) All other poles to be spliced shall be squared at the ends of each splice, abutted, and rigidly fastened together by not less than two cleats securely nailed or bolted thereto. Each cleat shall overlap each pole end by at least 24 inches and shall have a width equal to the face of the pole to which it is attached. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the pole.

(4) Ledgers shall extend over two consecutive pole spaces and shall overlap the poles at each end by not less than 4 inches. They shall be left in position to brace the poles as the platform is raised with the progress of the work. Ledgers shall be level and shall be securely nailed or bolted to each pole and shall be placed against the inside face of each pole.

(5) All bearers shall be set with their greater dimension vertical and shall extend beyond the ledgers upon which they rest.

(6) Diagonal bracing shall be provided between the parallel poles, and cross bracing shall be provided between the inner and outer poles or from the outer poles to the ground.

(7) Minimum dimensions and spacing of members shall be in accordance with Table E–1 in § 1916.68.

(8) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(c) *Independent pole metal scaffolds.* (1) Metal scaffold members shall be maintained in good repair and free of corrosion.

(2) All vertical and horizontal members shall be fastened together with a coupler or locking device which will form a positive connection. The locking device shall be of a type which has no loose parts.

(3) Posts shall be kept plumb during erection and the scaffold shall be subsequently kept plumb and rigid by means of adequate bracing.

(4) Posts shall be fitted with bases supported on a firm foundation to distribute the load. When wooden sills are used, the bases shall be fastened thereto.

(5) Bearers shall be located at each set of posts, at each level, and at each intermediate level where working platforms are installed.

(6) Tubular bracing shall be applied both lengthwise and crosswise as required.

(7) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(8) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(d) *Wood trestle and extension trestle ladders.* (1) The use of trestle ladders, or extension sections or base sections of extension trestle ladders longer than 20 feet is prohibited. The total height of base and extension may, however, be more than 20 feet.

(2) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows:

(i) Ladders up to and including those 16 feet long shall have side rails of not less than 1⅝ x 2¾ inch lumber.

(ii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than 1⅝ x 3 inch lumber.

(3) The side rails of the extension section of the extension trestle ladder shall be parallel and shall have minimum dimensions as follows:

(i) Ladders up to and including 12 feet long shall have side rails of not less than 1⅝ x 2¼ inch lumber.

(ii) Ladders over 12 feet long and up to and including those 16 feet long shall have side rails of not less than 1⅝ x 2½ inch lumber.

(iii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than 1⅝ x 2¾ inch lumber.

(4) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be not less than 5½ inches per foot of the length of the ladder.

(5) The width between the side rails at the bottom of the trestle ladder or of the base section of the extension trestle ladder shall be not less than 21 inches for all ladders and sections 6 feet or less in length. For longer lengths of ladder the width shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension section of the trestle ladder shall be not less than 12 inches.

(6) In order to limit spreading, the top ends of the side rails of both the trestle ladder and of the base section of the extension trestle ladder shall be beveled, or of equivalent construction, and shall be provided with a metal hinge.

(7) A metal spreader or locking device to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of each trestle ladder or extension trestle ladder.

(8) Rungs shall be parallel and level. On the trestle ladder, or on the base section of the extension trestle ladder, rungs shall be spaced not less than 8 inches nor more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches nor more than 12 inches apart.

(9) Platform planking shall be in accordance with the requirements of paragraph (h) of this section, except that the width of the platform planking shall not exceed the distance between the siderails.

(10) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(e) *Painters' suspended scaffolds.* (1) The supporting hooks of swinging scaffolds shall be constructed to be equivalent in strength to mild steel or wrought iron, shall be forged with care, shall be not less than ⅞ inch in diameter, and shall be secured to a safe anchorage at all times.

(2) The ropes supporting a swinging scaffold shall be equivalent in strength to first-grade ¾ inch diameter manila rope properly rigged into a set of standard 6 inch blocks consisting of at least one double and one single block.

(3) Manila and wire ropes shall be carefully examined before each operation and thereafter as frequently as may be necessary to ensure their safe condition.

(4) Each end of the scaffold platform shall be supported by a wrought iron or mild steel stirrup or hanger, which in turn is supported by the suspension ropes.

(5) Stirrups shall be constructed so as to be equivalent in strength to wrought iron ¾ inch in diameter.

(6) The stirrups shall be formed with a horizontal bottom member to support the platform, shall be provided with means to support the guardrail and midrail and shall have a loop or eye at the top for securing the supporting hook on the block.

(7) Two or more swinging scaffolds shall not at any time be combined into one by bridging the distance between them with planks or any other form of platform.

(8) No more than two men shall be permitted to work at one time on a swinging scaffold built to the minimum specifications contained in this paragraph. Where heavier construction is used, the number of men permitted to work on the scaffold shall be determined by the size and the safe working load of the scaffold.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(10) The swinging scaffold platform shall be one of the three types described in subparagraphs (11), (12) and (13) of this paragraph.

(11) The ladder-type platform consists of boards upon a horizontal ladder-like structure, referred to herein as the ladder, the side rails of which are parallel. If this type of platform is used, the following requirements shall be met:

(i) The width between the side rails shall be no more than 20 inches.

(ii) The side rails of ladders in ladder-type platforms shall be equivalent in

strength to a beam of clear straight-grained spruce of the dimensions contained in Table E–2 in § 1916.68.

(iii) The side rails shall be tied together with tie rods. The tie rods shall be not less than 5/16 inch in diameter, located no more than 5 feet apart, pass through the rails, and be riveted up tight against washers at both ends.

(iv) The rungs shall be of straight-grained oak, ash, or hickory, not less than 1⅛ inches diameter, with ⅞ inch tenons mortised into the side rails not less than ⅞ inch and shall be spaced no more than 18 inches on centers.

(v) Flooring strips shall be spaced no more than ⅝ inch apart except at the side rails, where 1 inch spacing is permissible.

(vi) Flooring strips shall be cleated on their undersides.

(12) The plank-type platform consists of planks supported on the stirrups or hangers. If this type of platform is used, the following requirements shall be met:

(i) The planks of plank-type platforms shall be of not less than 2 x 10 inch lumber.

(ii) The platform shall be no more than 24 inches in width.

(iii) The planks shall be tied together by cleats of not less than 1 x 6 inch lumber, nailed on their undersides at intervals of not more than 4 feet.

(iv) The planks shall extend not less than 6 inches nor more than 18 inches beyond the supporting stirrups.

(v) A cleat shall be nailed across the platform on the underside at each end outside the stirrup to prevent the platform from slipping off the stirrup.

(vi) Stirrup supports shall be not more than 10 feet apart.

(13) The beam-type platform consists of longitudinal side stringers with cross beams set on edge and spaced not more than 4 feet apart on which longitudinal platform planks are laid. If this type platform is used the following requirements shall be met:

(i) The side stringers shall be of sound, straight-grained lumber, free from knots, and of not less than 2 x 6 inch lumber, set on edge.

(ii) The stringers shall be supported on the stirrups with a clear span between stirrups of not more than 16 feet.

(iii) The stringers shall be bolted to the stirrups by U-bolts passing around the stirrups and bolted through the stringers with nuts drawn up tight on the inside face.

(iv) The ends of the stringers shall extend beyond the stirrups not less than 6 inches nor more than 12 inches at each end of the platform.

(v) The platform shall be supported on cross beams of 2 x 6 inch lumber between the side stringers securely nailed thereto and spaced not more than 4 feet on centers.

(vi) The platform shall be not more than 24 inches wide.

(vii) The platform shall be formed of boards ⅞ inch in thickness by not less than 6 inches in width, nailed tightly together, and extending to the outside face of the stringers.

(viii) The ends of all platform boards shall rest on the top of the cross beams, shall be securely nailed, and at no intermediate points in the length of the platform shall there be any cantilever ends.

(f) *Horse scaffolds.* (1) The minimum dimensions of lumber used in the construction of horses shall be in accordance with Table E–3 in § 1916.68.

(2) Horses constructed of materials other than lumber shall provide the strength, rigidity and security required of horses constructed of lumber.

(3) The lateral spread of the legs shall be equal to not less than one-third of the height of the horse.

(4) All horses shall be kept in good repair, and shall be properly secured when used in staging or in locations where they may be insecure.

(5) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(6) Backrails and toeboards shall be in accordance with paragraph (i) of this section.

(g) *Other types of scaffolds.* (1) Scaffolds of a type for which specifications are not contained in this section shall meet the general requirements of paragraphs (a), (h) and (i) of this section, shall be in accordance with recognized principles of design and shall be constructed in accordance with accepted standards covering such equipment.

(h) *Scaffold or platform planking.* (1) Except as otherwise provided in paragraph (e) (11) and (13) of this section, platform planking shall be of not less than 2 x 10 inch lumber. Platform planking shall be straight-grained and free from large or loose knots and may be either rough or dressed.

(2) Platforms of staging shall be not less than two 10 inch planks in width except in such cases as the structure of the vessel or the width of the trestle ladders make it impossible to provide such a width.

(3) Platform planking shall project beyond the supporting members at either end by at least 6 inches but in no case shall project more than 12 inches unless the planks are fastened to the supporting members.

(4) Table E–4 in § 1916.68 shall be used as a guide in determining safe loads for scaffold planks.

(i) *Backrails and toeboards.* (1) Scaffolding, staging, runways, or working platforms which are supported or suspended more than 5 feet above a solid surface, or at any distance above the water, shall be provided with a railing which has a top rail whose upper surface is from 42 to 45 inches above the upper surface of the staging, platform, or runway and a midrail located halfway between the upper rail and the staging, platform, or runway.

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured. Where exposed to hot work or chemicals, fiber rope rails shall not be used.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 5 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of § 1916.84(b), and employees working over water shall be protected by buoyant work vests meeting the requirements of § 1916.84(a).

(4) Employees working from swinging scaffolds which are triced out of a vertical line below their supports or from scaffolds on paint floats subject to surging, shall be protected against falling toward the vessel by a railing or a safety belt and line attached to the backrail.

(5) When necessary, to prevent tools and materials from falling on men below, toeboards of not less than 1 x 4 inch lumber shall be provided.

(j) *Access to staging.* (1) Access from below to staging more than 5 feet above a floor, deck or the ground shall consist of well secured stairways, cleated ramps, fixed or portable ladders meeting the applicable requirements of § 1916.42 or rigid type non-collapsible trestles with parallel and level rungs.

(2) Ramps and stairways shall be provided with 36-inch handrails with midrails.

(3) Ladders shall be so located or other means shall be taken so that it is not necessary for employees to step more than one foot from the ladder to any intermediate landing or platform.

(4) Ladders forming integral parts of prefabricated staging are deemed to meet the requirements of these regulations.

(5) Access from above to staging more than 3 feet below the point of access shall consist of a straight, portable ladder meeting the applicable requirements of § 1916.42 or a Jacob's ladder properly secured, meeting the requirements of § 1916.44(d).

§ 1916.42 Ladders.

(a) *General requirements.* (1) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end, hollow rungs.

(2) When sections of ladders are spliced, the ends shall be abutted, and not fewer than 2 cleats shall be securely nailed or bolted to each rail. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the side rail. The dimensions of side rails for their total length shall be those specified in paragraphs (b) or (c) of this section.

(3) Portable ladders shall be lashed, blocked or otherwise secured to prevent

their being displaced. The side rails of ladders used for access to any level shall extend not less than 36 inches above that level. When this is not practical, grab rails which will provide a secure grip for an employee moving to or from the point of access shall be installed.

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Metal Ladders, A14.2.

(5) Portable metal ladders shall not be used near electrical conductors nor for electric arc welding operations.

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Wood Ladders, A14.1.

(b) *Construction of portable wood cleated ladders up to 30 feet in length.* (1) Wood side rails shall be made from West Coast hemlock, Eastern spruce, Sitka spruce, or wood of equivalent strength. Material shall be seasoned, straight-grained wood, and free from shakes, checks, decay or other defects which will impair its strength. The use of low density woods is prohibited.

(2) Side rails shall be dressed on all sides, and kept free of splinters.

(3) All knots shall be sound and hard. The use of material containing loose knots is prohibited. Knots shall not appear on the narrow face of the rail and, when in the side face, shall be not more than ½ inch in diameter or within ½ inch of the edge of the rail or nearer than 3 inches to a tread or rung.

(4) Pitch pockets not exceeding ⅛ inch in width, 2 inches in length and ½ inch in depth are permissible in wood side rails, provided that not more than one such pocket appears in each 4 feet of length.

(5) The width between side rails at the base shall be not less than 11½ inches for ladders 10 feet or less in length. For longer ladders this width shall be increased at least ¼ inch for each additional 2 feet of length.

(6) Side rails shall be at least 1⅝ x 3⅝ inches in cross section.

(7) Cleats (meaning rungs rectangular in cross section with the wide dimension parallel to the rails) shall be of the material used for side rails, straight-grained and free from knots. Cleats shall be mortised into the edges of the side rails ½ inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or fastened with through bolts or other fasteners of equivalent strength. Cleats shall be uniformly spaced not more than 12 inches apart.

(8) Cleats 20 inches or less in length shall be at least $^{25}/_{32}$ x 3 inches in cross section. Cleats over 20 inches but not more than 30 inches in length shall be at least $^{25}/_{32}$ x 3¾ inches in cross section.

(c) *Construction of portable wood cleated ladders from 30 to 60 feet in length.* (1) Ladders from 30 to 60 feet in length shall be in accordance with the specifications of paragraph (b) of this section with the following exceptions:

(i) Rails shall be of not less than 2 x 6 inch lumber.

(ii) Cleats shall be of not less than 1 x 4 inch lumber.

(iii) Cleats shall be nailed to each rail with five 10d common wire nails or fastened with through bolts or other fastenings of equivalent strength.

§ 1916.43 Guarding of deck openings and edges.

(a) When employees are working in the vicinity of flush manholes and other small openings of comparable size in the deck and other working surfaces, such openings shall be suitably covered or guarded to a height of not less than 30 inches, except where the use of such guards is made impracticable by the work actually in progress.

(b) When employees are working around open hatches not protected by coamings to a height of 24 inches or around other large openings, the edge of the opening shall be guarded in the working area to a height of 36 to 42 inches, except where the use of such guards is made impracticable by the work actually in progress.

(c) When employees are exposed to unguarded edges of decks, platforms, flats, and similar flat surfaces, more than 5 feet above a solid surface, the edges shall be guarded by adequate guardrails meeting the requirements of § 1916.41(i) (1) and (2), unless the nature of the work in progress or the physical conditions prohibit the use or installation of such guardrails.

(d) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by buoyant work vests, meeting the requirements of § 1916.84(a).

(e) Section of bilges in which floor plates or gratings have not been installed shall be guarded by guardrails except where they would interfere with the work in progress. If these open sections are in a walkway, at least two 10-inch planks placed side by side, or equivalent, shall be laid across the opening to provide a safe walking surface.

(f) Gratings, walkways, and catwalks, in which sections of gratings and ladders have not been installed, shall be barricaded with adequate guardrails.

§ 1916.44 Access to vessels.

(a) *Access to vessels afloat.* The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(1) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured, shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping, shall be provided. When conditions are such that neither a gangway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of paragraph (d) (1) and (2) of this section may be used.

(2) Each side of such gangway, and the turn table if used, shall have a railing with a minimum height of approximately 33 inches measured perpendicularly from rail to walking surface at the stanchion, with mid rail. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(3) The gangway shall be kept properly trimmed at all times.

(4) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(5) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(6) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings, with a minimum height of approximately 33 inches with mid rails on both sides.

(7) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(8) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(9) Obstructions shall not be laid on or across the gangway.

(10) The means of access shall be adequately illuminated for its full length.

(11) Loads shall not be passed over the means of access while employees are on it.

(b) *Access to vessels in drydock or between vessels.* Gangways meeting the requirements of paragraph (a) (1), (2), (8), (9) and (10) of this section shall be provided for access from wing wall to vessel or, when two or more vessels, other than barges or river towboats, are lying abreast, from one vessel to another.

(c) *Access to barges and river towboats.* (1) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained and properly secured.

(2) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp in accordance with the requirements of subpara-

graph (1) of this paragraph or a safe walkway in accordance with the requirements of paragraph (a)(7) of this section shall be provided. When a walkway is impracticable, a substantial ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder in accordance with the requirements of paragraph (d) of this section may be used.

(3) The means of access shall be in accordance with the requirements of paragraph (a)(8), (9) and (10) of this section.

(d) *Jacob's ladders.* (1) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(2) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1916.45 Access to and guarding of dry docks and marine railways.

(a) A gangway, ramp or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(b) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wing walls from dry dock floors, shall have a railing with a mid rail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 or more than approximately 34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(c) Railings meeting the requirements of paragraph (b) of this section shall be provided on the means of access to and from the floors of graving docks.

(d) Railings approximately 42 inches in height, with a mid rail, shall be provided on the edges of wing walls of floating dry docks and on the edges of graving docks. Sections of the railings may be temporarily removed where necessary to permit line handling while a vessel is entering or leaving the dock.

(e) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42-inch railings with a mid rail. When such a railing would be impracticable or ineffective, other effective means shall be provided to prevent men from falling into the water.

(f) Access to wingwalls from floors of dry docks shall be by ramps, permanent stairways or ladders meeting the applicable requirements of § 1916.42.

(g) Catwalks on stiles of marine railways shall be no less than 20 inches wide and shall have on at least one side a guardrail and midrail meeting the requirements of § 1916.41(i) (1) and (2).

§ 1916.46 Access to cargo spaces and confined spaces.

(a) *Cargo spaces.* (1) There shall be at least one safe and accessible ladder in any cargo space which employees must enter.

(2) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(3) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed ladders in cargo spaces do not meet the requirements of subparagraph (1) of this paragraph. When conditions are such that a straight ladder cannot be used, a Jacob's ladder meeting the requirements of § 1916.44(d) may be used.

(4) Fixed ladders or straight ladders provided for access to cargo spaces shall not be used at the same time that equipment, materials or other loads are entering or leaving the hold. Before using these ladders to enter or leave the hold, the employee shall be required to inform the winchman or the crane signalman of his intention.

(b) *Confined spaces.* (1) More than one means of access shall be provided to a confined space in which employees are working and in which the work may generate a hazardous atmosphere in the space except where the structure or arrangement of the vessel makes this provision impractical.

(2) When the ventilating ducts required by these regulations must pass through these means of access, the ducts shall be of such a type and so arranged as to permit free passage to an employee through at least two of these means of access.

§ 1916.47 Working surfaces.

(a) When firebox floors present tripping hazards of exposed tubing or of missing or removed refractory, sufficient planking to afford safe footing shall be laid while work is being carried on within the boiler.

(b) When employees are working aloft, or elsewhere at elevations more than 5 feet above a solid surface, either scaffolds or a sloping ladder, meeting the requirements of this subpart, shall be used to afford safe footing, or the employees shall be protected by safety belts and lifelines meeting the requirements of § 1916.84(b). Employees visually restricted by blasting hoods, welding helmets, and burning goggles shall work from scaffolds, not from ladders, except for the initial and final welding or burning operation to start or complete a job, such as the erection and dismantling of hung scaffolding, or other similar, nonrepetitive jobs of brief duration.

(c) For work performed in restricted quarters, such as behind boilers and in between congested machinery units and piping, work platforms at least 20 inches wide meeting the requirements of § 1916.41(h)(1) shall be used. Backrails may be omitted if bulkheading, boilers, machinery units, or piping afford proper protection against falling.

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by buoyant work vests meeting the requirements of § 1916.84(a).

Subpart F—General Working Conditions

§ 1916.51 Housekeeping.

(a) Good housekeeping conditions shall be maintained at all times. Adequate aisles and passageways shall be maintained in all work areas. All staging platforms, ramps, stairways, walkways, aisles, and passageways on vessels or drydocks shall be kept clear of all tools, materials, and equipment except that which is in use, and all debris such as welding rod tips, bolts, nuts, and similar material. Hose and electric conductors shall be elevated over or placed under the walkway or working surfaces or covered by adequate crossover planks.

(b) All working areas on vessels and dry docks shall be kept reasonably free of debris, and construction material shall be so piled as not to present a hazard to employees.

(c) Slippery conditions on walkways or working surfaces shall be eliminated as they occur.

(d) Free access shall be maintained at all times to all exits and to all fire-alarm boxes or fire-extinguishing equipment.

(e) All oils, paints, thinners, solvents, waste, rags, or other flammable substances shall be kept in fire resistant covered containers when not in use.

§ 1916.52 Illumination.

(a) All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

(b) Temporary lights shall meet the following requirements:

(1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices which have insulation equal to that of the cable are permitted.

(3) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(c) Exposed non-current-carrying metal parts of temporary lights furnished by the employer shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current. Grounding shall be in accordance with the requirements of § 1916.72(b).

(d) Where temporary lighting from sources outside the vessel is the only means of illumination, portable emer-

gency lighting equipment shall be available to provide illumination for safe movement of employees.

(e) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited.

(f) Temporary lighting stringers or streamers shall be so arranged as to avoid overloading of branch circuits. Each branch circuit shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1916.53 Utilities.

(a) *Steam supply and hoses.* (1) Prior to supplying a vessel with steam from a source outside the vessel, the employer shall install a pressure gauge and a relief valve of proper size and capacity at the point where the temporary steam hose joins the vessel's steam piping system or systems. The relief valve shall be set and capable of relieving at a pressure not exceeding the safe working pressure of the vessel's system in its present condition, and there shall be no means of isolating the relief valve from the system which it protects. The pressure gauge and relief valve shall be located so as to be visible and readily accessible.

(2) Steam hose and fittings shall have a safety factor of not less than five (5).

(3) When steam hose is hung in a bight or bights, the weight shall be relieved by appropriate lines. The hose shall be protected against chafing.

(4) Steam hose shall be protected from damage and hose and temporary piping shall be so shielded where passing through normal work areas as to prevent accidental contact by employees.

(b) *Electric power.* (1) When the vessel is supplied with electric power from a source outside the vessel, the following precautions shall be taken prior to energizing the vessel's circuits:

(i) If in dry dock, the vessel shall be adequately grounded.

(ii) The employer shall insure that all of the vessel's circuits to be energized are in a safe condition.

(iii) All circuits to be energized shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

(c) *Infrared electrical heat lamps.* (1) All infrared electrical heat lamps shall be equipped with guards that surround the lamps with the exception of the face, to minimize accidental contact with the lamps.

§ 1916.54 Work in confined or isolated spaces.

When any work is performed in a confined space, except as provided in § 1916.-31(b)(3), or when an employee is working alone in an isolated location, frequent checks shall be made to ensure the safety of the employees.

§ 1916.55 Work on or in the vicinity of radar and radio.

(a) No employees other than radar or radio repairmen shall be permitted to work on masts, king posts or other aloft areas unless the radar and radio are secured or otherwise made incapable of radiation. In either event, the radio and radar shall be appropriately tagged.

(b) Testing of radar or radio shall not be done until the employer can schedule such tests at a time when no work is in progress aloft or personnel can be cleared from the danger area according to minimum safe distances established for and based on the type, model, and power of the equipment.

§ 1916.56 Work in or on lifeboats.

(a) Before employees are permitted to work in or on a lifeboat, either stowed or in a suspended position, the employer shall ensure that the boat is secured independently of the releasing gear to prevent the boat from falling due to accidental tripping of the releasing gear and movements of the davits or capsizing of a boat in chocks.

(b) Employees shall not be permitted to remain in boats while the boats are being hoisted into final stowed position.

(c) Employees shall not be permitted to work on the outboard side of lifeboats stowed on their chocks unless the boats are secured by gripes or otherwise secured to prevent them from swinging outboard.

§ 1916.57 Health and sanitation.

(a) No chemical product, such as a solvent or preservative; no structural material, such as cadmium or zinc coated steel, or plastic material; and no process material, such as welding filler metal; which is a hazardous material within the meaning of § 1916.2(s), shall be used until the employer has ascertained the potential fire, toxic, or reactivity hazards which are likely to be encountered in the handling, application, or utilization of such a material.

(b) In order to ascertain the hazards, as required by paragraph (a) of this section, the employer shall obtain the following items of information which are applicable to a specific product or material to be used:

(1) The name, address, and telephone number of the source of the information specified in this paragraph, preferably those of the manufacturer of the product or material.

(2) The trade name and synonyms for a mixture of chemicals, a basic structural material, or for a process material; and the chemical name and synonyms, chemical family, and formula for a single chemical.

(3) Chemical names of hazardous ingredients, including, but not limited to, those in mixtures, such as those in: (i) Paints, preservatives, and solvents; (ii) alloys, metallic coatings, filler metals and their coatings or core fluxes; and (iii) other liquids, solids, or gases (e.g., abrasive materials).

(4) An indication of the percentage, by weight or volume, which each ingredient of a mixture bears to the whole mixture, and of the threshold limit value of each ingredient, in appropriate units.

(5) Physical data about a single chemical or a mixture of chemicals, including boiling point, in degrees Fahrenheit; vapor pressure, in millimeters of mercury; vapor density of gas or vapor (air=1); solubility in water, in percent by weight; specific gravity of material (water=1); percentage volatile, by volume, at 70° F.; evaporation rate for liquids (either butyl acetate or ether may be taken as 1); and appearance and odor.

(6) Fire and explosion hazard data about a single chemical or a mixture of chemicals, including flash point, in degrees Fahrenheit; flammable limits, in percent by volume in air; suitable extinguishing media or agents; special fire fighting procedures; and unusual fire and explosion hazard information.

(7) Health hazard data, including threshold limit value, in appropriate units, for a single hazardous chemical or for the individual hazardous ingredients of a mixture, as appropriate; effects of overexposure; and emergency and first aid procedures.

(8) Reactivity data, including stability, incompatibility, hazardous decomposition products, and hazardous polymerization.

(9) Procedures to be followed and precautions to be taken in cleaning up and disposing of materials leaked or spilled.

(10) Special protection information, including use of personal protective equipment, such as respirators, eye protection, and protective clothing, and of ventilation, such as local exhaust, general, special, or other types.

(11) Special precautionary information about handling and storing.

(12) Any other general precautionary information.

(c) The pertinent information required by paragraph (b) of this section shall be recorded either on U.S. Department of Labor Form LSB 00S–4, Material Safety Data Sheet, or on an essentially similar form which has been approved by the Occupational Safety and Health Administration. Copies of Form LSB 00S–4 may be obtained at any of the following regional offices of the Occupational Safety and Health Administration:

(1) North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont).

(2) Middle Atlantic Region, Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia).

(3) South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee).

(4) Great Lakes Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin).

(5) Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kan-

sas City, Mo. 64106 (Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

(6) Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

(7) Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington).

A completed form shall be preserved and available for inspection for a period of 3 months from the date of the completion of the job.

(d) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(e) The employer shall provide all necessary controls, and the employees shall be protected by suitable personal protective equipment against the hazards identified under paragraph (a) of this section and those hazards for which specific precautions are required in Subparts C and D of this part.

(f) The employer shall provide adequate washing facilities for employees engaged in the application of paints or coatings or in other operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employees. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(g) The employer shall not permit eating or smoking in areas undergoing surface preparation or preservation.

§ 1916.58 First aid.

(a) Unless a first aid room and a qualified attendant are close at hand and prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier, only one kit shall be required. The kit, when required, shall be kept close to the vessel and at least one employee, close at hand shall be qualified to administer first aid to the injured.

(b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall contain a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandage, 40 inch.
Ammonia inhalants and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.
Wire or thin board splints.
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job and at least weekly on each job to ensure that the expended items are replaced.

(d) There shall be available for each vessel on which ten (10) or more employees are working one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. A blanket or other liner suitable for transferring the patient to and from the stretcher shall be provided. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services which are available are known to carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

§ 1916.61 Inspection.

(a) All gear and equipment provided by the employer for rigging and materials handling shall be inspected before each shift and, when necessary, at intervals during its use to ensure that it is safe. Defective gear shall be removed and repaired or replaced before further use.

(b) The safe working load of gear as specified in §§ 1916.62 and 1916.63 shall not be exceeded.

§ 1916.62 Ropes, chains and slings.

(a) *Manila rope and manila rope slings.* (1) Table G–1 in § 1916.68 shall be used to determine the safe working load of various sizes of manila rope and manila rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Wire rope and wire rope slings.* (1) Tables G–2 through G–5 in § 1916.68 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Where U-bolt wire rope clips are used to form eyes, Table G–6 in § 1916.68 shall be used to determine the number and spacing of clips. The U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(4) Wire rope shall not be secured by knots.

(c) *Chains and chain slings.* (1) Tables G–7 and G–8 in § 1916.68 shall be used to determine the working load limit of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products.

(2) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(3) Interlink wear, not accompanied by stretch in excess of 5 percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G–9 in § 1916.68 has been reached.

(4) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(5) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective as described in subparagraph (4) of this paragraph shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(6) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall never be annealed.

(7) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1916.63 Shackles and hooks.

(a) *Shackles.* (1) Table G–10 in § 1916.68 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Hooks.* (1) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(2) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(3) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

§ 1916.64 Chain falls and pull-lifts.

(a) Chain falls and pull-lifts shall be clearly marked to show the capacity and the capacity shall not be exceeded.

(b) Chain falls shall be regularly inspected to ensure that they are safe, particular attention being given to the lift chain, pinion, sheaves and hooks for distortion and wear. Pull-lifts shall be regularly inspected to ensure that they are safe, particular attention being given to the ratchet, pawl, chain and hooks for distortion and wear.

(c) Straps, shackles, and the beam or overhead structure to which a chain fall or pull-lift is secured shall be of adequate strength to support the weight of load plus gear. The upper hook shall be moused or otherwise secured against coming free of its support.

(d) Scaffolding shall not be used as a point of attachment for lifting devices, such as tackles, chain falls, and pull-lifts unless the scaffolding is specifically designed for that purpose.

§ 1916.65 Hoisting and hauling equipment.

(a) Derrick and crane certification: (1) Derricks and cranes which are part of, or regularly placed aboard, barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, shall be tested and certificated in accordance with the standards provided in Part 1919 of this chapter by persons accredited for that purpose.

(2) Subparagraph (1) of this paragraph shall take effect 180 days after the effective date of this amendment.

(b) The moving parts of hoisting and hauling equipment shall be guarded.

(c) Mobile crawler or truck cranes used on a vessel: (1) The maximum manufacturer's rated safe workingloads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(d) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane either permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(e) Marine railways: (1) The cradle or carriage on the marine railway shall be positively blocked or secured when in the hauled position to prevent it from being accidentally released.

§ 1916.66 Use of gear.

(a) Loads shall be safely rigged before being hoisted.

(b) Plates shall be handled on and off hulls by means of shackles whenever possible. Clips or pads of ample size shall be welded to the plate to receive the shackle pins when there are no holes in the plate. When it is not possible to make holes in or to weld pads to the plate, alligator tongs, grab hooks, grab clamps or screw clamps may be used. In such cases special precautions shall be taken to keep employees from under such lifts.

(c) Tag lines shall be provided on loads likely to swing or to need guidance.

(d) When slings are secured to eyebolts, the slings shall be so arranged, using spreaders if necessary, that the pull is within 20 degrees of the axis of the bolt.

(e) Slings shall be padded by means of wood blocks or other suitable material where they pass over sharp edges or corners of loads so as to prevent cutting or kinking.

(f) Skips shall be rigged to be handled by not less than 3 legged bridles, and all legs shall always be used. When open end skips are used, means shall be taken to prevent the contents from falling.

(g) Loose ends of idle legs of slings in use shall be hung on the hook.

(h) Employees shall not be permitted to ride the hook or the load.

(i) Loads (tools, equipment or other materials) shall not be swung or suspended over the heads of employees.

(j) Pieces of equipment or structure susceptible to falling or dislodgement shall be secured as early as possible.

(k) An individual who is familiar with the signal code in use shall be assigned to act as a signalman when the hoist operator cannot see the load being handled. Communications shall be made by means of clear and distinct visual or auditory signals except that verbal signals shall not be permitted.

(l) Pallets, when used, shall be of such material and construction and so maintained as to safely support and carry the loads being handled on them.

(m) A section of hatch through which materials or equipment are being raised, lowered, moved, or otherwise shifted manually or by a crane, winch, hoist, or derrick, shall be completely opened. The beam or pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent it from being unshipped.

(n) Hatches shall not be opened or closed while employees are in the square of the hatch below.

(o) Before loads or empty lifting gear are raised, lowered, or swung, clear and sufficient advance warning shall be given to employees in the vicinity of such operations.

(p) At no time shall an employee be permitted to place himself in a hazardous position between a swinging load and a fixed object

§ 1916.67 Qualifications of operators.

(a) When ship's gear is used to hoist materials aboard, a competent person shall determine that the gear is properly rigged, that it is in safe condition, and that it will not be overloaded by the size and weight of the lift.

(b) Only those employees who understand the signs, notices, and operating instructions, and are familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power operated hoisting apparatus.

(c) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him, shall be permitted to operate a crane, winch or other power operated hoisting apparatus.

(d) No minor under eighteen (18) years of age shall be employed in occupations involving the operation of any power-driven hoisting apparatus or assisting in such operations by work such as hooking on, loading slings, rigging gear, etc.

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§ 1916.68 Tables.

TABLE E-1

DIMENSIONS AND SPACING OF WOOD INDEPENDENT-POLE SCAFFOLD MEMBERS

Structural Members	Light duty (Up to 25 pounds per square foot)			Heavy duty (25 to 75 pounds per square foot)		
	Height in feet			Height in feet		
	24 or less	24–40	40–60	24 or less	24–40	40–60
Poles or uprights (in inches)	2 x 4	3 x 4 or 2 x 6	4 x 4	3 x 4	4 x 4	4 x 6
Bearers (in inches)	2 x 6	2 x 6	2 x 6	2 x 8	2 x 8	2 x 10
Ledgers (in inches)	2 x 6	2 x 6	2 x 6	2 x 8	2 x 8	2 x 8
Stringers (not supporting bearers) (in inches)	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6
Braces (in inches)	1 x 4	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6
Pole spacing—longitudinally (in feet)	7½	7½	7½	7	7	7
Pole spacing—transversely (in feet)	6½ min.	7½ min.	8½ min.	6½	10	10
Ledger spacing—vertically (in feet)	7	7	7	4½	4½	4½

TABLE E-2

SPECIFICATIONS FOR SIDE RAILS OF LADDERS

Length (in feet)	Cross section (in inches)	
	At ends	At center
15	1⅞ x 2¾	1⅞ x 3¾
16	1⅞ x 2¾	1⅞ x 3¾
18	1⅞ x 3	1⅞ x 4
20	1⅞ x 3	1⅞ x 4
24	1⅞ x 3	1⅞ x 4½

TABLE E-3

SPECIFICATIONS FOR THE CONSTRUCTION OF HORSES

Structural members	Height in feet		
	Up to 10	10 to 16	16 to 20
	Inches	*Inches*	*Inches*
Legs	2 x 4	3 x 4	4 x 6
Bearers or headers	2 x 6	2 x 8	4 x 6
Crossbraces	2 x 4 or 1 x 8	2 x 4	2 x 6
Longitudinal braces	2 x 4	2 x 6	2 x 6

TABLE E-4

SAFE CENTER LOADS FOR SCAFFOLD PLANK OF 1,100 POUNDS FIBRE STRESS

Span in Feet	Lumber dimensions in inches									
	A	B	A	B	A	B	A	B	A	B
	2 x 10	1⅝ x 9¼	2 x 12	1⅝ x 11¼	3 x 8	2⅝ x 7¼	3 x 10	2⅝ x 9¼	3 x 12	2⅝ x 11¼
6	256		309		526		667		807	
8	192		232		395		500		605	
10	153		186		316		400		484	
12	128		155		263		333		404	
14	110		133		225		286		346	
16	------		116		197		250		303	

(A)—Rough lumber.
(B)—Dressed lumber.

TABLE G-1
MANILA ROPE
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

TABLE G-2

RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS

(In tons of 2000 pounds)

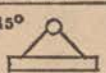
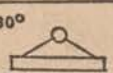
Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-3

RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS

(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45° 			30° 		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18.	17.	14.	15.	15.	12.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	18.	19.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	25.	28.	25.	22.	22.	21.	18.	16.	15.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	33.

(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

No. 38——9

TABLE G-4

RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS

(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-5

RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS

(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4	1.1	1.0	.99	.95	.88	.85	.77	.72	.70	.55	.51	.49
3/8	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1	17.	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
6x37 CLASSIFICATION												
1-1/4	25.	22.	20.	21.	19.	17.	17.	16.	14.	13.	11.	9.8
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	55.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter, inches	Number of clips		Minimum spacing, inches
	Drop forged	Other material	
*	------	------	--------
1/4	3	4	3
5/16	3	4	3 3/4
3/8	4	5	4 1/2
7/16	4	5	5 1/4
1/2	4	6	6
9/16	5	6	6 3/4
5/8	5	7	7 1/2
3/4	6	7	8 1/4
7/8	6	8	9

*Three clips shall be used on wire size less than 1/4 inch diameter.

TABLE G-7
WROUGHT IRON CHAIN
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
* 1/4	1060	1835	1500	1060
* 5/16	1655	2865	2340	1655
3/8	2385	2.1	3370	2385
* 7/16	3250	2.8	2.3	3250
1/2	2.1	3.7	3.0	2.1
* 9/16	2.7	4.6	3.8	2.7
5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

* These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G-8
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

TABLE G-9
MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
1/4 (9/32)	3/64
5/16	5/64
3/8	7/64
7/16	9/64
1/2	5/32
9/16	11/64
5/8	3/16
11/16	13/64
3/4	7/32
13/16	1/4
7/8	9/32
15/16	5/16
1	11/32

TABLE G-10
SAFE WORKING LOADS FOR SHACKLES
[In tons of 2000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
1/2	5/8	1.4
5/8	3/4	2.2
3/4	7/8	3.2
7/8	1	4.3
1	1 1/8	5.6
1 1/8	1 1/4	6.7
1 1/4	1 3/8	8.2
1 3/8	1 1/2	10.0
1 1/2	1 5/8	11.9
1 3/4	2	16.2
2	2 1/4	21.2

TABLE I-1
FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY

Operation	Shade No.
Soldering	2
Torch Brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1-6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Light gas welding, up to 1/8 inch	4 or 5
Medium gas welding, 1/8-1/2 inch	5 or 6
Heavy gas welding, over 1/2 inch	6 or 8
Shielded Metal-Arc Welding 1/16- to 5/32-inch electrodes	10
Inert-gas Metal Arc Welding (Nonferrous) 1/16- to 5/32-inch electrodes.	11
Inert-gas Metal-Arc Welding (Ferrous) 1/16- to 5/32-inch electrodes.	12
Shielded Metal-Arc Welding:	
5/32- to 1/4-inch electrodes	12
5/16- and 3/8-inch electrodes	14
Atomic Hydrogen Welding	10 to 14
Carbon Arc Welding	14

Subpart H—Tools and Related Equipment

§ 1916.71 General precautions.

(a) Hand lines, slings, tackles of adequate strength, or carriers such as tool bags with shoulder straps, shall be provided and used to handle tools, materials, and equipment so that employees will have their hands free when using ship's ladders and access ladders. The use of hose or electric cords for this purpose is prohibited.

(b) When air tools of the reciprocating type are not in use, the discs and tools shall be removed.

(c) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(d) The moving parts of machinery on dry docks shall be guarded.

(e) Before use, pneumatic tools shall be secured to the extension hose or whip by some positive means to prevent the tool from becoming accidentally disconnected from the whip.

(f) The moving parts of drive mechanisms, such as gearing and belting on large portable tools, shall be adequately guarded.

(g) Headers, manifolds, and widely spaced hose connections on compressed air lines shall bear the word "air" in letters at least 1 inch high, which shall be painted either on the manifold or separate hose connections, or on signs permanently attached to the manifolds or connections. Grouped air connections may be marked in one location.

(h) Before use, compressed air hose shall be examined. Visibly damaged and unsafe hose shall not be used.

§ 1916.72 Portable electric tools.

(a) The frames of portable electric tools and appliances, except double insulated tools approved by Underwriters' Laboratories, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the tool is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(c) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in the closed position.

(d) Worn or frayed electric cables shall not be used.

§ 1916.73 Hand tools.

(a) Employers shall not issue or permit the use of unsafe hand tools.

(b) Wrenches, including crescent, pipe, end and socket wrenches, shall not be

used when jaws are sprung to the point that slippage occurs.

(c) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(d) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

§ 1916.74 Abrasive wheels.

(a) Floor stand and bench mounted abrasive wheels used for external grinding shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90 degrees, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125 degrees. In either case the exposure shall begin not more than 65 degrees above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(b) Floor and bench mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept a distance not to exceed ⅛ inch from the surface of the wheel.

(c) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1. All other portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

(1) When the work location makes it impossible, in which case a wheel equipped with safety flanges as described in paragraph (f) of this section shall be used.

(2) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(d) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of paragraph (f) of this section, except as follows:

(1) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(2) If the wheel is entirely within the work being ground while in use.

(e) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180 degrees.

(f) When safety flanges are required, they shall be used only with wheels designed to fit the flanges. Only safety flanges of a type and design and properly assembled so as to insure that the pieces of the wheel will be retained in case of accidental breakage shall be used.

(g) All abrasive wheels shall be closely inspected and ring tested before mounting to ensure that they are free from cracks or defects.

(h) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(i) The power supply shall be sufficient to maintain the rated spindle speed under all conditions of normal grinding. The rated maximum speed of the wheel shall not be exceeded.

(j) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of § 1916.81 (a) and (b), except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

§ 1916.75 Powder actuated fastening tools.

(a) *General precautions.* (1) Powder actuated fastening tools shall be tested each day before loading to ensure that the safety devices are in proper working condition. Any tool found not to be in proper working order shall be immediately removed from service until repairs are made.

(2) Powder actuated fastening tools shall not be used in an explosive or flammable atmosphere.

(3) All tools shall be used with the type of shield or muzzle guard appropriate for a particular use.

(4) Fasteners shall not be driven into very hard or brittle materials, such as cast iron, glazed tile, surface hardened steel, glass block, live rock, face brick or hollow tile.

(5) Fasteners shall not be driven into soft materials unless such materials are backed by a substance that will prevent the pin or fastener from passing completely through and creating a flying missile hazard on the opposite side.

(6) Unless a special guard, fixture or jig is used, fasteners shall not be driven directly into materials such as brick or concrete within 3 inches of the unsupported edge or corner, or into steel surfaces within ½ inch of the unsupported edge or corner. When fastening other material, such as 2 x 4 inch lumber to a concrete surface, fasteners of greater than 7/32-inch shank diameter shall not be used and fasteners shall not be driven within 2 inches of the unsupported edge or corner of the work surface.

(7) Fasteners shall not be driven through existing holes unless a positive guide is used to secure accurate alignment.

(8) No attempt shall be made to drive a fastener into a spalled area caused by an unsatisfactory fastening.

(9) Employees using powder actuated fastening tools shall be protected by eye protection equipment in accordance with the requirements of § 1916.81 (a) and (b).

(b) *Instruction of operators.* Before employees are permitted to use powder actuated fastening tools, they shall have been thoroughly instructed by a competent person with respect to the requirements of paragraph (a) of this section and the safe use of such tools as follows:

(1) Before using a tool, the operator shall inspect it to determine that it is clean, that all moving parts operate freely and that the barrel is free from obstructions.

(2) When a tool develops a defect during use, the operator shall immediately cease to use it and shall notify his supervisor.

(3) Tools shall not be loaded until just prior to the intended firing time and the tool shall not be left unattended while loaded.

(4) The tool, whether loaded or empty, shall not be pointed at any person, and hands shall be kept clear of the open barrel end.

(5) In case of a misfire, the operator shall hold the tool in the operating position for at least 15 seconds and shall continue to hold the muzzle against the work surface during disassembly or opening of the tool and removal of the powder load.

(6) Neither tools nor powder charges shall be left unattended in places where they would be available to unauthorized persons.

§ 1916.76 Internal combustion engines, other than ship's equipment.

(a) When internal combustion engines, furnished by the employer are used in a fixed position below decks, for such purposes as driving pumps, generators, and blowers, the exhaust shall be led to the open air, clear of any ventilation intakes and openings through which it might enter the vessel.

(b) All exhaust line joints and connections shall be checked for tightness immediately upon starting the engine, and any leaks shall be corrected at once.

(c) When internal combustion engines on vehicles, such as forklifts and mobile cranes, or on portable equipment such as fans, generators, and pumps exhaust into the atmosphere below decks, the competent person shall make tests of the carbon monoxide content of the atmosphere as frequently as conditions require to insure that dangerous concentrations do not develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 50 parts per million (0.005%). The employer shall use blowers sufficient in size and number and so arranged as to maintain the concentration below this allowable limit before work is resumed.

Subpart I—Personal Protective Equipment

§ 1916.81 Eye protection.

(a) *General precautions.* (1) All eye protection equipment required by these regulations shall meet the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1.

(2) Eye protection equipment shall be maintained in good condition.

(3) Eye protection equipment which has previously been used shall be cleaned

and disinfected before it is issued by the employer to another employee.

(4) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

(b) *Protection against impact.* (1) In any operations such as chipping, caulking, drilling, riveting, grinding, and pouring babbitt metal, in which the eye hazard of flying particles, molten metal, or liquid chemical exists, employees shall be protected by suitable face shields or goggles meeting the requirements of paragraph (a) of this section.

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets, hand shields, or face shields equipped with filter lenses meeting the requirements of paragraphs (a) and (c) (2) of this section.

(2) Filter lenses shall be of a shade number appropriate to the type of work to be performed as indicated in Table I–1 in § 1916.68 except that variations of one or two shade numbers are permissible to suit individual preferences.

(3) If filter lenses are used in the goggles worn under the helmet, the shade number of the lens in the helmet may be reduced so that the sum of the shade numbers of the two lenses will equal the value shown in Table I–1 in § 1916.68.

§ 1916.82 Respiratory protection.

(a) *General.* (1) All respiratory protective equipment required by these regulations shall carry the U.S. Bureau of Mines approval for the use for which it is intended. Respiratory protective equipment shall be used only for the purpose intended and no modifications of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.

(4) Employees required to use respiratory protective equipment approved for use in atmospheres immediately dangerous to life shall be thoroughly trained in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

(5) When an air line respirator is used, the air line shall be fitted with a pressure regulating valve and a filter which will remove oil, water, and rust particles. The air intake shall be from a source which is free from all contaminants, such as the exhaust from internal combustion engines.

(6) In all cases, when an employee is stationed outside a compartment, tank or space as a tender or safety man for men working inside in an atmosphere immediately dangerous to life, the tender shall have immediately available for emergency use repiratory protective equipment equivalent to that required for the men in the compartment. When a tender is stationed outside a compartment for men working inside in an atmosphere not immediately dangerous to life, the tender shall wear respiratory protective equipment equivalent to that required for the men in the compartment if he is exposed for prolonged periods to the same concentration of atmospheric contaminants.

(b) *Protection in atmospheres immediately dangerous to life.* (1) Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or high concentration of the contaminant, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(2) In atmospheres immediately dangerous to life the only approved types of respiratory protective equipment are the following:

(i) Self-contained breathing apparatus, in which the wearer carries with him a supply of oxygen, air, or an oxygen generating material.

(ii) Hose mask with blower, in which a hand or motor operated blower supplies air at high volume and low pressure through a large diameter hose through which the wearer can draw air in case the blower fails.

(iii) If there is known to be more than 16 percent oxygen and less than 2 percent gas by volume, a gas mask equipped with a canister approved for the particular type gas involved.

NOTE: A gas mask offers absolutely no protection in an atmosphere deficient in oxygen.

(3) Work in atmospheres immediately dangerous to life shall be performed only in an emergency, as when rescuing a man who has been overcome or when shutting off a source of contamination that cannot otherwise be controlled. When an employee enters such an atmosphere he shall be provided with and use an adequate, attended life line.

(4) In the vicinity of each vessel in which there is a danger of employees being exposed to an atmosphere immediately dangerous to life the employer shall have on hand and ready for use respiratory protective equipment approved for such use. When such equipment is required, one or more persons shall be thoroughly trained in the use of the equipment.

(c) *Protection against gaseous contaminants not immediately dangerous to life.* (1) Gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period without endangering the life of a person breathing them, but which might produce discomfort and possible injury after a prolonged single exposure or repeated short exposures.

(2) When employees are exposed to a gaseous contaminated atmosphere not immediately dangerous to life, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the gaseous contaminant as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator in lower concentrations is permissible.

(ii) In concentration of ammonia of less than 3 percent, or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister. Different canisters are approved for specific use against the following gases or groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide, or combination of the above.

(iii) In low concentrations (less than 0.1 percent by volume), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subdivision (ii) of this subparagraph.

(d) *Protection against particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to unsafe concentrations of particulate contaminants, such as dusts and fumes, mists and fogs or combinations of solids and liquids, they shall be protected by either air line or filter respirators, except as otherwise provided in the regulations of this part.

(2) Filter respirators shall be equipped with the proper type of filter. Different filters are approved for specific protection against groups of contaminants, as follows:

(i) Pneumoconiosis-producing dust and nuisance dust filters which provide respiratory protection against pneumoconiosis-producing dusts, such as aluminum, cellulose, cement, charcoal, coal, coke, flour, gypsum, iron ore, limestone and wood.

(ii) Toxic dust filters which provide respiratory protection against toxic dusts that are not significantly more toxic than lead, such as arsenic, cadmium, chromium, lead, manganese, selenium, vanadium, and their compounds.

(iii) Mist filters which provide respiratory protection against pneumoconiosis-producing mists, chromic acid mists, and nuisance mists.

(iv) Fume filters which provide respiratory protection against fumes (solid dispersoids or particulate matter formed by the condensation of vapors, such as those from heated metals and other substances).

(v) Filters which provide respiratory protection against combinations of two or more of the contaminants described

in subdivisions (i) through (iv) of this subparagraph.

(e) *Protection against combinations of gaseous and particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to combinations of gaseous and particulate contaminants not immediately dangerous to life, as in spray painting, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the contaminants, as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator is permissible in lower concentrations.

(ii) In concentrations of gaseous contaminants of less than 2 percent by volume, a canister type gas mask with a combination canister approved for the particular type of gaseous contaminant as specified in paragraph (c)(2) of this section and a filter for the particular type of particulate contaminant as specified in paragraph (d)(1) of this section.

(iii) In low concentrations of gaseous contaminants (less than 0.1 percent by volume) a respirator equipped with the type of cartridge and filter as specified in subdivision (ii) of this subparagraph.

§ 1916.83 Head, foot and body protection.

(a) When employees are working in areas where there is danger of falling objects they shall be protected by protective hats.

(b) Protective hats shall meet the specifications contained in the United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

(c) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

(d) The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use. Metal toe caps from which the covering has been worn shall be insulated when employees are working on exposed energized circuits of the vessel's electrical system.

(e) Employees shall not be permitted to wear excessively greasy clothing when performing hot work operations.

(f) Employees shall be protected by suitable gloves when engaged in operations hazardous to their hands.

§ 1916.84 Life saving equipment.

(a) *Buoyant work vests.* (1) Buoyant work vests shall not meet the requirements of these regulations unless approved by the U.S. Coast Guard.

(2) Prior to each use, buoyant work vests shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective buoyant work vests shall not be used.

(b) *Safety belts and lifelines.* (1) Safety belts shall be equipped with lifelines which in use are secured with a minimum of slack to a fixed structure.

(2) Prior to each use, belts and lifelines shall be inspected for dry rot, chemical damage, or other defects which may affect their strength. Defective belts and lifelines shall not be used.

(3) When employees are working in any location requiring a safety belt and a lifeline, care shall be exercised to insure that the lifeline is not cut, pinched, or led over a sharp edge. In hot work operations or those involving the use of acids, solvents, or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the lifeline continuously attached with a minimum of slack to a fixed structure the attachment point of the lifeline shall be appropriately changed as the work progresses.

(c) *Life rings and ladders.* (1) At least three 30-inch Coast Guard approved life rings with lines attached shall be kept in easily visible and readily accessible places aboard each vessel afloat on which work is being performed. Life rings shall be located, one forward, one aft, and one on the gangway, except on vessels under 200 feet in length, in which case one at the gangway will be sufficient.

(2) At least one life ring with a line attached shall be located on each staging float alongside a vessel on which work is being performed.

(3) At least 90 feet of line shall be attached to each life ring. Life rings and lines shall be maintained in good condition.

(4) In the vicinity of each vessel afloat on which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

Subpart J—Ship's Machinery and Piping Systems

§ 1916.91 Ship's boilers.

(a) Before work is performed in the fire, steam, or water spaces of a boiler where employees may be subject to injury from the direct escape of a high temperature medium, such as steam, or water, oil, or other medium at a high temperature entering from an interconnecting system, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, blanked, and tagged indicating that employees are working in the boiler. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working in the boiler, or until the work in the boiler is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

(3) A warning sign calling attention to the fact that employees are working in the boilers shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are out of the boilers.

§ 1916.92 Ship's piping systems.

(a) Before work is performed on a valve, fitting, or section of piping in a piping system where employees may be subject to injury from the direct escape of steam, or water, oil, or other medium at a high temperature, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, blanked, and tagged indicating that employees are working on the system. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the system, or until the work on the system is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

§ 1916.93 Ship's propulsion machinery.

(a) Before work is performed on the main engine, reduction gear, or connecting accessories, the employer shall ensure that the following steps are taken:

(1) The jacking gear shall be engaged to prevent the main engine from turning over. A sign shall be posted at the throttle indicating that the jacking gear is engaged. This sign shall not be removed until the jacking gear can be safely disengaged.

(2) If the jacking gear is steam driven, the stop valves to the jacking gear shall be secured, locked, and tagged indicating that employees are working on the main engine.

(3) If the jacking gear is electrically driven, the circuit controlling the jacking gear shall be deenergized by tripping the circuit breaker, opening the switch or removing the fuse, whichever is appropriate. The breaker, switch, or fuse location shall be tagged indicating that employees are working on the main engine.

(b) Before the jacking engine is operated, the following precautions shall be taken:

(1) A check shall be made to ensure that all employees, equipment, and tools are clear of the engine, reduction gear, and its connecting accessories.

(2) A check shall be made to ensure that all employees, equipment and tools are free of the propeller.

(c) Before work is started on or in the immediate vicinity of the propeller, a

warning sign calling attention to the fact that employees are working in that area shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are free of the propeller.

(d) Before the main engine is turned over (e.g., when warming up before departure or testing after an overhaul) a check shall be made to ensure that all employees, equipment, and tools are free of the propeller.

§ 1916.94 Ship's deck machinery.

(a) Before work is performed on the anchor windlass or any of its attached accessories, the employer shall ensure that the following steps are taken:

(1) The devil claws shall be made fast to the anchor chains.

(2) The riding pawls shall be in the engaged position.

(3) In the absence of devil claws and riding pawls, the anchor chains shall be secured to a suitable fixed structure of the vessel.

Subpart K—Portable, Unfired Pressure Vessels, Drums, and Containers, Other Than Ship's Equipment

§ 1916.101 Portable air receivers and other unfired pressure vessels.

(a) Portable, unfired pressure vessels, built after the effective date of this regulation, shall be marked and reported indicating that they have been designed and constructed to meet the standards of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, 1963. They shall be subjected to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(b) Portable, unfired pressure vessels, not built to the code requirements of paragraph (a) of this section, and built prior to the effective date of this regulation, shall be examined quarterly by a competent person. They shall be subjected yearly to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(c) The relief valves on the portable, unfired pressure vessels in paragraphs (a) and (b) of this section shall be set to the safe working pressure of the vessels, or set to the lowest safe working pressure of the systems, whichever is lower.

(d) A record of such examinations and tests made in compliance with the requirements of paragraphs (a) and (b) of this section shall be maintained.

§ 1916.102 Drums and containers.

(a) Shipping drums and containers shall not be pressurized to remove their contents.

(b) A temporarily assembled pressurized piping system conveying hazardous liquids or gases shall be provided with a relief valve and by-pass to prevent rupture of the system and the escape of such hazardous liquids or gases.

(c) Pressure vessels, drums and containers containing toxic or flammable liquids or gases shall not be stored or used where they are subject to open flame, hot metal, or other sources of artificial heat.

(d) Unless pressure vessels, drums and containers of 30-gallon capacity or over containing flammable or toxic liquids or gases are placed in an out-of-the-way area where they will not be subject to physical injury from an outside source, barriers or guards shall be erected to protect them from such physical injury.

(e) Containers of 55 gallons or more capacity containing flammable or toxic liquid shall be surrounded by dikes or pans which enclose a volume equal to at least 25 percent of the total volume of the containers.

(f) Fire extinguishers adequate in number and suitable for the hazard shall be provided. These extinguishers shall be located in the immediate area where pressure vessels, drums, and containers containing flammable liquids or gases are stored or in use. Such extinguishers shall be ready for use at all times.

Subpart L—Electrical Machinery

§ 1916.111 Electrical circuits and distribution boards.

(a) Before an employee is permitted to work on an electrical circuit, except when the circuit must remain energized for testing and adjusting, the circuit shall be deenergized and checked at the point at which the work is to be done to insure that it is actually deenergized. When testing or adjusting an energized circuit, a rubber mat, duck board, or other suitable insulation shall be used underfoot where an insulated deck does not exist.

(b) Deenergizing the circuit shall be accomplished by opening the circuit breaker, opening the switch, or removing the fuse, whichever method is appropriate. The circuit breaker, switch, or fuse location shall be tagged to indicate that an employee is working on the circuit. Such tags shall not be removed nor the circuit energized until it is definitely determined that the work on the circuit has been completed.

(c) When work is performed immediately adjacent to an open-front energized board or in back of an energized board, the board shall be covered or some other equally safe means shall be used to prevent contact with any of the energized parts.

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Subject Index for 29 CFR 1917—Shipbreaking

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Subpart A—General Provisions

§ 1917.1 Purpose, scope and responsibility.

(a) Section 41 of the Longshoremen's and Harbor Workers' Compensation Act requires every employer to furnish and maintain employment and places of employment which are reasonably safe for his employees in all employments covered thereby (the Act applies to all injuries sustained by employees on navigable waters of the United States if the employees are employed by an "employer" as defined in section 2(4) of the Act i.e., "an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any dry dock)." Calbeck v. Travelers Insurance Co. and Donovan v. Avondale Shipyards, Inc. (52 S. Ct. 1196 (1962)) and to install, furnish, maintain and use devices and safeguards (with particular reference to equipment used by such employers and working conditions established by them) determined by the Secretary of Labor to be reasonably necessary to protect the life, health and safety of such employees, and to render safe such employment and places of employment and to prevent injury to such employees. The purpose of this part is to make determinations under this standard with respect to shipbreaking activity.

(b) This part does not apply to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and acts supplementary or amendatory thereto (46 U.S.C. secs. 1–1388 passim) including, but not restricted to, the master, ship's officer, crew members, design, construction and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports and waterfront facilities under the provisions of the Espionage Act of June 17, 1917, as amended (50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.); including the provisions of Executive Order 10173, as amended by Executive Orders 10277 and 10352 (3 CFR 1949—1953 Comp., pp. 356, 778 and 873); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). Also, this part does not apply to owners, operators, agents or masters of vessels unless they are acting as "employers". However, this part is not intended to relieve owners, operators, agents or masters of vessels who are not "employers" from responsibilities or duties now placed upon them by law, regulations or custom.

(c) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

§ 1917.2 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in shipbreaking or related employments as defined in paragraphs (i) and (j) of this section on navigable waters of the United States, including dry docks, graving docks and marine railways, and any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States, including dry docks, graving docks and marine railways.

(d) The term "employee" means any person employed in shipbreaking or related employments on the navigable waters of the United States, including dry docks, graving docks and marine railways, by an employer as defined in paragraph (c) of this section.

(e) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and brows.

(f) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(g) For purposes of § 1917.44, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of this section, the term does not include ship shaped or deep draft barges.

(h) For purposes of § 1917.44, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of this section, the term does not include other towing vessels.

(i) The term "shipbreaking" means any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of gear, equipment or any component part of a vessel.

(j) The term "related employments" means any employments performed as an incident to or in conjunction with shipbreaking work, including, but not restricted to, inspection, survey and employment as a watchman.

(k) The term "hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant or otherwise harmful is likely to cause injury.

(l) The term "competent person" for purposes of this part means a person who is capable of recognizing and evaluating employee exposure to hazardous substances or to other unsafe conditions and is capable of specifying the necessary protection and precautions to be taken to ensure the safety of employees as required by the particular regulation under the condition to which it applies. For the purposes of Subparts B and D, the competent person shall be one meeting the requirements of § 1917.10.

(m) The term "confined space" means a compartment of small size and limited

access such as a double bottom tank, cofferdam or other space which by its small size and confined nature can readily create or aggravate a hazardous exposure.

(n) The term "enclosed space" means any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters and machinery and boiler spaces.

(o) The term "hot work" means riveting, welding, burning or other fire or spark producing operations.

(p) The term "cold work" means any work which does not involve riveting, welding, burning or other fire or spark producing operations.

(q) The term "powder actuated fastening tool" means a tool or machine which drives a stud, pin or fastener by means of an explosive charge.

(r) For purposes of § 1917.57, the term "hazardous material" means a material which has one or more of the following characteristics: (1) Has a flash point below 140° F., closed cup, or is subject to spontaneous heating; (2) has a threshold limit value below 500 p.p.m. in the case of a gas or vapor, below 500 mg./m.^{3} for fumes, and below 25 m.p.p.c.f. in case of a dust; (3) has a single dose oral LD_{50} below 500 mg./kg.; (4) is subject to polymerization with the release of large amounts of energy; (5) is a strong oxidizing or reducing agent; (6) causes first degree burns to skin in short time exposure, or is systemically toxic by skin contact; or (7) in the course of normal operations, may product dusts, gases, fumes, vapors, mists, or smokes which have one or more of the above characteristics.

§ 1917.3 Penalty.

(a) As provided in Public Law 85–742, any employer who, willfully, violates or fails or refuses to comply with the provisions of the regulations of this part and any employer or other person who willfully interferes with, hinders or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of section 41 of the Act by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of the regulations of this part, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than $100 nor more than $3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than $100 nor more than $3,000.

(b) The liability under this provision of Public Law 85–742 shall not affect any other liability of the employer under the Longshoremen's and Harbor Workers' Compensation Act.

§ 1917.4 [Reserved]

§ 1917.5 Reference specifications, standards, and codes.

Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, Subpart B § 1917.13(b).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill. 60611, Subpart B, § 1917.12(b) and (f); Subpart H, § 1917.72(a).

United States of America Standard Safety Code for Portable Wood Ladders, A14.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1917.42(a)(6).

United States of America Standard Safety Code for Portable Metal Ladders, A14.2–1956, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart I, § 1917.42(a)(4).

United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart I, §§ 1917.81(a)(1), 1917.83(b).

Threshold Limit Values, America Conference of Governmental Industrial Hygenists, 1014 Broadway, Cincinnati, Ohio 45202, Subpart B, § 1917.11 (a)(3) and (b)(3).

§ 1917.6 Notification of accidents resulting in fatalities or serious injuries.

(a) Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form BEC—202 (approved by Budget Bureau No. 44–R887.3) with the Field Safety Consultant of the Occupational Safety and Health Administration serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily. (44 Stat. 1444; 33 U.S.C. 930.)

§ 1917.7 Amendment of the regulations of this part.

The Secretary may at any time, upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of the regulations of this part.

Subpart B—Explosive and Other Dangerous Atmospheres

§ 1917.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts B, D, and H of this part one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts B, D, and H of this part are always carried out by a National Fire Protection Association Certified Marine Chemist.

(2) The employer shall indicate on U.S. Department of Labor Form MAR–8, "Designation of Competent Person" either those employees designated as competent persons or that the prescribed functions of such persons are always carried out by a National Fire Protection Association Certified Marine Chemist in addition to his professional duties. When additions or changes are made in the personnel so designated, a new Form MAR–8 shall be executed. A copy of this executed form shall be forwarded to the nearest office of the Occupational Safety and Health Administration.

(b) *Criteria.* The following criteria shall guide the employer in designating employees as competent persons:

(1) Ability to understand the meaning of designations on certificates and of any qualifications relating thereto and to carry out any instructions, either written or oral, left by the National Fire Protection Association Certified Marine Chemist.

(2) Ability to use and interpret the readings of an oxygen indicator and a combustible gas indicator. The ability to use and interpret the readings of a carbon monoxide indicator and a carbon dioxide indicator, if the operations involve such hazardous gases.

(3) Familiarity with and understanding of Subparts B, D, and H of this part.

(4) Familiarity with the structure and knowledge of the location and designation of spaces of the types of vessels on which breaking work is done.

(5) Capability to perform the tests and inspections required by Subparts B, D, and H of this part and to write the required logs.

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts B, D, and H of this part are made, a record of the locations, operations performed and date, time, and results of the tests and any instructions resulting therefrom shall be recorded on U.S. Department of Labor Form MAR–9, "Log of Inspections and Tests by Competent Person." A separate form shall be used for each vessel on which tests and inspections are made.

(2) This record shall be available for inspection in the immediate vicinity of the affected operations while they are in progress. This record or copy thereof shall be kept on file for a period of at least 3 months from the date of the completion of the job.

(3) A copy of any certificate issued in accordance with § 1917.13 and of any instructions issued by the National Fire Protection Association Certified Marine Chemist shall be kept on file with the log for a period of at least 3 months from the date of the completion of the job.

(d) *Application.* The provisions of this section are intended to apply in their entirety to employers engaged in general shipbreaking work where both Subparts B and D of this part are applicable. They do not apply in their entirety to employers whose work involves only certain portions of Subparts B and D of this part, such as the breaking of vessels with no exposure to fuel oil or other flammable hazards. In such cases employers may designate persons who are competent on the basis of the applicable portions of the criteria set forth in paragraph (b) of this section.

§ 1917.11 Precautions before entering.

(a) *Flammable atmospheres and residues.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) and (ii) of this subparagraph, the atmosphere within the space to be entered shall be tested by a competent person to determine the concentration of flammable vapors or gases within the space.

(i) Cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk.

(ii) Spaces immediately adjacent to those described in subdivision (i) of this subparagraph.

(2) If the tests indicate that the atmosphere in the space to be entered contains a concentration of flammable vapor or gas greater than 10 percent of the lower explosive limit, the space shall be ventilated to reduce the concentration below 10 percent of the lower explosive limit before men are permitted to enter.

(3) If the atmosphere in the space to be entered is found to contain a concentration of flammable vapor or gas below the level immediately dangerous to life as defined in § 1917.82(b)(1), but above the threshold limit value, employees shall be protected in accordance with the requirements of § 1917.82 (a), and (c), (d), or (e), whichever is applicable.

(b) *Toxic atmospheres and residues.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) and (ii) of this subparagraph, the atmosphere in the space to be entered shall be tested for toxic atmospheric contaminants, and the space inspected for the presence of toxic or corrosive residues by a Marine Chemist, Industrial Hygienist or other person qualified to make these tests and inspections.

(i) Cargo spaces or other spaces containing or having last contained bulk liquids, gases, or solids of a toxic, corrosive or irritant nature.

(ii) Spaces immediately adjacent to those described in subdivision (i) of this subparagraph.

(2) If the tests indicate that the atmosphere in the space to be entered contains a concentration of toxic contaminants above the level which is immediately dangerous to life, the space shall be ventilated to reduce the concentration below the level immediately dangerous to life as defined in § 1917.82 (b)(1).

(3) If the atmosphere in the space to be entered is found to contain a concentration of toxic contaminants below the level immediately dangerous to life as defined in § 1917.82(b)(1), but above the threshold limit value, employees shall be protected in accordance with the requirements of § 1917.82 (a), and (c), (d), or (e), whichever is applicable.

(4) The person qualified to make the tests and inspections referred to in subparagraph (1) of this paragraph shall make a record of the tests, inspections and instructions pertaining to subparagraph (3) of paragraph (a) of this section and subparagraphs (2) and (3) of this paragraph on U.S. Department of Labor Form MAR–9, which shall be available for inspection and kept on file in accordance with § 1917.10(c)(2).

(c) *Oxygen deficient atmospheres.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) through (v) of this subparagraph, the atmosphere in the spaces to be entered shall be tested by a competent person with an oxygen indicator or other suitable device to ensure that it contains at least 16.5 percent oxygen.

(i) Spaces in which the tests required by paragraphs (a) and (b) of this section indicate that no flammable or toxic contaminants are present in the atmosphere.

(ii) Compartments which have been sealed.

(iii) Spaces which have been coated and closed up.

(iv) Nonventilated compartments which have been freshly painted.

(v) Cargo spaces containing cargoes or residues of cargoes which absorb oxygen, such as scrap iron, fresh fruit and molasses, and various vegetable drying oils in bulk.

(2) If the tests indicate that the atmosphere in the space to be entered contains less than 16.5 percent oxygen, the space shall be ventilated until tests indicate an oxygen content above this level.

(d) *Exceptions.* In emergencies and in cases of work of brief duration necessary to accomplish the ventilation required or to start operations, work may be performed in atmospheres containing concentrations of flammable contaminants above the upper explosive limit or otherwise immediately dangerous to life, provided employees are protected in accordance with the requirements of § 1917.82 (a) and (b).

§ 1917.12 Cleaning and other cold work.

(a) Employees shall be permitted to remove residue materials or to perform other cold work in spaces described in § 1917.11 (a)(1) (i) and (ii), and (b)(1) (i) and (ii) only under the following conditions:

(1) Liquid residues of flammable and toxic materials shall be removed from the spaces as thoroughly as practicable before employees start actual cleaning operations in these spaces. Drippings and spills of these materials on deck or elsewhere alongside the vessel shall be cleaned up as the work progresses. Special care shall be taken to prevent the spilling or the draining of these materials into the water surrounding the vessel.

(2) Continuous natural or mechanical ventilation shall be provided to keep the concentration of flammable vapors below ten (10) percent of the lower explosive limit in all parts of the space, provided that if, because of the high volatility of the residues, a uniform concentration of less than ten (10) percent of the lower explosive limit cannot be achieved, sufficient exhaust ventilation shall be provided to reduce the concentration to or below that level in the major portions of the compartment.

(3) Tests shall be made by a competent person prior to commencement of cold work and with sufficient frequency thereafter, in accordance with temperature, volatility of the residues and other existing conditions in and about the spaces to ensure that the concentration stated in subparagraph (2) of this paragraph is not exceeded.

(4) Cold work only shall be permitted.

(5) Tests shall be made by a competent person to ensure that the exhaust vapors from these spaces are not accumulating in other areas within or around the vessel, marine railway, dry dock, or under the pier where sources of ignition may be present. Should such accumulations be found, any sources of ignition within the affected area shall be removed or extinguished.

(b) Only approved explosion-proof, self-contained, battery-fed, portable lamps shall be used in spaces described in paragraph (b) of § 1917.13 before the spaces have been certified as "Safe for Men." Battery-fed, portable lamps bearing the approval of the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines, and such lamps listed by the U.S. Coast Guard as approved for such use are deemed to meet the requirements of this paragraph.

(c) Signs shall be posted on the open deck adjacent to the access to spaces described in paragraph (b) of § 1917.13 prohibiting smoking and the use of open flames.

(d) The metallic parts of air moving devices, including fans, blowers, and jet-type air movers, and all duct work shall be electrically bonded to the vessel's structure.

(e) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Portable air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(f) In spaces described in paragraph (b) of § 1917.13 which have been certified "Safe for Men," either battery lamps or explosion-proof lights, approved by

the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissable by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used, provided the lights are mounted to the space openings from the exterior, or suspended within the space with the cables so led as to protect them from injury.

(g) In spaces certified "Safe for Fire" nonexplosion proof lights may be used.

§ 1917.13 Certification before hot work is begun.

(a) *Hot work in the open.* Before hot work is performed from open decks or in tanks or compartments from which the overhead has been completely removed, on the boundaries of cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk, the following steps shall be taken:

(1) Tests shall be made by a competent person to determine the concentration of flammable vapors in these spaces. The permissible level of concentration of flammable vapors shall not exceed ten (10) percent of the lower explosive limit in all parts of the spaces.

(2) When the tests indicate that a space contains a concentration of flammable vapors above the permissible concentration, the space shall be inerted with a nonflammable gas or with water, or sufficient ventilation shall be provided to reduce the concentration below the permissible level.

(3) When the bottom of a space contains flammable residues, it shall be flooded with water to cover all parts of the space to a depth of at least one (1) foot unless the space is inerted.

(b) *Hot work below decks.* Employees shall not be permitted to engage in hot work in or on the following spaces, boundaries or pipelines until a certificate setting forth that the hot work can be done in safety is issued. Such certificate shall be acceptable only if issued by a Marine Chemist certificated by the National Fire Protection Association.

(1) On tank vessels:

(i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk, or within spaces adjacent to such cargo tanks.

(ii) Within or on the boundaries of fuel tanks.

(iii) On pipelines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(2) On dry cargo, miscellaneous, and passenger vessels:

(i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk.

(ii) Within spaces adjacent to cargo tanks which have been used to carry flammable gases, or liquids with a flash point below 150° F., except where the distance between such cargo tanks and the work to be performed is not less than twenty-five (25) feet.

(iii) Within or on the boundaries of fuel tanks.

(iv) On pipelines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(3) In dry cargo holds for which a Marine Chemist's certificate is not required by paragraph (b)(2)(ii) of this section, hot work may be performed only after a competent person has carefully examined the hold and found it to be free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

(4) Before hot work is performed in engine room and boiler room spaces of any vessel for which a Marine Chemist's certificate is not required by the provision of paragraph (b) (1) and (2) of this section or in fuel tank and engine compartments of boats, the bilges shall be inspected and tested by a competent person to ensure that they are free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

§ 1917.14 Maintaining gas free conditions.

(a) *Hot work in the open.* (1) During the performance of hot work from open decks or in tanks or compartments from which the overhead has been completely removed, on the boundaries of spaces described in § 1917.13(a), other than those filled with water, the competent person shall make frequent tests to ensure that the inert atmosphere is being maintained or that the concentration of flammable vapors remains below ten (10) percent of the lower explosive limit.

(b) *Hot work below decks.* (1) When conditions in spaces below decks described in § 1917.13(b) (1) and (2) are such that there is a possibility of hazardous vapors being released from residues or other sources, after a Marine Chemist's certificate has been issued, a competent person shall make tests to ensure that the gas free condition is maintained irrespective of whether hot work is being performed in or on the aforementioned spaces. When the competent person finds that the atmospheric conditions have altered, work shall be stopped and a new Marine Chemist's certificate in accordance with § 1917.13(b)* (1) and (2) shall be obtained, before work is resumed.

Subpart C—[Reserved]

Subpart D—Welding, Cutting and Heating

§ 1917.31 Ventilation and protection in welding, cutting and heating.

(a) *Mechanical ventilation; requirements.* (1) For purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, blowing dust or dirt from clothing, or for cleaning the work area.

(b) *Welding, cutting and heating in confined spaces.* (1) Except as provided in subparagraph (3) of this paragraph and paragraph (c) (2) of this section, either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(2) The means of access shall be provided to a confined space in accordance with § 1917.46(b) (1) and (2).

(3) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of § 1917.82(a), and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(c) *Welding, cutting or heating of metals of toxic significance.* (1) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section.

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(2) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (a) of this section or employees shall be protected by air line respirators in accordance with the requirements of § 1917.82 (a).

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with requirements of paragraphs (a) and (d) (2) (iv) of § 1917.82, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of § 1917.82(a).

(4) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(d) *General welding, cutting and heating.* (1) Welding, cutting and heating not involving conditions or materials described in paragraph (b) or (c) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(2) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of § 1503.81 (a) and (c).

§ 1917.32 Fire prevention.

(a) When hot work is performed below decks or in other situations in which accidental fire would jeopardize the safety of employees the following precautions shall be taken:

(1) When practical, objects to be welded, cut or heated shall be moved to a designated safe location or, if the object to be welded, cut or heated cannot be readily moved, all movable fire hazards in the vicinity shall be taken to a safe place.

(2) If the object to be welded, cut or heated cannot be moved and if all the fire hazards cannot be removed, positive means shall be taken to confine the heat, sparks and slag, and to protect the immovable fire hazards from them.

(3) When welding, cutting or heating is performed on tank shells, decks, overheads and bulkheads, since direct penetration of sparks or heat transfer may introduce a fire hazard to an adjacent compartment, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(4) In order to eliminate the possibility of fire in confined spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the confined space whenever the torch is not to be used or whenever the torch is left unattended for a substantial period of time, such as during the lunch hour. Overnight and at the change of shifts the torch and hose shall be removed from the confined space. Open end fuel gas and oxygen hoses shall be immediately removed from confined spaces when they are disconnected from the torch or other gas consuming device.

(b) In all cases, suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use. Personnel assigned to contain fires within controllable limits shall be instructed as to the specific anticipated fire hazards and how the fire fighting equipment provided is to be used.

§ 1917.33 Welding, cutting and heating in way of preservative coatings.

(a) Before welding, cutting or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(b) When coatings are determined to be highly flammable either they shall be stripped from the area to be heated to prevent ignition or they shall be burned away under controlled conditions. A 1½-inch or larger fire hose with fog nozzle, which has been uncoiled and placed under pressure, shall be immediately available for instant use in the immediate vicinity, consistent with avoiding freezing of the hose.

(c) Protection against toxic preservative coatings. (1) In enclosed spaces all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application or the employees shall be protected by air line respirators meeting the requirements of § 1917.82(a).

(2) In the open air, employees shall be protected by a filter type respirator in accordance with requirements of § 1917.82 (a) and (d).

§ 1917.34 Welding, cutting and heating of hollow metal containers and structures not covered by § 1917.11.

(a) Drums, containers or hollow structures which have contained flammable substances shall, before welding, cutting or heating is undertaken on them, either be filled with water or thoroughly cleaned of such substances and ventilated and tested.

(b) Before heat is applied to a drum, container or hollow structure, a vent or opening shall be provided for the release of any built-up pressure during the application of heat.

(c) Before welding, cutting, heating or brazing is begun on structural voids such as skegs, bilge keels, fair waters, masts, booms, support stanchions, pipe stanchions or railings, a competent person shall inspect the object and, if necessary, test it for the presence of flammable liquids or vapors. If flammable liquids or vapors are present, the object shall be made safe.

(d) Objects such as those listed in paragraph (c) of this section shall also be inspected to determine whether water or other nonflammable liquids are present which, when heated, would build up excessive pressure. If such liquids are determined to be present, the object shall be vented, cooled or otherwise made safe during the application of heat.

(e) Jacketed vessels shall be vented before and during welding, cutting or heating operations in order to release any pressure which may build up during the application of heat.

§ 1917.35 Gas welding and cutting.

(a) *Transporting, moving and storing compressed gas cylinders.* (1) Valve protection caps shall be in place and secure. Oil shall not be used to lubricate protection caps.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard or pallet. They shall not be hoisted by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck or permitted to strike each other violently.

(4) When cylinders are transported by vehicle, they shall be secured in position.

(5) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(6) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(7) A suitable cylinder truck, chain or other steadying device shall be used to keep cylinders from being knocked over while in use.

(8) When work is finished, when cylinders are empty, or when cylinders are moved at any time, the cylinder valves shall be closed.

(9) Acetylene cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

(b) *Placing cylinders.* (1) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(2) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(3) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal or other sources of artificial heat.

(4) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(c) *Treatment of cylinders.* (1) Cylinders, whether full or empty, shall not be used as rollers or supports.

(2) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. Only cylinders bearing Interstate Commerce Commission identification and inspection markings shall be used.

(3) No damaged or defective cylinder shall be used.

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(1) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator). The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame or other possible sources of ignition.

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. To permit quick closing, valves on fuel gas cylinders shall not be opened more than 1½ turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(3) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(5) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the vessel. In the event that fuel gas should leak from the cylinder valve rather than from the valve stem and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the vessel. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the vessel.

(6) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the vessel.

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe and accessible locations in the open air. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangable. A single hose having more than one gas passage, a wall failure of which would permit the flow of one gas into the other gas passage, shall not be used.

(2) When parallel sections of oxygen and fuel gas hose are taped together, not more than 4 inches out of 8 inches shall be covered by tape.

(3) All hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion or be in any way harmful to employees, shall be inspected at the beginning of each shift. Defective hose shall be removed from service.

(4) Hose which has been subjected to flashback or which shows evidence of severe wear or damage shall be tested to twice the normal pressure to which it is subject, but in no case less than two hundred (200) psi. Defective hose or hose in doubtful condition shall not be used.

(5) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(6) Boxes used for the stowage of gas hose shall be ventilated.

(g) *Torches.* (1) Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills or other devices designed for such purpose.

(2) Torches shall be inspected at the beginning of each shift for leaking shut-off valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

(h) *Pressure regulators.* Oxygen and fuel gas regulators including their related gauges shall be in proper working order while in use.

§ 1917.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) Only manual electrode holders which are specifically designed for arc welding and cutting and are of a capacity capable of safely handling the maximum rated current required by the electrodes shall be used.

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(2) Only cable free from repair or splices for a minimum distance of ten (10) feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(3) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(4) Cables in poor repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tapes or other equivalent insulation.

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(2) Structures or pipe lines, except pipe lines containing gases or flammable liquids or conduits containing electrical circuits, may be used as part of the ground return circuit, provided that the pipe or structure has a current carrying capacity equal to that required by subparagraph (1) of this paragraph.

(3) When a structure or pipe line is employed as a ground return circuit, it shall be determined that the required electrical contact exists at all joints. The generation of an arc, sparks or heat at any point shall cause rejection of the structure as a ground circuit.

(4) When a structure or pipe line is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be con-

ducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(5) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the vessel's structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(6) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(1) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(2) Hot electrode holders shall not be dipped in water, since to do so may expose the arc welder or cutter to electric shock.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Any faulty or defective equipment shall be reported to the supervisor.

(e) *Shielding.* Whenever practicable, all arc welding and cutting operations shall be shielded by noncombustible or flame-proof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

Subpart E—Scaffolds, Ladders and Other Working Surfaces

§ 1917.41 Scaffolds or staging.

(a) *General requirements.* (1) All scaffolds and their supports, whether of lumber, steel or other material, shall be capable of supporting the load they are designed to carry with a safety factor of not less than four (4).

(2) All lumber used in the construction of scaffolds shall be spruce, fir, long leaf yellow pine, Oregon pine or wood of equal strength. The use of hemlock, short leaf yellow pine or short fiber lumber is prohibited.

(3) Lumber dimensions as given in this subpart are nominal except where given in fractions of an inch.

(4) All lumber used in the construction of scaffolds shall be sound, straight-grained, free from cross grain, shakes and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength or durability.

(5) Scaffolds shall be maintained in a safe and secure condition. Any component of the scaffold which is broken, burned or otherwise defective shall be replaced.

(6) Barrels, boxes, cans, loose bricks, or other unstable objects shall not be used as working platforms or for the support of planking intended as scaffolds or working platforms.

(7) No scaffold shall be erected, moved, dismantled or altered except under the supervision of competent persons.

(b) *Horse scaffolds.* (1) The minimum dimensions of lumber used in the construction of horses shall be in accordance with Table E–1 in § 1917.68.

(2) Horses constructed of materials other than lumber shall provide the strength, rigidity, and security required of horses constructed of lumber.

(3) The lateral spread of the legs shall be equal to not less than one-third of the height of the horse.

(4) All horses shall be kept in good repair, and shall be properly secured when used in staging or in locations where they may be insecure.

(5) Platform planking shall be in accordance with the requirements of paragraph (d) of this section.

(6) Backrails and toeboards shall be in accordance with paragraph (e) of this section.

(c) *Other types of scaffolds.* (1) Scaffolds of a type for which specifications are not contained in this section shall meet the general requirements of paragraphs (a), (d), and (e) of this section, shall be in accordance with recognized principles of design and shall be constructed in accordance with accepted standards covering such equipment.

(d) *Scaffold or platform planking.* (1) Platform planking shall be of not less than 2 x 10 inch lumber. Platform planking shall be straight-grained and free from large or loose knots and may be either rough or dressed.

(2) Platforms of staging shall be not less than two 10 inch planks in width except in such cases as the structure of the vessel or the width of the trestle ladders make it impossible to provide such a width.

(3) Platform planking shall project beyond the supporting members at either end by at least 6 inches but in no case shall project more than 12 inches unless the planks are fastened to the supporting members.

(4) Table E–2 in § 1917.68 shall be used as a guide in determining safe loads for scaffold planks.

(e) *Backrails and toeboards.* (1) Scaffolding, staging, runways, or working platforms which are supported or suspended more than 5 feet above a solid surface, or at any distance above the water, shall be provided with a railing which has a top rail whose upper surface is from 42 to 45 inches above the upper surface of the staging, platform, or runway and a midrail located half-way between the upper rail and the staging, platform, or runway.

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured. Where exposed to hot work or chemicals, fiber rope rails shall not be used.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 5 feet above solid surfaces shall be protected by safety belts and lifelines meeting the requirements of § 1917.84(b), and employees working over water shall be protected by buoyant work vests meeting the requirements of § 1503.84(a).

(4) Employees working from scaffolds on floats subject to surging, shall be protected against falling toward the vessel by a railing or a safety belt and line attached to the backrail.

(5) When necessary, to prevent tools and materials from falling on men below, toeboards of not less than 1 x 4 inch lumber shall be provided.

(f) *Access to staging.* (1) Access to staging more than 5 feet above a floor, deck or the ground shall consist of well secured stairways, cleated ramps, fixed or portable ladders meeting the applicable requirements of § 1917.42 or rigid type non-collapsible trestles with parallel and level rungs.

(2) Ramps and stairways shall be provided with 36-inch handrails with midrails.

(3) Ladders shall be so located or other means shall be taken so that it is not necessary for employees to step more than one foot from the ladder to any intermediate landing or platform.

(4) Ladders forming integral parts of prefabricated staging are deemed to meet the requirements of these regulations.

(5) Access from above to staging more than 3 feet below the point of access shall consist of a straight, portable ladder meeting the applicable requirements of § 1917.42 or a Jacob's ladder properly secured, meeting the requirements of § 1917.44(d).

§ 1917.42 Ladders.

(a) *General requirements.* (1) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end, hollow rungs.

(2) When sections of ladders are spliced, the ends shall be abutted, and not fewer than 2 cleats shall be securely nailed or bolted to each rail. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the side rail. The dimensions of side rails for their total length shall be those specified in paragraph (b) or (c) of this section.

(3) Portable ladders shall be lashed, blocked or otherwise secured to prevent their being displaced. The side rails of ladders used for access to any level shall extend not less than 36 inches above that level. When this is not practical, grab

rails which will provide a secure grip for an employee moving to or from the point of access shall be installed.

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Metal Ladders, A14.2.

(5) Portable metal ladders shall not be used near electrical conductors nor for electric arc welding operations.

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Wood Ladders, A14.1.

(b) *Construction of portable wood cleated ladders up to 30 feet in length.* (1) Wood side rails shall be made from West Coast hemlock, Eastern spruce, Sitka spruce, or wood of equivalent strength. Material shall be seasoned, straight-grained wood, and free from shakes, checks, decay or other defects which will impair its strength. The use of low density woods is prohibited.

(2) Side rails shall be dressed on all sides, and kept free of splinters.

(3) All knots shall be sound and hard. The use of material containing loose knots is prohibited. Knots shall not appear on the narrow face of the rail and, when in the side face, shall be not more than ½ inch in diameter or within ½ inch of the edge of the rail or nearer than 3 inches to a tread or rung.

(4) Pitch pockets not exceeding ⅛ inch in width, 2 inches in length and ½ inch in depth are permissible in wood side rails, provided that not more than one such pocket appears in each 4 feet of length.

(5) The width between side rails at the base shall be not less than 11½ inches for ladders 10 feet or less in length. For longer ladders this width shall be increased at least ¼ inch for each additional 2 feet of length.

(6) Side rails shall be at least 1⅝ x 3⅝ inches in cross section.

(7) Cleats (meaning rungs rectangular in cross section with the wide dimension parallel to the rails) shall be of the material used for side rails, straight-grained and free from knots. Cleats shall be mortised into the edges of the side rails ½ inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or fastened with through bolts or other fasteners of equivalent strength. Cleats shall be uniformly spaced not more than 12 inches apart.

(8) Cleats 20 inches or less in length shall be at least $^{25}/_{32}$ x 3 inches in cross section. Cleats over 20 inches but not more than 30 inches in length shall be at least $^{25}/_{32}$ x 3¾ inches in cross section.

(c) *Construction of portable wood cleated ladders from 30 to 60 feet in length.* (1) Ladders from 30 to 60 feet in length shall be in accordance with the specifications of paragraph (b) of this section with the following exceptions:

(i) Rails shall be of not less than 2 x 6 inch lumber.

(ii) Cleats shall be of not less than 1 x 4 inch lumber.

(iii) Cleats shall be nailed to each rail with five 10d common wire nails or fastened with through bolts or other fastenings of equivalent strength.

§ 1917.43 [Reserved]

§ 1917.44 Access to vessels.

(a) *Access to vessels afloat.* The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(1) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured, shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping, shall be provided. In an emergency, a Jacob's ladder meeting the requirements of paragraph (d) (1) and (2) of this section may be used.

(2) Each side of such gangway, and the turn table if used, shall have a railing with a minimum height of approximately 33 inches measured perpendicularly from rail to walking surface at the stanchion, with a midrail. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(3) The gangway shall be kept properly trimmed at all times.

(4) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(5) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(6) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings, with a minimum height of approximately 33 inches with midrails on both sides.

(7) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(8) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(9) Obstructions shall not be laid on or across the gangway.

(10) The means of access shall be adequately illuminated for its full length.

(11) Loads shall not be passed over the means of access while employees are on it.

(b) *Access to vessels in drydock or between vessels.* Gangways meeting the requirements of paragraph (a) (1), (2), (8), (9) and (10) of this section shall be provided for access from wing wall to vessel or, when two or more vessels, other than barges or river towboats, are lying abreast, from one vessel to another.

(c) *Access to barges and river towboats.* (1) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained and properly secured.

(2) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp in accordance with the requirements of subparagraph (1) of this paragraph or a safe walkway in accordance with the requirements of paragraph (a) (6) of this section shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping, shall be provided. In an emergency, a Jacob's ladder in accordance with the requirements of paragraph (d) of this section may be used.

(3) The means of access shall be in accordance with the requirements of paragraph (a) (8), (9) and (10) of this section.

(d) *Jacob's ladders.* (1) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(2) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1917.45 Access to and guarding of drydocks and marine railways.

(a) A gangway, ramp or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(b) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wing walls from dry dock floors, shall have a railing with a midrail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 or more than approximately 34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(c) Railings meeting the requirements of paragraph (b) of this section shall be provided on the means of access to and from the floors of graving docks.

(d) Railings approximately 42 inches in height, with a midrail, shall be provided on the edges of wing walls of floating dry docks and on the edges of graving docks. Sections of the railings may be temporarily removed where necessary to permit line handling while a vessel is entering the dock.

(e) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock

shall be equipped with portable stanchions and 42-inch railings with a mid rail. When such a railing would be impracticable or ineffective, other effective means shall be provided to prevent men from falling into the water.

(f) Access to wingwalls from floors of dry docks shall be by ramps, permanent stairways or ladders meeting the applicable requirements of § 1917.42.

(g) Catwalks on stiles of marine railways shall be no less than 20 inches wide and shall have on at least one side a guardrail and midrail meeting the requirements of § 1917.41(e) (1) and (2).

§ 1917.46 Access to cargo and confined spaces.

(a) *Cargo spaces.* (1) There shall be at least one safe and accessible ladder in any cargo space which employees must enter.

(2) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(3) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed ladders in cargo spaces do not meet the requirements of subparagraph (1) of this paragraph. In an emergency, a Jacob's ladder meeting the requirements of § 1917.44(d) may be used.

(4) Fixed ladders or straight ladders provided for access to cargo spaces shall not be used at the same time that equipment, materials, scrap or other loads are entering or leaving the hold. Before using these ladders to enter or leave the hold, the employee shall be required to inform the winchman or crane signalman of his intention.

(b) *Confined spaces.* (1) More than one means of access shall be provided to a confined space in which employees are working and in which the work may generate a hazardous atmosphere.

(2) When the ventilating ducts required by these regulations must pass through these means of access, an additional means of access shall be provided.

§ 1917.47 Working surfaces.

(a) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by buoyant work vests meeting the requirements of § 1917.84(a).

Subpart F—General Working Conditions

§ 1917.51 Housekeeping.

(a) All working areas on or immediately surrounding the vessel in a dry dock and graving dock or on a marine railway shall be kept in a reasonable state of order. Scrap, equipment and other materials shall be so piled as not to present a hazard to employees.

(b) Adequate aisles and passageways shall be maintained, as far as practicable, in all work areas, except when impossible due to the nature of the work being performed.

(c) Free access shall be maintained at all times to all exits and to fire-extinguishing equipment.

§ 1917.52 Illumination.

(a) All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

(b) Temporary lights shall meet the following requirements:

(1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices which have insulation equal to that of the cables are permitted.

(3) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(c) Exposed non-current-carrying metal parts of temporary lights furnished by the employer shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current. Grounding shall be in accordance with the requirements of § 1917.72(b).

(d) Where temporary lighting from sources outside the vessel is the only means of illumination, portable emergency lighting equipment shall be available to provide illumination for safe movement of employees.

(e) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited. In nongas free spaces, portable lights shall meet the requirements of § 1917.12(b).

(f) Temporary lighting stringers or streamers shall be so arranged as to avoid overloading of branch circuits. Each branch circuit shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1917.53 Utilities.

(a) *Steam supply and hoses.* (1) Prior to supplying a vessel with steam from a source outside the vessel, the employer shall ascertain the safe working pressure of the vessel's steam system. The employer shall install a pressure gauge and a relief valve of proper size and capacity at the point where the temporary steam hose joins the vessel's steam piping system or systems. The relief valve shall be set and capable of relieving at a pressure not exceeding the safe working pressure of the vessel's system in its present condition, and there shall be no means of isolating the relief valve from the system which it protects. The pressure gauge and relief valve shall be located so as to be visible and readily accessible.

(2) Steam hose fittings shall have a safety factor of not less than five (5).

(3) When steam hose is hung in a bight or bights, the weight shall be relieved by appropriate lines. The hose shall be protected against chafing.

(4) Steam hose shall be protected from damage and hose and temporary piping shall be so shielded where passing through normal work areas as to prevent accidental contact by employees.

(b) *Electric power.* (1) When the vessel is supplied with electric power from a source outside the vessel, the following precautions shall be taken prior to energizing the vessel's circuits:

(i) If in dry dock, the vessel shall be adequately grounded.

(ii) The employer shall ensure that all circuits to be energized are in a safe condition.

(iii) All circuits to be energized shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1917.54 Work in confined or isolated spaces.

When any work is performed in a confined space, except as provided in § 1917.31(b)(3), or when an employee is working alone in an isolated location, frequent checks shall be made to ensure the safety of the employees.

§ 1917.55 [Reserved]

§ 1917.56 Work in or on lifeboats.

(a) Before employees are permitted to work in or on a lifeboat, either stowed or in a suspended position, the employer shall ensure that the boat is secured independently of the releasing gear to prevent the boat from falling due to accidental tripping of the releasing gear and movement of the davits or capsizing of a boat in chocks.

(b) Employees shall not be permitted to work on the outboard side of lifeboats stowed on their chocks unless the boats are secured by gripes or otherwise secured to prevent them from swinging outboard.

§ 1917.57 Health and sanitation.

(a) No chemical product, such as a solvent or preservative; no structural material, such as cadmium or zinc coated steel, or plastic material; and no process material, such as welding filler metal; which is a hazardous material within the meaning of § 1917.2(r), shall be used until the employer has ascertained the potential fire, toxic, or reactivity hazards which are likely to be encountered in the handling, application, or utilization of such a material.

(b) In order to ascertain the hazards, as required by paragraph (a) of this section, the employer shall obtain the following items of information which are applicable to a specific product or material to be used:

(1) The name, address, and telephone number of the source of the information specified in this paragraph, preferably those of the manufacturer of the product or material.

(2) The trade name and synonyms for a mixture of chemicals, a basic structural material, or for a process material; and the chemical name and synonyms, chemical family, and formula for a single chemical.

(3) Chemical names of hazardous ingredients, including, but not limited to, those in mixtures, such as those in: (i) Paints, preservatives, and solvents; (ii) alloys, metallic coatings, filler metals and their coatings or core fluxes; and (iii) other liquids, solids, or gases (e.g., abrasive materials).

(4) An indication of the percentage, by weight or volume, which each ingredient of a mixture bears to the whole mixture, and of the threshold limit value of each ingredient, in appropriate units.

(5) Physical data about a single chemical or a mixture of chemicals, including boiling point, in degrees Fahrenheit; vapor pressure, in millimeters of mercury; vapor density of gas or vapor (air =1); solubility in water, in percent by weight; specific gravity of material (water=1); percentage volatile, by volume, at 70° F.; evaporation rate for liquids (either butyl acetate or ether may be taken as 1); and appearance and odor.

(6) Fire and explosion hazard data about a single chemical or a mixture of chemicals, including flash point, in degrees Fahrenheit; flammable limits, in percent by volume in air; suitable extinguishing media or agents; special fire fighting procedures; and unusual fire and explosion hazard information.

(7) Health hazard data, including threshold limit value, in appropriate units, for a single hazardous chemical or for the individual hazardous ingredients of a mixture, as appropriate; effects of overexposure, and emergency and first aid procedures.

(8) Reactivity data, including stability, incompatibility, hazardous decomposition products, and hazardous polymerization.

(9) Procedures to be followed and precautions to be taken in cleaning up and disposing of materials leaked or spilled.

(10) Special protection information, including use of personal protective equipment, such as respirators, eye protection, and protective clothing, and of ventilation, such as local exhaust, general, special, or other types.

(11) Special precautionary information about handling and storing.

(12) Any other general precautionary information.

(c) The pertinent information required by paragraph (b) of this section shall be recorded either on U.S. Department of Labor Form LSB 00S–4, Material Safety Data Sheet, or on an essentially similar form which has been approved by the Occupational Safety and Health Administration. Copies of Form LSB 00S–4 may be obtained at any of the following regional offices of the Occupational Safety and Health Administration:

(1) North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont).

(2) Middle Atlantic Region, Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia).

(3) South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee).

(4) Great Lakes Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin).

(5) Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

(6) Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

(7) Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington).

A completed form shall be preserved and available for inspection for a period of 3 months from the date of the completion of the job.

(d) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(e) The employer shall provide all necessary controls, and the employees shall be protected by suitable personal protective equipment against the hazards identified under paragraph (a) of this section and those hazards for which specific precautions are required in Subparts B and D of this part.

(f) The employer shall provide adequate washing facilities for employees engaged in the various shipbreaking operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employees. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(g) The employer shall not permit eating or smoking in the immediate areas where shipbreaking operations produce atmospheric contaminants.

(h) No minor under 18 years of age shall be employed in shipbreaking or related employments.

§ 1917.58 First aid.

(a) Unless a first aid room and a qualified attendant are close at hand and prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier, only one kit shall be required. The kit, when required, shall be kept close to the vessel and at least one employee, close at hand, shall be qualified to administer first aid to the injured.

(b) The first aid kit shall consist of a weatherproof container with individually sealed packages for each type of item. The contents of such kit shall contain a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandage, 40 inch.
Ammonia inhalants and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.
Wire or thin board splints.
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job, and at least weekly on each job, to ensure that the expended items are replaced.

(d) There shall be available for each vessel one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. A blanket or other liner suitable for transferring patients to and from the stretcher shall be provided. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services which are available are known to carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

§ 1917.61 Inspection.

(a) All gear and equipment provided by the employer for rigging and materials handling shall be inspected before each shift and, when necessary, at intervals during its use to ensure that it is safe. Defective gear shall be removed and repaired or replaced before further use.

(b) The safe working load of gear as specified in §§ 1917.62 and 1917.63 shall not be exceeded.

§ 1917.62 Ropes, chains and slings.

(a) *Manila rope and manila rope slings.* Table G–1 in § 1917.68 shall be used to determine the safe working load of various sizes of manila rope and manila rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Wire rope and wire rope slings.* (1) Tables G–2 through G–5 in § 1917.68 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Where U-bolt wire rope clips are used to form eyes, Table G–6 in § 1917.68 shall be used to determine the number and spacing of clips. The U-bolt shall be

applied so that the "U" section is in contact with the dead end of the rope.

(4) Wire rope shall not be secured by knots.

(c) *Chains and chain slings.* (1) Tables G–7 and G–8 in § 1917.68 shall be used to determine the working load limit of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products.

(2) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(3) Interlink wear, not accompanied by stretch in excess of 5 percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G–9 in § 1917–68, has been reached.

(4) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(5) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective as described in paragraph (d) of this section shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(6) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall never be annealed.

(7) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1917.63 Shackles and hooks.

(a) *Shackles.* (1) Table G–10 in § 1917.68 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Hooks.* (1) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(2) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(3) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

§ 1917.64 Chain falls and pull-lifts.

(a) Chain falls and pull-lifts shall be clearly marked to show the capacity and the capacity shall not be exceeded.

(b) Chain falls shall be regularly inspected to ensure that they are safe, particular attention being given to the lift chain, pinion, sheaves and hooks for distortion and wear. Pull-lifts shall be regularly inspected to ensure that they are safe, particular attention being given to the ratchet, pawl, chain and hooks for distortion and wear.

(c) Straps, shackles, and the beam or overhead structure to which a chain fall or pull-lift is secured shall be of adequate strength to support the weight of load plus gear. The upper hook shall be moused or otherwise secured against coming free of its support.

(d) Scaffolding shall not be used as a point of attachment for lifting devices, such as tackles, chain falls, and pull-lifts unless the scaffolding is specifically designed for that purpose.

§ 1917.65 Hoisting and hauling equipment.

(a) Derrick and crane certification: (1) Derricks and cranes which are part of, or regularly placed aboard, barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, shall be tested and certificated in accordance with the standards provided in Part 1919 of this chapter by persons accredited for that purpose.

(2) Subparagraph (1) of this paragraph shall take effect 180 days after the effective date of this amendment.

(b) The moving parts of hoisting and hauling equipment shall be guarded.

(c) Mobile crawler or truck cranes used on a vessel: (1) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(d) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane either permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(e) Marine railways:

(1) The cradle or carriage on the marine railway shall be positively blocked or secured when in the hauled position to prevent it from being accidentally released.

§ 1917.66 Use of gear.

(a) Loads shall be safely rigged before being hoisted.

(b) When slings are secured to eyebolts, the slings shall be so arranged, using spreaders if necessary, that the pull is within 20 degrees of the axis of the bolt.

(c) Slings shall be padded by means of wood blocks or other suitable material where they pass over sharp edges or corners of loads so as to prevent cutting or kinking.

(d) Skips shall be rigged to be handled by not less than 3 legged bridles, and all legs shall always be used. When open end skips are used, means shall be taken to prevent the contents from falling.

(e) Loose ends of idle legs of slings in use shall be hung on the hook.

(f) Employees shall not be permitted to ride the hook or the load.

(g) Loads (tools, equipment or other materials) shall not be swung or suspended over the heads of employees.

(h) Pieces of equipment or structure susceptible to falling or dislodgement shall be secured or removed as early as possible.

(i) An individual who is familiar with the signal code in use shall be assigned to act as a signalman when the hoist operator cannot see the load being handled. Communications shall be made by means of clear and distinct visual or auditory signals except that verbal signals shall not be permitted.

(j) Pallets, when used, shall be of such material and construction and so maintained as to safely support and carry the loads being handled on them.

(k) Before loads or empty lifting gear are raised, lowered, or swung, clear and sufficient advance warning shall be given to employees in the vicinity of such operations.

(l) At no time shall an employee be permitted to place himself in a hazardous position between a swinging load and a fixed object.

(m) A section of hatch through which materials or equipment are being raised, lowered, moved, or otherwise shifted manually or by a crane, winch, hoist, or derrick, shall be completely opened. The beam or pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent it from being unshipped.

(n) Hatches shall not be opened or closed while employees are in the square of the hatch below.

§ 1917.67 Qualifications of operators.

(a) Only those employees who understand the signs, notices, and operating instructions, and are familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power operated hoisting apparatus.

(b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailment which may suddenly incapacitate him, shall be permitted to operate a crane, winch or other power operated hoisting apparatus.

§ 1917.68 Tables.

TABLE E-1

SPECIFICATIONS FOR THE CONSTRUCTION OF HORSES

Structural members	Height in feet		
	Up to 10	10 to 16	16 to 20
	Inches	*Inches*	*Inches*
Legs	2 x 4	3 x 4	4 x 6
Bearers or headers	2 x 6	2 x 8	4 x 6
Crossbraces	2 x 4 or 1 x 8	2 x 4	2 x 6
Longitudinal braces	2 x 4	2 x 6	2 x 6

TABLE E-2

SAFE CENTER LOADS FOR SCAFFOLD PLANK OF 1,100 POUNDS FIBRE STRESS

Span in feet	Lumber dimensions in inches									
	A	B	A	B	A	B	A	B	A	B
	2 x 10	1⅝ x 9¼	2 x 12	1⅝ x 11¼	x 8 3	2⅝ x 7¼	3 x 10	2⅝ x 9¼	3 x 12	2¾ x 11¼
6	256		309		526		667		807	
8	192		232		395		500		605	
10	153		186		316		400		484	
12	128		155		263		333		404	
14	110		133		225		286		346	
16	-------		116		197		250		303	

(A)—Rough lumber.
(B)—Dressed lumber.

TABLE G-1
MANILA ROPE
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

TABLE G-2

RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS

(In tons of 2000 pounds)

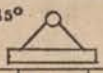
Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-3

RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS

(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45° 			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18.	17.	14.	15.	15.	12.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	18.	19.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	25.	28.	25.	22.	22.	21.	18.	16.	15.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	33.

(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

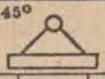
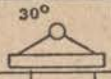
No. 80——9

TABLE G-4
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-5
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45° 			30° 		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4	1.1	1.0	.99	.95	.88	.85	.77	.72	.70	.55	.51	.49
3/8	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1	17.	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
6x37 CLASSIFICATION												
1-1/4	25.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.8
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	55.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter, inches	Number of clips		Minimum spacing, inches
	Drop forged	Other material	
*	------	------	------
1/2	3	4	3
5/8	3	4	3 3/4
3/4	4	5	4 1/2
7/8	4	5	5 1/4
1	4	6	6
1 1/8	5	6	6 3/4
1 1/4	5	7	7 1/2
1 3/8	6	7	8 1/4
1 1/2	6	8	9

*Three clips shall be used on wire size less than 1/2-inch diameter.

TABLE G-7
WROUGHT IRON CHAIN
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
* 1/4	1060	1835	1500	1060
* 5/16	1655	2865	2340	1655
3/8	2385	2.1	3370	2385
* 7/16	3250	2.8	2.3	3250
1/2	2.1	3.7	3.0	2.1
* 9/16	2.7	4.6	3.8	2.7
5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

* These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G-8
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

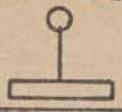
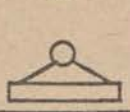
Nominal Size Chain Stock Inch.	Single Leg 	60°	45°	30° 
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

TABLE G-9
MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
¼ (9/32)	3/64
5/16	5/64
3/8	7/64
7/16	9/64
1/2	5/32
9/16	11/64
5/8	3/16
11/16	7/32
3/4	1/4
13/16	9/32
7/8	5/16
15/16	11/32

TABLE G-10
SAFE WORKING LOADS FOR SHACKLES
(In tons of 2,000 pounds)

Material size (inches)	Pin diameter (inches)	Safe working load
1/2	5/8	1.4
5/8	3/4	2.2
3/4	7/8	3.2
7/8	1	4.3
1	1 1/8	5.6
1 1/8	1 1/4	6.7
1 1/4	1 3/8	8.2
1 3/8	1 1/2	10.0
1 1/2	1 5/8	11.9
1 3/4	2	16.2
2	2 1/4	21.2

TABLE I-1
FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY

Operation	Shade No.
Soldering	2
Torch Brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1-6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Light gas welding, up to ½ inch	4 or 5
Medium gas welding, ½-½ inch	5 or 6
Heavy gas welding, over ½ inch	6 or 8
Shielded Metal-Arc Welding 1/16- to 5/32-inch electrodes	10
Inert-gas Metal-Arc Welding (Nonferrous) 1/16- to 5/32-inch electrodes	11
Inert-gas Metal-Arc Welding (Ferrous) 1/16- to 5/32-inch electrodes	12
Shielded Metal-Arc Welding:	
3/16 to ¼ inch electrodes	12
5/16 and 3/8 inch electrodes	14
Atomic Hydrogen Welding	10 to 14
Carbon Arc Welding	14

Subpart H—Tools and Related Equipment

§ 1917.71 General precautions.

(a) Hand lines, slings, tackles of adequate strength, or carriers such as tool bags with shoulder straps shall be provided and used to handle tools, materials, and equipment so that employees will have their hands free when using ship's ladders and access ladders. The use of hose or electric cords for this purpose is prohibited.

(b) When air tools of the reciprocating type are not in use, the dies and tools shall be removed.

(c) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(d) The moving parts of machinery on dry docks shall be adequately guarded.

(e) Before use, pneumatic tools shall be secured to the extension hose or whip by some positive means to prevent the tool from becoming accidentally disconnected from the whip.

(f) The moving parts of drive mechanisms, such as gearing and belting on large portable tools, shall be adequately guarded.

(g) Headers, manifolds, and widely spaced hose connections on compressed air lines shall bear the word "air" in letters at least 1 inch high, which shall be painted either on the manifold or separate hose connections, or on signs permanently attached to the manifolds or connections. Grouped air connections may be marked in one location.

(h) Before use, compressed air hose shall be examined. Visibly damaged and unsafe hose shall not be used.

§ 1917.72 Portable electric tools.

(a) The frames of portable electric tools and appliances, except double insulated tools approved by Underwriters Laboratories, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the tool is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(c) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in the closed position.

(d) Worn or frayed electric cables shall not be used.

§ 1917.73 Hand tools.

(a) Employers shall not issue or permit the use of unsafe hand tools.

(b) Wrenches, including crescent, pipe, end and socket wrenches, shall not be used when jaws are sprung to the point that slippage occurs.

(c) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(d) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

§ 1917.74 Abrasive wheels.

(a) Floor stand and bench mounted abrasive wheels used for external grinding shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90 degrees, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125 degrees. In either case the exposure shall begin not more than 65 degrees above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(b) Floor and bench mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept a distance not to exceed ⅛ inch from the surface of the wheel.

(c) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1. All other portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

(1) When the work location makes it impossible, in which case a wheel equipped with safety flanges as described in paragraph (f) of this section shall be used.

(2) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(d) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of paragraph (f) of this section, except as follows:

(1) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(2) If the wheel is entirely within the work being ground while in use.

(e) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180 degrees.

(f) When safety flanges are required they shall be used only with wheels designed to fit the flanges. Only safety flanges of a type and design and properly assembled so as to ensure that the pieces of the wheel will be retained in case of accidental breakage shall be used.

(g) All abrasive wheels shall be closely inspected and ring tested before mounting to ensure that they are free from cracks or defects.

(h) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(i) The power supply shall be sufficient to maintain the rated spindle speed under all conditions of normal grinding. The rated maximum speed of the wheel shall not be exceeded.

(j) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of § 1917.81 (a) and (b), except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

§ 1917.76 Internal combustion engines, other than ship's equipment.

(a) When internal combustion engines, furnished by the employer are used in a fixed position below decks, for such purposes as driving pumps, generators, and blowers, the exhaust shall be led to the open air, clear of any ventilation intakes and openings through which it might enter the vessel.

(b) All exhaust line joints and connections shall be checked for tightness immediately upon starting the engine, and any leaks shall be corrected at once.

(c) When internal combusion engines on vehicles, such as forklifts and mobile cranes, or on portable equipment such as fans, generators, and pumps exhaust into the atmosphere below decks, the competent person shall make tests of the carbon monoxide content of the atmosphere as frequently as conditions require to ensure that dangerous concentrations do not develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 50 parts per million (0.005%). The employer shall use blowers sufficient in size and number and so arranged as to maintain the concentration below this allowable limit before work is resumed.

Subpart I—Personal Protective Equipment

§ 1917.81 Eye protection.

(a) *General precautions.* (1) All eye protection equipment required by the regulations in this part shall meet the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1.

(2) Eye protection equipment shall be maintained in good condition.

(3) Eye protection equipment which has previously been used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

(b) *Protection against impact.* (1) In any operations such as chipping, caulking, drilling, riveting, grinding, and pouring babbitt metal, in which the eye hazard of flying particles, molten metal, or liquid chemical exists, employees shall be protected by suitable face shields or goggles meeting the requirements of paragraph (a) of this section.

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets, hand shields, or face shields equipped with filter lenses meeting the requirements of paragraphs (a) and (c) (2) of this section.

(2) Filter lenses shall be of a shade number appropriate to the type of work to be performed as indicated in Table I–1 in § 1917.68, except that variations of one or two shade numbers are permissible to suit individual preferences.

(3) If filter lenses are used in the goggles worn under the helmet, the shade number of the lens in the helmet may be reduced so that the sum of the shade numbers of the two lenses will equal the value shown in Table I–1 in § 1917.68.

§ 1917.82 Respiratory protection.

(a) *General.* (1) All respiratory protective equipment required by these regulations shall carry the U.S. Bureau of Mines approval for the use for which it is intended. Respiratory protective equipment shall be used only for the purpose intended and no modifications of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.

(4) Employees required to use respiratory protective equipment approved for use in atmospheres immediately dangerous to life shall be thoroughly trained in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

(5) When an air line respirator is used, the air line shall be fitted with a pressure regulating valve and a filter which will remove oil, water, and rust particles. The air intake shall be from a source which is free from all contaminants, such as the exhaust from internal combustion engines.

(6) In all cases, when an employee is stationed outside a compartment, tank or space as a tender or safety man for men working inside in an atmosphere immediately dangerous to life, the tender shall have immediately available for emergency use respiratory protective equipment equivalent to that required for the men in the compartment. When a tender is stationed outside a compartment for men working inside in an atmosphere not immediately dangerous to life, the tender shall wear respiratory protective equipment equivalent to that required for the men in the compartment if he is exposed for prolonged periods to the same concentration of atmospheric contaminants.

(b) *Protection in atmospheres immediately dangerous to life.* (1) Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or high concentration of the contaminant, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(2) In atmospheres immediately dangerous to life the only approved types of respiratory protective equipment are the following:

(i) Self-contained breathing apparatus, in which the wearer carries with him a supply of oxygen, air, or an oxygen generating material.

(ii) Hose mask with blower, in which a hand or motor operated blower supplies air at high volume and low pressure through a large diameter hose through which the wearer can draw air in case the blower fails.

(iii) If there is known to be more than 16 percent oxygen and less than 2 percent gas by volume, a gas mask equipped with a canister approved for the particular type gas involved.

NOTE: A gas mask offers absolutely no protection in an atmosphere deficient in oxygen.

(3) Work in atmospheres immediately dangerous to life shall be performed only in an emergency, as when rescuing a man who has been overcome or when shutting off a source of contamination that cannot otherwise be controlled. When an employee enters such an atmosphere he shall be provided with and use an adequate, attended life line.

(4) In the vicinity of each vessel in which there is a danger of employees being exposed to an atmosphere immediately dangerous to life the employer shall have on hand and ready for use respiratory protective equipment approved for such use. When such equipment is required, one or more persons shall be thoroughly trained in the use of the equipment.

(c) *Protection against gaseous contaminants not immediately dangerous to life.* (1) Gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period without endangering the life of a person breathing them, but which might produce discomfort and possible injury after a prolonged single exposure or repeated short exposures.

(2) When employees are exposed to a gaseous contaminated atmosphere not immediately dangerous to life, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the gaseous contaminant as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator in lower concentrations is permissible.

(ii) In concentrations of ammonia of less than 3 percent or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister. Different canisters are approved for specific use against the following cases or groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide, or combination of the above.

(iii) In low concentrations (less than 0.1 percent by volume), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subdivision (ii) of this subparagraph.

(d) *Protection against particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to unsafe concentrations of particulate contaminants, such as dusts and fumes, mists and fogs or combinations of solids and liquids, they shall be protected by either air line or filter respirators, except as otherwise provided in the regulations of this part.

(2) Filter respirators shall be equipped with the proper type of filter. Different filters are approved for specific protection against groups of contaminants, as follows:

(i) Pneumoconiosis-producing dust and nuisance dust filters which provide respiratory protection against pneumoconiosis-producing dusts, such as aluminum, cellulose, cement, charcoal, coal, coke, flour, gypsum, iron ore, limestone and wood.

(ii) Toxic dust filters which provide respiratory protection against toxic dusts that are not significantly more toxic than lead, such as arsenic, cadmium, chromium, lead, manganese, selenium, vanadium, and their compounds.

(iii) Mist filters which provide respiratory protection against pneumoconiosis-producing mists, chromic acid mists and nuisance mists.

(iv) Fume filters which provide respiratory protection against fumes (solid dispersoids or particulate matter formed by the condensation of vapors, such as those from heated metals and other substances.)

(v) Filters which provide respiratory protection against combinations of two or more of the contaminants described in subdivisions (i) through (iv) of this subparagraph.

(e) *Protection against combinations of gaseous and particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to combinations of gaseous and particulate contaminants not immediately dangerous to life, they shall be protected by respiratory protective equipment approved for use in the type and concentrations of the contaminants, as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator is permissible in lower concentrations.

(ii) In concentrations of gaseous contaminants of less than 2 percent by volume, a canister type gas mask with a combination canister approved for the particular type of gaseous contaminant as specified in paragraph (c)(2) of this section and a filter for the particular type of particulate contaminant as specified in paragraph (d)(1) of this section.

(iii) In low concentrations of gaseous contaminants (less than 0.1 percent by volume) a respirator equipped with the type of cartridge and filter as specified in subdivision (ii) of this subparagraph.

§ 1917.83 Head, foot and body protection.

(a) When employees are working in areas where there is danger of falling objects they shall be protected by protective hats.

(b) Protective hats shall meet the specifications contained in the United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

(c) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

(d) The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use. Metal toe caps from which the covering has been worn shall be insulated when employees are working on exposed ener-

gized circuits of the vessel's electrical system.

(e) Employees shall not be permitted to wear excessively greasy clothing when performing hot work operations.

(f) Employees shall be protected by suitable gloves when engaged in operations hazardous to their hands.

§ 1917.84 Life saving equipment.

(a) *Buoyant work vests.* (1) Buoyant work vests shall not meet the requirements of these regulations unless approved by the U.S. Coast Guard.

(2) Prior to each use, buoyant work vests shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective buoyant work vests shall not be used.

(b) *Safety belts and lifelines.* (1) Safety belts shall be equipped with lifelines which in use are secured with a minimum of slack to a fixed structure.

(2) Prior to each use, belts and lifelines shall be inspected for dry rot, chemical damage, or other defects which may affect their strength. Defective belts and lifelines shall not be used.

(3) When employees are working in any location requiring a safety belt and a lifeline, care shall be exercised to insure that the lifeline is not cut, pinched, or led over a sharp edge. In hot work operations or those involving the use of acids, solvents, or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the lifeline continuously attached with a minimum of slack to a fixed structure the attachment point of the lifeline shall be appropriately changed as the work progresses.

(4) When employees are working in any location requiring a safety belt and a life line, as required in subparagraph (1) or (2) of this paragraph, care shall be exercised to ensure that the life line is not cut, pinched or led over a sharp edge. In hot work operations or those involving the use of acids or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the life line continuously attached with a minimum of slack to a fixed structure, the attachment point of the life line shall be appropriately changed as the work progresses.

(c) *Life rings and ladders.* (1) At least three 30-inch Coast Guard approved life rings with lines attached shall be kept in easily visible and readily accessible places in the immediate vicinity of each vessel afloat on which work is being performed.

(2) At least one life ring with a line attached shall be located on each staging float alongside a vessel on which work is being performed.

(3) At least 90 feet of line shall be attached to each life ring. Life rings and lines shall be maintained in good condition.

(4) In the vicinity of each vessel afloat in which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

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APENDIX I—CARGO GEAR REGISTER AND CERTIFICATES

Subject Index for 29 CFR 1918—Longshoring.

AUTHORITY: The provisions of this Part 1918 and Appendix I, issued under sec. 41, 44 Stat. 1444, as amended; 33 U.S.C. 941.

Subpart A—General Provisions

§ 1918.1 Purpose and authority.

(a) The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 901 et seq.) provides compensation for injuries suffered by employees when they are working for private employers within the Federal maritime jurisdiction on the navigable waters of the United States, including dry docks. Public Law 85–742, 72 Stat. 835, approved August 23, 1958, which amends section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444; 33 U.S.C. 941) requires, among other things, that every employer of the aforementioned employees "shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment used by and working conditions established by such employers as the Secretary may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees." It is the purpose of the regulations of this part to carry out the intent of Public Law 85–742.

(b) Pursuant to Public Law 85–742 the regulations of this part do not make determinations with respect to matters under the control of the U.S. Coast Guard within the scope of Title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (46 U.S.C. 1–1388, passim), including, but not restricted to, the master, ship's officers, crew members, design, construction and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the U.S. Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.) or to matters within the regulatory authority of the U.S. Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

§ 1918.2 Scope and responsibility.

(a) The responsibility for compliance with the regulations of this part is placed upon "employers" as defined in § 1918.3(c).

(b) It is not the intent of the regulations of this part to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

§ 1918.3 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in longshoring operations or related employments, as defined herein within the Federal maritime jurisdiction on the navigable waters of the United States.

(d) The term "employee" means any longshoreman, or other person engaged in longshoring operations or related employments, within the Federal maritime jurisdiction on the navigable waters of the United States, other than the master, ship's officers, crew of the vessel, or any person engaged by the master to load or unload any vessel under 18 net tons.

(e) The term "vessel" includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(f) The term "public vessel" means a vessel owned and operated by a government and not regularly employed in merchant service.

(g) For the purposes of §§ 1918.11, 1918.23, 1918.35, 1918.37, 1918.43(f)(2), and 1918.106, the term "barge" means an unpowered, flat bottom, shallow draft vessel including river barges, scows, carfloats, and lighters. For the purposes of these sections the term does not include ship shaped or deep draft barges.

(h) For purposes of §§ 1918.11 and 1918.23, the term "river towboat" means a shallow draft, low freeboard, self propelled vessel designed to tow river barges by pushing ahead. For purposes of these sections the term does not include other towing vessels.

(i) The term "longshoring operations" means the loading, unloading, moving, or handling of cargo, ship's stores, gear, etc., into, in, on, or out of

any vessel on the navigable waters of the United States.

(j) The term "related employments" means any employments performed as an incident to or in conjunction with longshoring operations including, but not restricted to, securing cargo, rigging, and employment as a porter, checker, or watchman.

(k) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel, including accommodation ladders, gangplanks and brows.

(l) The term "bulling" means the horizontal dragging of cargo across a surface with none of the weight of the cargo supported by the fall.

(m) For the purpose of § 1918.12 the term "ship's cargo handling gear" includes that gear which is a permanent part of the vessel's equipment and which is used for the handling of cargo other than bulk liquids, but does not include gear which is used only for handling or holding hoses, handling ship's stores or handling the gangway, or boom conveyor belt systems for the self-unloading of bulk cargo vessels.

(n) For purposes of the regulations in this part the terms "beam" or "strongback" mean a portable transverse or longitudinal beam which is placed across a hatchway and acts as a bearer to support the hatch covers.

(o) For the purposes of §§ 1918.23(b)(2) and 1918.106(b) the term "Mississippi River System" includes the Mississippi River from the head of navigation to its mouth, and navigable tributaries including the Illinois Waterway, Missouri River, Ohio River, Tennessee River, Allegheny River, Cumberland River, Green River, Kanawha River, Monongahela River, and such others to which barge operations extend.

(p) For the purpose of § 1918.106(b) the term "Gulf Intracoastal Waterway" means the system of that name extending from St. Marks, Fla., to Brownsville and Harlingen, Tex., and including the Pearl River, Tombigbee River, Apalachicola River, Flint River, and such other navigable tributaries to which barge operations extend.

(q) The term "small trimming hatch" means a small hatch or opening, pierced in the 'tween-deck or other intermediate deck of a vessel and intended for the trimming of dry bulk cargoes. It does not refer to the large hatchways through which cargo is normally handled.

(r) For the purpose of § 1918.13 only—

(1) The term "crane" means a mechanical device intended for lifting or lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. A crane may be a fixed or mobile machine.

(2) The term "derrick" means a mechanical device intended for lifting, with or without a boom supported at its head by a topping lift from a mast, fixed A frame, or similar structure. The mast or equivalent member may or may not be supported by guys or braces. The boom, where fitted, may or may not be controlled in the horizontal plane by guys (vangs). The term shall include shear legs.

(3) The term "bulk cargo spout" means a spout, which may or may not be telescopic and may or may not have removable sections, but is suspended over the vessel from some overhead structure by wire rope or other means. Such a spout is often used with a thrower or trimming machine. A grain loading spout is an example of spouts covered by this definition.

(4) The term "bulk cargo sucker" means a pneumatic conveyor which utilizes a spout-like device, which may be adjustable vertically and/or laterally, and which is suspended over a vessel from some overhead structure by wire rope or other means. An example of an installation of this nature is the grain sucker used to discharge grain from barges.

(5) Unless otherwise specifically required, the terms defined in this paragraph shall not include, and the provisions of § 1918.13 shall not apply to, the following equipment:

(i) Small industrial crane trucks as described and illustrated in American National Standards Institute, B56.1, 1959, "Safety Code for Powered Industrial Trucks."

(ii) Huletts.

(iii) Bridge cranes including steeple towers and dock-leg elevators.

(iv) Ore and taconite loading facilities of such type that failure could not cause injury to an employee as defined in paragraph (d) of this section.

(v) Bulk coal loading facilities.

(vi) Vertical pocket conveyors such as banana, sugar, or other similar marine legs.

(s) The term "hazardous cargo" includes:

(1) Any packaged commodity in the "List of explosives and other dangerous articles and combustible liquids" of the "dangerous cargoes" regulations of the U.S. Coast Guard (46 CFR 146.04–5) requiring a label, without regard to the exemptions mentioned at the foot of the list;

(2) Any packaged commodity in the list identified in subparagraph (1) of this paragraph, not requiring a label but classed as a combustible liquid;

(3) Any packaged liquid commodity in the list identified in subparagraph (1) of this paragraph not requiring a label but classed as a hazardous article; or

(4) Any article not properly described by a name in that list but which is properly classified under the definition of those categories of dangerous articles given in 46 CFR 146.03–8 and is included in subparagraph (1), (2), or (3) of this paragraph.

§ 1918.4 Penalty.

As provided in Public Law 85–742, any employer who, willfully, violates or fails or refuses to comply with the provisions of the regulations of this part, and any employer or other person who willfully interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of section 41 of the Act by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of the regulations of this part, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than $100 nor more than $3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than $100 nor more than $3,000. The liability under this provision of Public Law 85–742 shall not affect any other liability of the employer under the Longshoreman's and Harbor Workers' Compensation Act.

§ 1918.5 [Reserved]

§ 1918.6 Standards incorporated by reference.

(a) The standards listed below are hereby incorporated by reference in this part:

(1) American National Standard (USAS) Practice for Occupational and Educational Eye and Face Protection, Z87.1 (1968), American National Standards Institute, 1430 Broadway, New York, NY 10018. See Subpart J, § 1504.105(a).

(2) American National Standard Safety Requirements for Industrial Head Protection, Z89.1 (1969), American National Standards Institute, 1430 Broadway, New York, NY 10018. See Subpart J, § 1918.105(a).

(b) Standards which are legally incorporated by reference in this part have the same force and effect as other standards in this part. The locations where these standards may be examined are as follows:

(1) Occupational Safety and Health Administration, U.S. Department of Labor, Railway Labor Building, Washington, DC 20210.

(2) The Regional and Field Offices of the Occupational Safety and Health Administration which are listed in the U.S. Government Organizational Manual.

(c) Any changes in the standards which are incorporated by reference in this part and an official historic file of such changes are available at the offices referred to in paragraph (b) of this section. All questions as to the applicability of such changes should also be referred to these offices.

(d) Copies of the standards incorporated by reference in paragraph (a) of this section may be obtained from the American National Standards Institute at the address indicated therein.

§ 1918.7 Notification of accidents resulting in fatalities or serious injuries.

Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau

of Employees' Compensation Form US—202 (approved by Budget Bureau No. 44–R 887.2) with the Field Safety Consultant of the Occupational Safety and Health Administration serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily.

§ 1918.8 Amendment of this part.

The Secretary may at any time upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of this part.

Subpart B—Gangways and Gear Certification

§ 1918.11 Gangways.[1]

The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(a) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface, and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a gangway nor straight ladder can be used, a Jacob's ladder meeting the requirements of § 1918.22 may be used.

(b) Each side of such gangway, and the turntable, if used, shall have a railing with a minimum height of 33 inches measured perpendicularly from rail to walking surfaces at the stanchion, with a mid-rail. Rails shall be of wood, pipe, chain, wire or rope and shall be kept taut at all times. Portable stanchions supporting railings shall be so supported or secured as to prevent accidental dislodgment.

(c) Gangways on vessels inspected and certificated by the U.S. Coast Guard are deemed to meet the foregoing requirements, except in cases where the vessels' regular gangway is not being used.

§ 1918.12 Gear certification.[2]

(a) The employer shall not use the vessel's cargo handling gear until he has ascertained that the vessel has a current and valid cargo gear register and certificates which in form and content are in substantial accordance with the recommendations of the International Labor Office, as set forth in Appendix I of this part, and as provided by International Labor Organization Convention No. 32, and which indicates that the cargo gear has been tested, examined and heat treated by or under the supervision of persons or organizations defined as competent to make register entries and issue certificates pursuant to paragraphs (c) and (d) of this section.

(b) Public vessels and vessels holding a valid Certificate of Inspection issued by the U.S. Coast Guard are deemed to meet the requirements of paragraph (a) of this section.

(c) With respect to U.S. vessels not holding a valid Certificate of Inspection issued by the U.S. Coast Guard, persons or organizations competent to make entries in the registers and issue the certificates required by paragraph (a) of this section shall be only those persons currently accredited by the Occupational Safety and Health Administration, U.S. Department of Labor, as provided in Part 1919 of this chapter.

(d) With respect to vessels under foreign registry, persons or organizations competent to make entries in the registers and issue the certificates required by paragraph (a) of this section shall be: (1) those acceptable as such to any foreign nation, (2) those acceptable to the Commandant of the U.S. Coast Guard, or (3) those currently accredited by the Occupational Safety and Health Administration, U.S. Department of Labor, as provided in Part 1919 of this chapter.

§ 1918.13 Certification of shore-based material handling devices.

(a) An employer shall not use in vessel-to-shore, shore-to-vessel, or in vessel-to-vessel cargo handling any crane, derrick, bulk cargo spout, or bulk cargo sucker, as defined in § 1918.3(r), which—

(1) Is not part of a vessel's permanent equipment and is either located ashore or placed aboard a vessel only temporarily; and

(2) Is used to transfer cargo or materials other than bulk liquids directly between the shore and a vessel or between vessels; and

(3) Is so located that its failure could cause injury to an employee, as defined in § 1918.3(d);

until he has ascertained that the device has been certificated as evidenced by current and valid documents attesting to compliance with the requirements specified in paragraph (b) of this section.

(b) The certification required by paragraph (a) of this section must have been performed—

(1) In accordance with the standards of Part 1919 of this chapter, by persons then currently accredited by the Occupational Safety and Health Administration as provided in Part 1919 of this chapter; or

(2) In accordance with standards established and enforced by the State in which the device is located, or by a political subdivision thereof, which have been found by the Assistant Secretary of Labor for Occupational Safety and Health Administration, U.S. Department of Labor, to be compatible with the standards of Part 1919 of this chapter, by persons designated as competent to perform such certification by competent state authority and recognized as such by the Assistant Secretary of Labor for Occupational Safety and Health Administration.

(c) Cranes and derricks shall have been tested as a unit, inspected and/or examined, at the intervals required by, and in accordance with applicable requirements set forth in, paragraph (b) of this section. Appropriate documentation, acceptable for the purpose, shall be available for inspection at the worksite.

(d) Bulk cargo spouts and suckers, together with any portable extensions and rigging or outriggers associated therewith which support them vertically, need not be tested, but shall be subject to an annual examination in accordance with applicable requirements as set forth in paragraph (b) of this section. Certificates attesting to the required examination and acceptable for the purpose shall be available for inspection.

(e) Disassembly and reassembly of equipment, which is necessary for movement from job to job, or which becomes necessary during the normal course of operations as a routine matter, does not nullify existing certification nor require additional certification functions to be carried out.

(f) Where equipment which is certificated in accordance with paragraph (b) of this section is transferred for use in another state, the then current and valid certification shall remain valid until the next survey becomes due.

(g) In the case of seasonal operations, initial certification required by this section may be deferred until the end of the current season. Subsequent annual and/or quadrennial requirements will then become applicable during normally idle periods.

(h) Certification procedures shall not be construed as a substitute for, or cause for elimination of, normal operational inspection and maintenance routine throughout the year, which shall be carried out as usual by operating and maintenance personnel.

§ 1918.14 Container cranes.

The provisions of § 1918.13 requiring certification of certain shore-based material handling devices shall apply to any crane utilized to handle containers in containerized operations between the vessel and the shore.

§ 1918.15 Effective date of §§ 1918.13 and 1918.14.

Sections 1918.13 and 1918.14 shall become effective February 1, 1970.

Subpart C—Means of Access

§ 1918.21 Gangways and other means of access.

(a) The gangway shall be kept properly trimmed at all times.

(b) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(c) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling be-

[1] See also § 1918.21.
[2] See also § 1918.51.

tween the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(d) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings with a minimum height of approximately 33 inches with mid-rails on both sides.

(e) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(f) When the upper end of the means of access rests on or is flush with the top of the bulwark, substantial steps, properly secured and equipped with at least one substantial hand rail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(g) Obstructions shall not be laid on or across the gangway.

(h) The means of access shall be adequately illuminated for its full length.

(i) Unless the construction of the vessel makes it impossible, the means of access shall be so located that drafts of cargo do not pass over it. In any event loads shall not be passed over the means of access while employees are on it.

§ 1918.22 Jacob's ladders.

(a) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(b) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1918.23 Access to barges and river towboats.

(a) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained, and properly secured.

(b) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp meeting the requirements of paragraph (a) of this section or a safe walkway meeting the requirements of § 1918.21(d) shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of § 1918.22 may be used: *Provided, however,* That when these requirements cannot reasonably be met, by reason of local conditions, in respect to barges operating on the Mississippi River System, other safe means of access shall be provided.

(c) When a barge, raft or log boom is being worked alongside a larger vessel, a Jacob's ladder meeting the requirements of § 1918.22 shall be provided for each gang working alongside unless other safe means of access are provided.

(d) When longshoring operations are in progress on barges, the barges shall be securely made fast to the vessel, wharf, or dolphins.

§ 1918.24 Bridge plates and ramps.

(a) Bridge or car plates used afloat shall be of adequate strength, equipped with side boards along the space bridged, well maintained, and secured against movement.

(b) Ramps for access of vehicles to or between vessels shall be of adequate strength, provided with side boards, well maintained and properly secured.

§ 1918.25 Ladders.

(a) There shall be at least one safe and accessible ladder for each gang working in a hatch. However, no more than two such ladders are required in any hatch. An adequate means of gaining a handhold shall be provided at or near the head of each vertical fixed ladder in cases where any coaming or other structural features are such that they cannot serve this purpose.

(b) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(c) Straight ladders of adequate strength, of sufficient length to extend at least 36 inches above the coaming, and suitably secured against shifting or slipping, shall be provided as necessary when fixed hold ladders do not meet the requirements of paragraph (a) of this section, except that when conditions are such that a straight ladder cannot be used, Jacob's ladders meeting the requirements of § 1918.22 may be used.

(d) When 4 inches of clearance does not exist in back of ladder rungs, the ladder shall be deemed "unsafe" for the purpose of this section.

(e) When necessary to obtain access to or from a stowed deckload or other cargo and no other safe means is available, ladders or steps of adequate strength, and positively secured against shifting or slipping, shall be furnished. Where portable straight ladders are used they shall be of sufficient length to extend at least 36 inches above the upper landing surface. Adequate steps formed by the cargo itself are acceptable when the nature of the cargo and the type of stowage permits. This paragraph shall not apply to the circumstances covered by § 1918.54(f).

(f) Portable straight ladders used by employees for any purpose not otherwise specifically covered by this part shall be of adequate strength and lashed, blocked, or otherwise secured against shifting or slipping.

Subpart D—Working Surfaces

§ 1918.31 Hatch coverings.

(a) No cargo, dunnage, or other material shall be loaded or unloaded by means requiring the services of employees at any partially opened intermediate deck unless either the hatch at that deck is sufficiently covered or an adequate landing area suitable for the prevailing conditions exists: *Provided, however,* That in no event shall such work be done unless the working area available for such employees extends for a distance of 10 feet or more fore and aft and athwartships.

(b) Cargo shall not be landed on or handled over a covered hatch or 'tween-deck unless all beams are in place under the hatch covers.

(c) Missing, broken, split, or poorly fitting hatch covers that would jeopardize the safety of employees shall be reported at once to the officers in charge of the vessel. Pending replacement or repairs by the vessel, work shall not be performed in the section containing the unsafe covers or in adjacent sections unless the flooring is made safe.

(d) When the hatch covers and beams are not of uniform size, they shall be placed only in the hatch, deck, and section in which they fit properly.

(e) Small trimming hatches located in intermediate decks shall be adequately covered or guarded while work is proceeding in the hatch in which they are located, unless they are actually in use.

§ 1918.32 Stowed cargo and temporary landing platforms.

(a) Temporary tables on which loads are to be landed shall be of sufficient size and strength to permit the employees thereon to work in safety.

(b) When an edge of a hatch section or of stowed cargo more than 8 feet high is so exposed that it presents a danger of an employee falling, the edge shall be guarded by a safety net of adequate strength to prevent injury to a falling employee, or by other means providing equal protection under the existing circumstances.

(c) When two gangs are working in the same hatch on different levels, a safety net shall be rigged and securely fastened so as to prevent men or cargo from falling.

§ 1918.33 Deck loads.

(a) Employees shall not be permitted to pass fore and aft over or around deck loads unless there is a safe passage.

(b) Signalmen shall not be permitted to walk over deck loads from rail to coaming unless there is a safe passage. If it is necessary to stand at the outboard or inboard edge of the deckload where less than 24 inches of bulwark, rail, coaming, or other protection exists, any signalman shall be provided with a suitable means of protection against falling from the deck load.

§ 1918.34 Skeleton decks.

No cargo shall be worked on a skeleton deck, mechano deck or other superstructure unless temporary flooring is provided, when necessary, to make a safe working surface.

§ 1918.35 Open hatches.

Open weather deck hatches around which longshoremen must work, which are not protected to a height of 24 inches by coamings, shall be guarded by taut lines at a height of 36 to 42 inches above the deck except on the side on which cargo is being worked. Any portable stanchions or uprights used shall be so supported or secured as to prevent accidental dislodgement; *Provided, however,*

That the requirements of this section shall not be deemed to apply to barges or to Great Lakes type bulk carriers.

§ 1918.36 Weather deck rails.

Removable weather deck rails shall be kept in place except when cargo operations require them to be removed, in which case they shall be replaced as soon as such cargo operations are completed.

§ 1918.37 Barges.

(a) Employees shall not be permitted to walk along the sides of covered lighters or of barges with coamings more than 5 feet high unless there is a 3-foot clear walkway or a grab rail or taut handline is provided.

(b) Employees shall not be permitted to walk or work on the decks of barges to be loaded unless and until the walking or working surfaces have been determined by visual inspection to be sound structurally and maintained properly. If in the course of discharging a barge an unsound deck surface is discovered, work shall be discontinued and shall not be resumed until temporary means to ensure a safe work surface, or to avoid the unsound surface, shall have been taken.

§ 1918.38 Freshly oiled decks.

If decks are wet with fresh paint or oil, the employer shall not permit employees to engage in longshoring operations until necessary walking and working areas have been made safe by the use of suitable non-skid materials.

Subpart E—Opening and Closing Hatches

§ 1918.41 Coaming clearances.

(a) Weather deck: If a deck load of lumber or other smooth sided deck cargo over 5 feet high is stowed within 3 feet of the hatch coaming and employees handling beams and hatch covers are not protected by at least a 24-inch height of the coaming, a taut handline shall be provided along the side of the deckload for their protection. The requirements of § 1918.35(a) are not intended to apply in this situation.

(b) Intermediate deck: (1) Before intermediate deck hatch covers and beams are removed or replaced by employees, there shall be a 3-foot working space between the stowed cargo and the coaming at both sides and at one end of the hatches with athwartship beams, and at both ends of those hatches with fore and aft beams, except that a reasonable tolerance will be permitted in circumstances where adherence to a 3-foot working space would create undue hardship.

(2) The 3-foot clearance required by subparagraph (1) of this paragraph is not required on the covered portion of a partially opened hatch, nor is it required when lower decks have been filled to beam height with cargo of such a nature as to provide a safe surface upon which employees may work.

(3) For purposes of subparagraph (1) of this paragraph, banana or other fitted gratings which are in good condition shall be considered a part of the decking when properly placed within the 3-foot area.

(c) Trunk hatches and other permanent or semi-permanent structures and spare parts: When bulkheads, lockers, reefer compartments or large spare parts are within 3 feet of the coaming, grab rails or taut handlines shall be provided for the protection of employees handling beams and hatch covers.

(d) The provisions of this section regarding coaming clearances do not apply to hatches which are opened by hydraulic or other mechanical means, but in all cases in which the 3-foot clearance does not exist, means shall be taken to prevent stowed cargo which is likely to shift from falling into the hold.

§ 1918.42 Beam and pontoon bridles.

Beam and pontoon bridles shall not be used unless they meet the following requirements:

(a) Bridles shall be long enough to easily reach the holes, rings, or other lifting attachments on the beams and pontoons. The bridles shall be of adequate strength and properly maintained, including covering or blunting of protruding ends in wire rope splices.

(b) Bridles for lifting hatch beams shall be equipped with toggles, shackles, or hooks or other devices of such design that they cannot become accidentally dislodged from the beams with which they are used. Hooks other than those herein described may be used only when they are hooked into the standing part of the bridle. Toggles, when used, shall be at least 1 inch longer than twice the longest diameter of the holes into which they are placed.

(c) Bridles used for lifting pontoons and plugs shall have the number of legs required by the design of the pontoon or plug, and all legs shall be used. Where any use of a bridle requires fewer than the number of legs provided, idle legs shall be hung on the hook or ring, or otherwise prevented from swinging free.

(d) At least two legs of all strongback and pontoon bridles shall be equipped with a substantial fiber rope lanyard at least 8 feet long and in good condition. The bridle end of the lanyard may be of chain or wire.

§ 1918.43 Handling beams and covers.

Only paragraphs (f)(2), (h), and (i) of this section apply to folding, sliding, or hinged metal hatch covers or to those hatch covers handled by cranes carried for that purpose.

(a)(1) When hatch covers or pontoons are stowed on the weather deck abreast of hatches they shall be arranged in stable piles not closer than 3 feet from the hatch coaming and, when on the working side of the deck, not higher than the coaming, unless they are spread one high between coaming and rail with no space between them and with not less than a 24-inch height of hatch coaming maintained.

(2) When, in the case of pontoons, the requirements of subparagraph (1) of this paragraph cannot be met due to the narrowness of the available deck area, pontoons may be stowed more than one high against the coaming, provided that not less than a 24-inch height of hatch coaming is maintained on the working side of the vessel. If pontoons must be stowed closer than 3 feet to and higher than the coaming on the idle side, they shall be secured against movement.

(3) When some, but not all, conventional small weather deck hatch boards or similar covers on seagoing vessels are removed from the beams in a section of a partially opened hatch during cargo handling, cleaning or other operations, those removed shall not be stowed on those left in place within that section.

(b) Beams shall be laid on their sides, or stood on edge close together and lashed: *Provided, however,* That this paragraph shall not apply in cases where beams are of such design that (1) the width of the flange is 50 percent or more of the height of the web and (2) that when a beam is stood upright the flange rests flat on the deck.

(c) Strongbacks, hatch covers and pontoons shall be so placed as not to interfere with a safe walkway from rail to hatch coaming or fore and aft, and so secured that they cannot be tipped over or dragged into hatches or overboard by drafts or gear. Dunnage or other suitable material shall be used under and between tiers of strongbacks and pontoons.

(d) Hatch covers unshipped in an intermediate deck shall be placed at least 3 feet from the coaming or they shall be removed to another deck. Strongbacks unshipped in an intermediate deck shall not be placed closer than 6 inches to the coaming, and if placed closer than 3 feet, they shall be so secured that they cannot be tipped or dragged into a lower compartment. If this is not possible they shall be removed to another deck.

(e) Any beam or pontoon left in place adjacent to a section through which cargo, dunnage, equipment, or any other material is being worked, shall be lashed, locked, or otherwise secured so that it cannot be displaced by accident. All portable, manually handled hatch covers, including those bound together to make a larger cover, shall be removed from any working section.

(f) (1) The roller hatch beam at the edge of the open section of the hatch shall be lashed or pinned back so that it cannot be moved toward the open section.

(2) Rolling, sectional or telescopic hatch covers of barges which open in a fore and aft direction shall be secured against unintentional movement while in the open position.

(g) When a hatch is to be covered, hatch covers or night tents shall be used. Any partial hatch covering, such as alternate hatch covers or strips of dunnage, shall not be covered by a tarpaulin.

(h) Hinged or folding hatch covers normally stowed in an approximately vertical position shall be positively secured when in the upright position.

(i) Hatches shall not be opened or closed while employees are in the square of the hatch below.

Subpart F—Ship's Cargo Handling Gear

§ 1918.51 General requirements.[3]

(a) Neither the safe working load as specified in the cargo gear certification papers, nor any safe working load marked on the booms, shall be exceeded. Any limitations imposed by the certificating authority shall be adhered to.

(b) Any component of cargo handling gear, including tent gantlines and other associated rigging, which is visibly unsafe shall not be used until made safe.

(c) The following limitations shall apply to the use of wire rope as a part of the ship's cargo handling gear:

(1) An eye splice made in any wire rope shall have not less than three full tucks. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited;

(2) Except for eye splices in the ends of wires, each wire rope used in hoisting or lowering, in guying derricks, or as a topping lift, preventer, segment of a multipart preventer, or pendant, shall consist of one continuous piece without knot or splice; and

(3) Wire rope shall not be used for the ship's cargo gear if, in any length of 8 diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires or if the rope shows other signs of excessive wear, corrosion or defect.

§ 1918.52 Specific requirements.

Gear which does not comply with the following requirements shall not be used:

(a) *Preventers.* (1) When preventers are used they shall be of sufficient strength for the intended purpose and secured to the head of the boom independent of working guys except when, in the case of cast fittings, the strength of the fitting exceeds the total strength of all lines secured to it. Any tails, fittings, or other means of making the preventers fast on deck shall provide strength equal to that of the preventer itself.

(2) Wire rope clips or knots shall not be used to form eyes in, or to join sections of, preventer guys.

(b) *Stoppers.* (1) When used, chain topping lift stoppers shall be in good condition, equipped with manila tails, and of a length to allow not fewer than three half-hitches in the chain.

(2) When used, chain stoppers shall be shackled or otherwise secured in such a manner that their links are not bent by being passed around fittings. The point of attachment shall be of sufficient strength and so located that the stoppers are reasonably in line with the normal topping lift lead at the time the stopper is applied.

(3) When used, patent stoppers of the clamp type shall be suited to the size of the rope used. Clamps shall be in good condition and free of paint and dirt which would prevent their being drawn tight.

(c) *Falls.* (1) The end of the winch fall shall be secured to the drum by clamps, U-bolts, shackles, or some other equally strong method. Fiber rope fastenings shall not be used.

(2) Winch falls shall not be used with fewer than three turns on the winch drum.

(3) Eyes in the ends of wire rope cargo falls shall not be formed by knots and, in single part falls, shall not be formed by wire rope clips.

(4) When the design of the winch permits, the fall shall be so wound on the drum that the control mechanism moves in the same direction as the load.

(d) *Heel blocks.* (1) When employees are required to work in the bight formed by the heel block, a preventer of at least ¾-inch diameter wire rope, rove reasonably snug and adequately secured, shall be rigged, or equally effective means shall be taken to hold the block and fall in the event that the heel block attachments should fail. Where physical limitations prohibit the fitting of a wire rope preventer of the required size or of other equally effective means, the maximum possible protection shall be provided.

(2) If the heel block is not so rigged as to prevent its falling when not under strain, it shall be secured to prevent alternate raising and dropping of the block: *Provided, however,* That this requirement shall not apply when the heel block is so located as to be at least 10 feet above the deck when at its lowest point.

(e) *Coaming rollers.* When used, portable coaming rollers, whether provided by the ship or by the employer, shall be secured by wire preventers in addition to the regular coaming clamps.

(f) *Cargo hooks.* Cargo hooks shall be as close to the junction of the falls as the assembly permits, but in no case farther than two feet from it, except that this provision shall not apply when the construction of the vessel and the operation in progress are such that fall angles in excess of 120 degrees do not normally occur. Overhaul chains shall not be shortened by bolting or knotting.

§ 1918.53 Cargo winches.

(a) *General.* (1) When moving parts of winches or other deck machinery present a hazard, they shall be guarded.

(2) Winches shall not be used if control levers operate with excessive friction or excessive play.

(3) Double gear winches or other winches equipped with a clutch shall not be used unless a positive means of locking the gear shift is provided.

(4) When changing gears on a two gear winch, there shall be no load other than the fall and cargo hook assembly on the winch.

(5) Any defect or malfunction of winches shall be reported immediately to the officer in charge of the vessel.

(6) Temporary seats and shelters for winch drivers which create a hazard to the winchmen or other employees shall not be used.

(7) Except for short handles on wheel type controls, winch drivers shall not be permitted to use winch control extension levers unless they are provided by either the ship or the employer. Such levers shall be of adequate strength and securely fastened with metal connections at the fulcrum and at the permanent control lever.

(b) *Steam winches.* (1) Means shall be taken to prevent escaping steam from obscuring any part of the decks or other work places or from otherwise hindering or injuring any employee.

(2) Access shall be maintained to the steam valve between each winch and the deck steam line. If this valve is not operative with normal hand pressure, the winch shall not be used.

(3) Extension control levers which tend to fall of their own weight shall be counterbalanced.

(4) When winches are left unattended, control levers shall be secured in the neutral position.

(c) *Electrical winches.* (1) When the electromagnetic or other service brake is unable to hold the load, the winch shall not be used.

(2) Winches shall not be used when one or more control points, either hoisting or lowering, is not operating properly. Employees shall not be permitted to tamper with or adjust electric control circuits.

(3) When winches are left unattended, control levers shall be placed in the neutral position and, whenever possible, the power shall be shut off or control levers locked at the winch or the operating controls.

§ 1918.54 Rigging gear.

(a) When alternate positions for securing guys are provided, the guys shall be so placed as to produce a minimum stress without permitting the boom to jackknife.

(b) The head of the midship boom shall be spotted no farther outboard of the coaming than is necessary for control of the load.

(c) Preventers: When preventers are used, the following shall apply:

(1) Preventers shall be properly secured to suitable fittings, other than those to which the guys are secured, and shall be as nearly parallel to the guys as available fittings permit.

(2) Unless the cleat is also a chock and the hauling part is led through the chock opening, the leads of preventers to cleats shall be such that the direction of the line pull of the preventer is as nearly as possible parallel to the plane of the surface on which the cleat is mounted.

(3) Guys and associated preventers shall be adjusted so as to share the load as nearly equally as practicable where cargo operations are being conducted by burtoning; *Provided, however,* That where guys are designed and intended for trimming purposes only and the preventer is intended to perform the function of the guy, the guy shall be left slack.

(d) Cargo falls under load shall not be permitted to chafe on any standing

[3] See also § 1918.12.

or other running rigging: *Provided, however,* That this shall not be construed to mean hatch coamings or other similar structural parts of the vessel.

(e) (1) Where a bull wire is taken to a gypsy head for the purpose of lowering or topping a boom, the bull wire shall be secured to the gypsy head by shackle or other equally strong method. Securing by fiber rope fastening will not be considered adequate.

(2) When, in lowering or topping a boom, it is not possible to secure the bull wire to the gypsy head, or when the topping lift itself is taken to the gypsy head, sufficient turns, in no case less than five (5), shall be used.

(f) When deck loads extend above the rail and there is less than 8 inches horizontal clearance between the edge of the deck load and the inside of the bulwark or rail, employees shall not be permitted to go overside unless adequate precautions are taken to prevent them from falling.

§ 1918.55 Cranes.

Unless permanently guarded, the accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

Subpart G—Cargo Handling Gear and Equipment Other Than Ship's Gear

§ 1918.61 General.

(a) All gear and equipment provided by the employer shall be inspected by the employer or his authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe. Any gear which is found upon such inspection to be visibly unsafe shall not be used until it is made safe.

(b) All special stevedoring gear provided by the employer, the strength of which depends upon components other than commonly used stock items such as shackles, ropes or chains, shall be tested as a unit in the following manner before initially being put into use:

(1) Gear intended to handle lifts up to and including 20 short tons (40,000 lbs.) shall be tested to 25 percent in excess of its safe working load.

(2) Gear intended to handle lifts over 20 short tons (40,000 lbs.) but not exceeding 50 short tons (100,000 lbs.) shall be tested to 5 short tons (10,000 lbs.) in excess of its safe working load.

(3) Gear intended to handle lifts over 50 short tons (100,000 lbs.) shall be tested to 10 percent in excess of its safe working load.

(4) The employer shall maintain a record of the dates and results of the tests with each unit of gear concerned clearly identifiable. The records shall be available for examination by representatives of the Occupational Safety and Health Administration.

(c) The safe working load of gear as specified in §§ 1918.61 through 1918.66 shall not be exceeded.

(d) The weight shall be plainly marked on any article of stevedoring gear hoisted by ship's gear and weighing in excess of 2,000 lbs.

§ 1918.62 Fiber rope and fiber rope slings.

(a) Table G–1 shall be used to determine the safe working load of various sizes of manila rope and rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) Where synthetic fiber ropes are substituted for manila ropes of less than three (3) inches circumference, the substitute shall be of equal size. Where synthetic fiber ropes are substituted for manila ropes of three (3) inches circumference or more, the size of the synthetic rope is to be determined from the formula:

$$C = \sqrt{0.6C_s^2 + 0.4C_m^2}.$$

Where C = the required circumference of the synthetic rope in inches.

C_s = the circumference to the nearest one-quarter inch of a synthetic rope having a breaking strength not less than the breaking strength of the size manila rope that would be required by paragraph (a) of this section.

C_m = the circumference of manila rope in inches which would be required by paragraph (a) of this section.

TABLE G-1
MANILA ROPE
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

In making such a substitution it should be ascertained that the inherent characteristics of the synthetic fiber are suitable for the intended service of the rope.

§ 1918.63 Wire rope and wire rope slings.

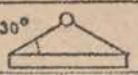
(a) Tables G–2 through G–5 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

TABLE G-2
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-3.
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30° 		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18.	17.	14.	15.	15.	12.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	18.	19.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	25.	28.	25.	22.	22.	21.	18.	16.	16.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	33.

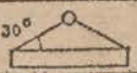
(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

TABLE G-4
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-5
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30° 		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4	1.1	1.0	.99	.95	.88	.85	.77	.72	.70	.55	.51	.49
3/8	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1	17.	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
6x37 CLASSIFICATION												
1-1/4	25.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.8
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	55.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

(b) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(c) Where "U" bolt wire rope clips are used to form eyes, Table G-6 shall be used to determine the number and spacing of clips. The "U" bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(d) Wire rope shall not be secured by knots, except on haul back lines on scrapers.

(e) The following limitations shall apply to the use of wire rope:

(1) An eye splice made in any wire rope shall have not less than three full tucks. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited.

(2) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in bulling cargo, shall consist of one continuous piece without knot or splice.

(3) Eyes in wire rope bridles, slings, or bull wires shall not be formed by wire rope clips or knots.

(4) Wire rope shall not be used as cargo handling gear if, in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires or if the rope shows other signs of excessive wear, corrosion or defect.

TABLE G-6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter inches	Number of clips		Minimum spacing (inches)
	Drop forged	Other material	
1/4	3	4	3
5/8	3	4	3¾
3/4	4	5	4½
7/8	4	5	5¼
1	4	6	6
1¼	5	6	6¾
1¼	5	7	7½
1½	6	7	8¼
1½	6	8	9

§ 1918.64 Chains and chain slings.

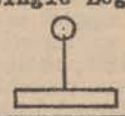
(a) Tables G-7 and G-8 shall be used to determine the maximum safe working loads of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products. Proof coil steel chain, also known as common or hardware chain, or other chain not recommended for slinging or hoisting by the manufacturer, shall not be used for hoisting purposes.

TABLE G-7
WROUGHT IRON CHAIN
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
* 1/4	1060	1835	1500	1060
* 5/16	1655	2865	2340	1655
3/8	2385	2.1	3370	2385
* 7/16	3250	2.8	2.3	3250
1/2	2.1	3.7	3.0	2.1
* 9/16	2.7	4.6	3.8	2.7
5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

* These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G-8
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg 	60°	45°	30°
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.3
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

(b) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(c) Interlink wear, not accompanied by stretch in excess of five (5) percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G–9, has been reached.

(d) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(e) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective, as described in paragraph (d) of this section, shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(f) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding 6 months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall not be annealed.

TABLE G–9

MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	*Maximum allowable wear in fraction of inches*
¼ (9/32)	3/64
3/8	5/64
½	7/64
5/8	9/64
¾	5/32
7/8	11/64
1	3/16
1⅛	7/32
1¼	¼
1⅜	9/32
1½	5/16
1¾	11/32

(g) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1918.65 Shackles.

(a) Table G–10 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

TABLE G–10

SAFE WORKING LOADS FOR SHACKLES

[In tons of 2000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
5/16	5/8	1.4
3/8	3/4	2.2
1/2	7/8	3.2
5/8	1	4.3
3/4	1⅛	5.6
7/8	1¼	6.7
1	1⅜	8.2
1¼	1⅝	10.0
1½	1⅞	11.9
1¾	2	16.2
2	2¼	21.2

(b) Screw pin shackles provided by the employer and used aloft, except in cargo hook assemblies, shall have their pins moused.

§ 1918.66 Hooks other than hand hooks.

(a) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employers shall maintain a record of the dates and results of such tests.

(b) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(c) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

(d) Teeth of case hooks shall be kept in good condition.

(e) Jaws of patent clamp type plate hooks shall be kept in safe condition so that they will grip plates securely.

§ 1918.67 Pallets.

(a) Pallets shall be of such material and construction and so maintained as to safely support and carry loads being handled on them. Fastenings of reusable pallets shall be bolts and nuts, drive screws (helically threaded nails), annular threaded nails or fastenings of equivalent strength.

(b) Wing or lip type pallets hoisted by means of bar bridles shall have an overhanging wing or lip at least 3 inches long.

(c) Loaded pallets which on visual examination do not meet the requirements of this section, shall be placed on pallets meeting the requirements before being hoisted into or out of the vessel.

(d) Bridles used to handle flush end or box type pallets shall be of such a design as to prevent them from becoming disengaged from the pallet under load.

§ 1918.68 Chutes, gravity conveyors and rollers.

(a) Chutes used in the manual handling of cargo shall be of adequate length and strength for the use to which they are put and shall be kept free of splinters and sharp edges.

(b) Chutes shall be equipped with sideboards of sufficient height to prevent cargo from falling off.

(c) Chutes and gravity roller sections shall be firmly placed or secured to prevent displacement.

(d) Gravity rollers shall be of sufficient strength for the weight of material which is placed upon them. Rollers shall be locked in position to prevent them from falling or jumping out of the frame.

(e) Frames shall be kept free of burrs and sharp edges.

(f) When necessary for safe operation, provision shall be made for braking objects at the delivery end of the roller or chute.

§ 1918.69 Powered conveyors.

(a) Readily accessible stop controls shall be provided for use in an emergency. Whenever the operation of any power conveyor requires personnel to work in the immediate vicinity of the conveyor, the conveyor controls shall not be left unattended while the conveyor is in operation.

(b) Electric motors and controls on grain trimmers shall be of the explosion-proof type approved by the Underwriters' Laboratories, Incorporated, for use in hazardous locations, Class II, Group G.

(c) All conveyor and trimmer drives which create a hazard shall be adequately guarded.

(d) Each grain trimmer shall have a control box located on the weather deck in close proximity to the spout feeding the trimmer.

(e) Power cables between the deck control box and the grain trimmer shall be used only in continuous lengths without splice or tap between connections.

§ 1918.70 Portable stowing winches.

(a) Portable stowing winches shall be used only with the knowledge and consent of the officer in charge of the vessel.

(b) Portable stowing winches used in connection with operations shall at all times be properly secured to prevent shifting.

(c) When internal combustion powered stowing winches are located below the weather deck or in other enclosed spaces, the exhaust shall be led topside to open air and away from the hatch opening.

§ 1918.71 Rain tents.

When using rain tents, lanyards shall be secured to padeyes or other fixed structures of the vessel which are strong enough or to objects which are heavy enough to withstand the breaking stress of all lanyards attached.

§ 1918.72 Tools.

(a) *General.* Employers shall not issue or permit the use of visibly unsafe tools.

(b) *Portable electric tools.* (1) Portable electric tools which are held in the hand shall be equipped with switches

of a type which must be manually held in a closed position.

(2) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

§ 1918.73 Mechanically-powered vehicles used aboard vessels.

(a) All automotive equipment shall be maintained in good working order and safety devices shall not be removed or made inoperative, except as otherwise provided.

(b) Overhead guards for fork lift trucks:

(1) Except as noted in subparagraph (5) of this paragraph, fork lift trucks shall be equipped with overhead guards securely attached to the machines. The guards shall be of such design and construction as to protect the operator from boxes, cartons, packages, bagged material, and other similar individual items of cargo which may fall from the load being handled or from stowage.

(2) The guard shall be of such construction that it does not interfere with good visibility, but openings in the top of the guard must not exceed six inches in one of the two dimensions, width or length. Larger openings may be permitted provided no opening is larger than the smallest unit of cargo that is likely to fall on the guard.

(3) The guard shall be large enough to extend over the operator in all normal circumstances of truck operation, including forward tilt.

(4) In fork lift trucks equipped with a single tilt cylinder, provision shall be made so that failure of this cylinder or associated parts will not cause the overhead guard to injure the operator.

(5) The overhead guard may be removed only at times when the construction of the truck is such that the presence of such a guard would prevent the truck from entering working spaces, and if the operator cannot be injured by low overhead obstructions.

(c) Guards for bulk cargo-moving vehicles:

(1) Every crawler type, rider operated, bulk cargo-moving vehicle shall be equipped with an operator's guard of such design and construction as to protect the operator, when seated, against injury from contact with a projecting overhead.

(2) Guards and their attachment points shall be so designed as to be able to withstand, without excessive deflection, a load applied horizontally at the operator's shoulder level equal to the drawbar pull of the machine.

(3) Guards shall not be required when the vehicle is used in situations in which the possibility of the seated operator coming in contact with projecting overheads does not exist.

(d) End platform guards:

(1) Every truck operated from an end platform or pedal position shall be equipped with an operator's platform guard of such design that it permits rapid and unobstructed egress.

(2) Guards shall be so designed as to be able to withstand, without excessive deflection, a load equal to the weight of the loaded machine.

(e) Forks, fork extensions or other attachments shall be suitably secured to prevent unintentional disengagement.

(f) Weights and loads:

(1) The vehicle weight, with and without removable counterweights, shall be clearly posted on all mechanically-powered vehicles which are lifted aboard vessels.

(2) The rated capacity of every fork lift truck, with and without removable counterweights, shall be posted on the vehicle in such a manner as to be readily visible to the operator.

(3) Loads in excess of the rated capacity shall not be lifted or carried by lift trucks.

(4) If loads are lifted by two or more trucks working in unison, the total weight shall not exceed the combined safe lifting capacity of all the trucks.

(g) (1) Steering knobs, when furnished on vehicles where the driver is not in a sitting position, shall be of a mushroom type unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin. The steering knob shall be mounted within the periphery of the wheel.

(2) Steering knobs or similar ancillary devices shall not be used on the steering wheels of trucks in which the driver is in a sitting position.

(h) No load on a fork lift truck or industrial crane truck shall be suspended or swung over any employee.

(i) When mechanically-powered vehicles are used, adequate provisions shall be made to ensure that the working surface can support the vehicle and load, and that hatch covers, truck plates, or other temporary surfaces cannot be dislodged by movement of the vehicle.

(j) When mechanically-powered vehicles are left unattended, the controls shall be neutralized, power shut off, brakes set, and the forks, blade, or scoop shall be placed in the lowered position.

(k) When lift trucks or other mechanically powered vehicles are being operated on open deck type barges, the edges of the barges shall be suitably guarded by railings, sideboards, timbers or other means sufficient to prevent vehicles from rolling overboard. When operated on covered lighters where door openings other than those being used are left open, adequate means shall be taken as necessary to prevent vehicles from rolling overboard through such openings.

§ 1918.74 Cranes and derricks other than vessel's gear.

(a) The following requirements shall be met in the use of cranes, whether hoisted aboard a vessel for use thereon or used to service a vessel from the dock, shore, or another vessel, and in the use of any other crane or derrick not a part of a vessel's permanent equipment, but used in longshoring operations:

(1) The crane weight shall be posted on all mobile cranes hoisted aboard vessels for temporary use thereon.

(2) All types of cranes shall be equipped with a durable rating chart visible to the operator, covering the complete range of the manufacturer's (or design) capacity ratings and for which they are certificated, where required. The rating chart shall include all operating radii for all permissible boom lengths and jib lengths as applicable, with and without outriggers which may be fitted, and alternate ratings with optional equipment affecting such ratings. Necessary precautions or warnings shall be included. Operating controls shall be marked, or an explanation posted, at the operator's position to indicate function.

(3) A boom angle or radius indicator shall be fitted where applicable.

(4) All shore-based derricks shall be clearly marked to indicate all applicable capacity ratings, based on manufacturer's (or design) data for which certificated. Such ratings, and any necessary precautions or warnings shall be visible to the operator. Operating controls shall be marked, or an explanation posted at the operator's position to indicate function.

(5) The rated safe working loads of each crane and derrick, for the conditions of use, shall not be exceeded.

(6) No counterweights in excess of manufacturer's (or design) specifications shall be fitted. All equipment shall be used in accordance with manufacturer's (or design) specifications and recommendations.

(7) Pulling of barges or rail cars, and bulling of cargo in such a way as to exert side loading stresses upon crane booms shall not be permitted.

(8) No crane or derrick shall be used in any case where a visible defect affecting safe use exists.

(9) Unless exempted by the provisions of subdivision (viii) of this subparagraph, every crane used to load or discharge cargo into or out of a vessel shall be fitted with a load indicating device or alternative device in proper working condition which shall meet the following criteria:

(i) The type or model of any load indicating device which is used may be such as to provide (*a*) a direct indication in the cab of actual weight hoisted or a means of determining this by reference to crane ratings posted and visible to the operator, except that the use of a dynamometer or simple scale alone will not meet this requirement; or (*b*) an automatic weight-moment device or computer providing indications in the cab according to the radius and load at the moment; or alternatively (*c*) a device may be used which shall prevent an overloaded condition.

(ii) Accuracy of the load indicating device, weight-moment device, or overload protection device shall be such that any indicated load (or limit), including the sum of actual weight hoisted and ad-

ditional equipment or "add ons" such as slings, sensors, blocks, etc., is within the range from no less than 95 percent of the actual true total load (5 percent overload) to 110 percent of the actual true total load (10 percent underload). Such accuracy shall be required over the range of the daily operating variables to be expected under the conditions of use.

(iii) The device shall permit the operator to determine before making any lift that the indicating or substitute system is operative. In the alternative, if the device is not so mounted or attached and does not include such means of checking, it shall be certified by the manufacturer to remain operable within the limits stated in subdivision (ii) of this subparagraph for a specific period of time. Checks for accuracy, using known values of load, shall be performed at the time of every certification survey (see § 1918.13) and at such additional times as may be recommended by the manufacturer.

(iv) When the load indicating device or alternative system is so arranged in the supporting system (crane structure) that its failure could cause the load to be dropped, its strength shall not be the limiting factor of the supporting system (crane structure).

(v) Marking shall be conspicuously placed giving (*a*) units of measure in pounds or both pounds and kilograms, (*b*) capacity of the indicating system, (*c*) accuracy of the indicating system, and (*d*) operating instructions and precautions. Data providing (*a*) the means of measurement, (*b*) capacity of the system, (*c*) accuracy of the system; and (*d*) operating instructions and precautions shall similarly be provided in the case of systems utilizing indications other than actual weights. If the system used provides no readout, but is such as to automatically cease crane operation when the rated load limit under any specific condition of use is reached, marking shall be provided giving the make and model of device installed, a description of what it does, how it is operated, and any necessary precautions regarding the system. All weight indications, other types of loading indications, and other data required shall be readily visible to the operator.

(vi) All load indicating devices shall be operative over the full operating radius. Overall accuracy shall be based on actual applied load and not on full scale (full capacity) load. For example, if accuracy of the load indicating device is based on full scale load and the device is arbitrarily set at plus or minus 10 percent, it would accept a reading between 90,000 and 110,000 lbs., at full capacity of a machine with 100,000 lbs., maximum rating, but would also allow a reading between zero and 20,000 lbs., at that outreach (radius) at which the rating would be 10,000 lbs., capacity—an unacceptable figure. If, however, accuracy is based on actual applied load under the same conditions, the acceptable range would remain the same with the 100,000-lb. load but becomes a figure between 9,000 and 11,000 lbs., a much different and acceptable condition, at the 10,000-lb. load.

(vii) When the device uses the radius as a factor in its use or in its operating indications, the indicated radius (which may be in feet and/or meters, or degrees of boom angle, depending on the system used) shall be a figure which is within the range of a figure no greater than 110 percent of the actual radius to a figure which is no less than 97 percent of the actual (true) radius. When radius is presented in degrees, and feet or meters are required for necessary determinations, a conversion chart shall be provided.

(viii) The load indicating device requirements of this subparagraph do not apply to a crane (*a*) of trolley equipped bridge type while handling containers known to be and identified as empty, or loaded, and in either case in compliance with the provisions of § 1918.85(b) of this part; or while hoisting other lifts by means of a lifting beam supplied by the crane manufacturer for the purpose and in all cases within the crane rating; (*b*) while handling bulk commodities or cargoes by means of clamshell bucket or magnet; (*c*) while used to handle or hold hoses in connection with transfer of bulk liquids or other hose handled products; or (*d*) while the crane is used exclusively to handle cargo or equipment the total actual gross weight of which is known by means of marking of the unit or units hoisted, when such total actual gross weight never exceeds 11,200 lbs., and when 11,200 lbs., is less than the rated capacity of the crane at the maximum outreach that is possible under the conditions of use at the time.

(ix) *Effective date of subparagraph (9).* The provisions of this subparagraph (9) shall become effective on May 27, 1972, or at the time of the next regular certification survey subsequent to that date.

(10) Accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

(11) During the hours of darkness, illumination provided shall be sufficient under the prevailing circumstances so that an operator can see clearly the work area and any signalmen associated with the operation.

(b) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(c) Accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

§ 1918.75 Notifying ship's officers before using certain equipment.

(a) The employer shall notify the officer in charge of the vessel before bringing aboard ship internal combustion or electric powered tools, equipment or vehicles.

(b) The employer shall also notify the officer in charge of the vessel before using the ship's electric power for the operation of any of his electric tools or equipment.

§ 1918.76 Grounding.

(a) The frames of portable electric equipment and tools, except double insulated tools approved by Underwriters' Laboratories, Inc., shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the equipment is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

Subpart H—Handling Cargo [4]

§ 1918.81 Slinging.

(a) Drafts shall be safely slung before being hoisted. Loose dunnage or debris hanging or protruding from loads shall be removed.

(b) Cargo handling bridles, such as pallet bridles, which are to remain attached to the hoisting gear while hoisting successive drafts, shall be attached by shackles, or other positive means shall be taken to prevent them from becoming accidentally disengaged from the cargo hook.

(c) Drafts of lumber, pipe, dunnage and other pieces, the top layer of which is not bound by the sling, shall be slung in such a manner as to prevent sliders. Double slings shall be used on unstrapped dunnage, except when, due to the size of hatch or deep tank openings, it is impractical to use them.

(d) Case hooks shall not be used for handling cases into or out of the vessel, unless the cases are specifically designed to be handled by this means.

(e) Bales of cotton, wool, cork, wood pulp, gunny bags or other similar articles shall not be hoisted into or out of the vessel by their straps unless the straps are of sufficient strength to support the weight of the bale and two hooks, each in a separate strap, are used.

(f) Loads requiring continuous manual guidance while in motion shall be provided with tag lines.

(g) No draft shall be hoisted unless the winch or crane operator(s) can clearly see the draft itself or see the signals of any signalman associated with the operation.

§ 1918.82 Building drafts.

(a) Drafts shall be so built or such means shall be taken as to prevent cargo from falling from the draft.

[4] 46 CFR Parts 146–147 contains regulations of the U.S. Coast Guard pertaining to the handling of explosives and other dangerous cargo.

(b) Hand loaded buckets or tubs used in handling bulk cargo shall not be loaded above their rims.

§ 1918.83 Stowed cargo, tiering and breaking down.

(a) When necessary, cargo shall be secured or blocked to prevent its shifting or falling.

(b) In breaking down, precautions shall be taken, when necessary, to prevent the remaining cargo from falling.

(c) Employees trimming bulk cargo shall be checked in and out by the foreman. Before securing any reefer compartment, a check shall be made to ensure that no employee remains inside. Frequent checks shall be made to ensure the safety of any employee working alone in a tank or cargo compartment.

§ 1918.84 Bulling cargo.

(a) Bulling cargo shall be done with the bull line led directly from the heel block, except that bulling may be done from the head of the boom when the nature of the cargo and the surface over which it is dragged are such as to avoid stalling the load, or when the winch actually does not have sufficient strength, with the purchase used, to overload the boom.

(b) Snatch blocks shall be used to provide a fair lead for the bull line so as to avoid unnecessary dragging of the bull line against coamings and obstructions.

(c) Falls led from cargo booms of vessels shall not be used to move scows, lighters or railroad cars.

(d) Snatch blocks shall not be used with the point of the hook resting on the flange of a beam, but shall be hung from padeyes, straps or beam clamps. Snatch blocks or straps shall not be made fast to batten cleats or other insecure fittings.

(e) Beam or frame clamps shall be so secured to the beam as to minimize the possibility of their slipping, falling or being pulled from the beam.

§ 1918.85 Containerized cargo.

(a) On every cargo container there shall be permanently marked in pounds (1) the weight of the container when empty, (2) the maximum cargo weight that the container is intended and designed by its manufacturer to carry, and (3) the sum of these two weights.

(b) No container shall be loaded aboard or discharged from any vessel by means of hoisting by ship's cargo handling gear or by shore crane or derrick unless the following conditions have been met:

(1) In the case of an empty container, it shall be ascertained from the carrier that such is the case and the container shall be identified before loading or discharge either by marking, in cargo stowage plans, by both means, or otherwise in such manner that every supervisor and foreman on the site and in charge of loading or discharging, and/or every crane or other hoisting equipment operator, and signalman, if any, shall be enabled to know that such container is empty.

(2) In the case of a loaded container, either the actual gross weight shall be plainly marked so as to be visible to the crane or other hoisting equipment operator or signalman, if any, and/or to every supervisor and foreman on the site and in charge of loading or discharging; or the cargo stowage plan or equivalent permanently recorded display serving the same purpose shall be provided to the crane or other hoisting equipment operator and signalman, if any, and to every supervisor and foreman on the site and in charge of loading or discharging, and contain the actual gross weight, the exact stowage position, and the serial number or other positive identification of that specific container.

(3) Every outbound loaded container received at a marine terminal ready to load aboard a vessel without further consolidation or loading shall be weighed to obtain the actual gross weight, either at the terminal or elsewhere before loading aboard a vessel. The open type vehicle carrying container and those built specifically and used solely for the carriage of compressed gases are excepted from this subparagraph and from subparagraphs (4) and (5) of this paragraph.

(4) When container weighing scales are located at a marine terminal, any outbound container with a load consolidated at that terminal shall be weighed to obtain an actual gross weight before loading aboard a vessel.

(5) When there are no container weighing scales located at a marine terminal at which outbound containers are loaded with cargo, or where container loads are completed or consolidated there or elsewhere, and no weighing facility is available and located in a reasonably accessible location, the actual gross weight may be calculated, providing that accurate weights of all contents are known and a list of same, including the empty container weight, is totaled and posted on the container in a conspicuous place with identification of the source and date of calculation. Such list of contents may refer to cartons, cases, or other means of packaging but need not specifically identify the commodity or commodities involved except as otherwise required by law. Container weights so arrived at shall be subject to random sample weight checks at the nearest weighing facility. In cases where such weight checks or experience otherwise indicate consistently inaccurate weights arrived at by this means, the weight of containers so calculated at the source from which the inaccurate weights originated may no longer be recognized as true gross weights, in which case such containers may not be loaded aboard a vessel unless actual gross weights have been obtained by weighing. This procedure shall be continued until the Administration is satisfied by reasonable experience thereunder that correct weights will be furnished.

(6) In the case of loaded inbound containers from foreign ports, they shall, if they have not been weighed, have the calculated weight posted in the manner prescribed by subparagraph (5) of this paragraph. All loaded inbound containers from foreign ports shall be subject to random sample weight checks at a time satisfactory to the Administration which may be at any time up to unloading the contents of the container at the terminal or until the container is delivered unopened to the land carrier. When such checks indicate a pattern of significant and continuing inaccuracy or when the provisions of subparagraph (7) of this paragraph are not met, such suitable means as are acceptable to the Administration to protect the safety of the workers involved shall be taken during discharge to assure safety and such means shall be continued until the Administration is satisfied by experience thereunder that correct weights will be furnished.

(7) The identification and documentation provisions of subparagraphs (1) and (2) of this paragraph shall apply to containers originating from foreign ports.

(8) Any scale used within the United States to weigh containers for the purpose of the requirements of this section shall meet the accuracy standards of the state or local public authority in which the scale is located.

(c) No container shall be hoisted if its actual gross weight exceeds the weight marked as required in paragraph (a)(3) of this section, or if it exceeds the capacity of the crane or other hoisting device intended for use, under the conditions in which said crane or other hoisting device is used. All hoisting of containers shall be by means which will safely do so without probable damage to the container, and using the lifting fittings provided.

(d) All outbound containers shall be inspected before loading for any visible defects in structural members and fittings, which would render unsafe their handling in loading. To the extent it is practicable, inbound containers shall be similarly inspected before discharge. Any outbound container found to have such a defect shall not be loaded unless the defect is first corrected. Any inbound container found to have such a defect shall either be discharged by such special means as to insure safety or shall be emptied before discharge.

(e) For the purpose of this section, the term "container" means a reusable cargo container of rigid construction and rectangular configuration, intended to contain one or more articles of cargo or bulk commodities for shipment aboard a vessel, and capable of utilization for this purpose by one or more other modes of transport without intermediate reloading. The term includes completely enclosed units, open top units, half or other fractional height units, units incorporating liquid or gas tanks, and any other variations serving the same basic purpose and fitting into the container system, demountable or with attached wheels. The term, however, does not include cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads or any other of the usual forms of packaging.

§ 1918.86 Hazardous cargo.

(a) Prior to the start of cargo handling operations a responsible representative of the employer shall ascertain from labels on the cargo, from the dangerous cargo manifest, or from other shipping documents, what hazardous cargoes, if any, are to be handled and the general nature of the hazard. He shall inform employees of the general nature of the hazard, the importance to the employees of preventing damage to the cargo, and the special precautions to be taken. The responsible representative of the employer aboard the vessel shall instruct the employees to notify him of any leaks or spills.

(b) Drafts of cargo ascertained by the employer to be hazardous shall be so slung and secured that neither the draft nor individual packages can fall as a result of tipping the draft or slacking the supporting gear.

(c) If a cargo ascertained by the employer to be hazardous is spilled or any of its containers has or develops a serious leak, the employees shall be removed from the hold or compartment until the employer has ascertained the specific hazards, has provided such personal protective equipment and clothing and such ventilation and fire protective equipment as may be necessary to avoid, or protect against, the hazard, and has instructed the employees as to the safe method of cleaning up and disposing of a spill or handling and disposing of the leaking containers. The actual work of clean up or disposal shall be carried out under the personal supervision of a responsible representative of the employer aboard the vessel.

Subpart I—General Working Conditions

§ 1918.91 Housekeeping.

(a) Weather deck walking and working areas shall be kept reasonably clear of lines, bridles, dunnage and all other loose tripping or stumbling hazards.

(b) Gear or equipment, when not in use, shall be removed from the immediate work areas, or shall be so placed as not to present a hazard.

(c) Slippery conditions shall be eliminated as they occur.

(d) Loose paper, dunnage and debris shall be collected as the work progresses and be kept clear of the immediate work area.

(e) Dunnage shall not be placed on deck where it interferes with the free movement of the drafts.

(f) Dunnage racked against sweat battens shall not be used when the levels of such racks are above the safe reach of employees.

(g) Dunnage, hatch beams, tarpaulins or gear not in use shall be stowed no closer than 3 feet to the port and starboard sides of the weather deck hatch coaming, except that a reasonable tolerance shall be permitted where strict adherence is rendered impracticable due to the circumstances.

(h) Nails: (1) Nails which are protruding from shoring or fencing in the immediate work areas shall be bent over or otherwise rendered harmless.

(2) Dunnage, lumber, or shoring material in which there are visibly protruding nails shall be removed from the immediate work area, or, if left in that area, the nails shall be bent over or otherwise rendered harmless.

(i) Employees shall not be exposed to ice which may fall from aloft under conditions where the accumulation of such ice and the circumstances at the time are such as to constitute a hazard.

§ 1918.92 Illumination.

(a) All walking and working areas shall be adequately illuminated.

(b) Portable lights shall meet the following requirements:

(1) Portable lights shall be equipped with substantial reflectors and guards to prevent flammable and other material from coming in contact with the bulb, except that guards are not required where the construction of the reflector is such that the bulb is deeply recessed.

(2) Portable lights shall be equipped with heavy duty electric cords and may be suspended by such cords only when the means of attachment of the cord to the light is such as to prevent the light from being suspended by the electrical connections. All connections and insulation shall be maintained in safe condition.

(3) Lighting wires and fixtures for portable lights shall be so arranged as to be free from contact with drafts, running gear, or other moving equipment.

(4) Portable lights shall be so arranged that they do not shine in the eyes of winchdrivers or hatchtenders.

(5) Portable cargo lights furnished by the employer for use aboard vessels and purchased after September 1, 1966, shall be listed as approved by the U.S. Coast Guard or shall bear the Underwriters Laboratories, Inc., Marine Label.

(c) Employees shall not be permitted to enter dark holds, compartments, decks or other places without a flashlight or other suitable portable light. The use of matches or open flame lights is prohibited.

§ 1918.93 Ventilation and atmospheric conditions.

(a) Ventilation requirements with respect to carbon monoxide:

(1) (i) When internal combustion engines exhaust into a hold, an intermediate deck, or any other compartment, the employer shall see that tests of the carbon monoxide content of the atmosphere are made with such frequency as is found by test to be necessary in the type and location of the operation, and under the conditions existing, to insure that dangerous concentrations do not develop. Such tests shall be made in the area in which employees are working, by persons competent in the use of the test equipment and procedure. Where operations are located in a deep tank or refrigerated compartment, the first test shall be made within one half hour of the time the machine(s) start.

(ii) The carbon monoxide content of the atmosphere shall be maintained at not more than 50 parts per million (0.005%) as a time weighted average, and employees shall be removed from the compartment if the carbon monoxide concentration exceeds 100 parts per million (0.01%). The term "time weighted average" means that for any period of time in which the concentration exceeds 50 parts per million, it shall be maintained at a corresponding amount below 50 parts per million for an equal period of time.

(iii) When neither natural ventilation nor the vessel's ventilating system, where fitted, is adequate to keep the carbon monoxide concentration within the allowable limits set forth in this paragraph, the employer shall use supplementary means of portable ventilation in such size and number and so arranged as to bring such concentration within such limits before work is resumed.

(2) A record of the date, time, location, and results of the tests required by subparagraph (1) of this paragraph shall be maintained for at least 30 days after the work is completed. The record shall be available for examination by representatives of the Occupational Safety and Health Administration.

(3) The intakes of portable blowers and any exposed belt drives shall be guarded adequately by screens.

(4) The frames of portable blowers shall be grounded at the source of the current either through a third wire in the cable containing the circuit conductors or through a separate wire. When the vessel is the source of the current the ground shall be made to the structure of the vessel. Electric cords used shall be free of visible defects.

(5) The employer shall not permit the use of shore electrical circuits unless they have been checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current. When the vessel is the source of the current, it is required only that a check be made to ensure good electrical contact between the ground wire and the vessel's structure.

(b) (1) Before commencing to load grain which has been fumigated, the employer shall ascertain from the elevator operator that the cargo is free from hazardous concentrations of fumigants.

(2) The employer shall not load tobacco until the carrier has provided written notification as to whether or not the cargo has been fumigated. If the tobacco has been fumigated with any toxic fumigant, the employer shall not commence loading until written warranty has been received from the fumigation facility that the aeration of the cargo has been such as to reduce the concentration of the fumigant to a safe limit. Such notification and warranty shall be maintained for at least 30 days after the loading of the tobacco has been completed, and shall be available for examination by representatives of the Occupa-

tional Safety and Health Administration.

(3) Before commencing to load cargo other than cargo mentioned in subparagraph (1) or (2) of this paragraph, which has been fumigated at the loading port, the employer shall ascertain that such cargo does not contain a hazardous concentration of fumigants.

(c) Before employees are permitted to enter or work in any stowage space or tank, the employer shall ascertain from the officer in charge of the vessel, or the vessel's agent or operator, whether explosive, poisonous, noxious, or gaseous cargoes have been carried or are stowed therein, or whether dry ice has been used as a refrigerant therein, or whether such places have been fumigated, or whether there is a possibility of oxygen deficiency. Upon establishing that any of such conditions may exist, the employer shall ascertain from the officer in charge of the vessel, if he is properly equipped and qualified so to evaluate, the condition of the work place with respect to atmospheric contaminants or deficiencies. If the officer in charge of the vessel is not equipped or qualified to carry out such evaluation, this shall be done by another person qualified and equipped to do it.

(d) When it is ascertained as set forth in paragraph (c) of this section that the atmosphere in which employees would be working is immediately dangerous to life, or if the atmosphere becomes immediately dangerous to life during cargo handling operations, no employee shall be permitted to enter or remain in the work place until the atmospheric condition has been made safe. Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or the high concentration of contaminants, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(e) When it is ascertained as set forth in paragraph (c) of this section that the atmosphere in which employees would be working contains dangerous gaseous contaminants not immediately dangerous to life, or if the atmosphere becomes so contaminated during cargo handling operations, no employee shall be permitted to enter or remain in the work place until the atmosphere is made safe, or the employees are protected by suitable respiratory protective equipment in accordance with the requirements of § 1918.102 (a) and (b). Dangerous gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period of time without endangering the life of a person breathing them, but might produce discomfort and injury after a prolonged single exposure or repeated short exposures.

(f) When employees are exposed to heavy concentrations of dusts, as in loading bulk grain, they shall be protected by suitable respiratory protective equipment in accordance with the requirements of § 1918.102 (a) and (c).

§ 1918.94 Sanitation and drinking water.

(a) Longshoring operations shall not be carried on in the immediate vicinity of uncovered garbage or in the way of overboard discharges from sanitary lines unprotected by a baffle or splash boards.

(b) Clean drinking water in clean, covered containers shall be provided. Individual sanitary drinking cups or some other equally sanitary device shall be conveniently available.

§ 1918.95 Longshoring operations in the vicinity of repair and maintenance work.

(a) Longshoring operations shall not be carried on when chipping or scaling of decks, bulkheads or sides of vessels creates excessive noise which interferes with communication of warnings or instructions.

(b) Longshoring operations shall not be carried on in the hold or on deck beneath men working in the rigging overhead when such overhead work creates a hazard of falling objects.

(c) Longshoring operations shall not be carried on where employees are exposed to injurious light rays, hot metal, or sparks, any of which result from welding or cutting.

(d) Longshoring operations shall not be carried on where employees are exposed to unsafe concentrations of dust or vapors from sand blasting or spray painting.

§ 1918.96 First aid and life saving equipment.

(a) Unless a first aid room is close at hand and a qualified attendant is prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier only one kit shall be required. The kit shall be kept in the immediate vicinity of the vessel and at least one employee holding a currently valid first aid certificate shall be close at hand.

(b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall include a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandage, 40 inch.
Ammonia inhalants and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.
Wire or thin board splints.
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job to ensure that all expended items have been replaced.

(d) There shall be available for each vessel being worked one Stokes basket stretcher, or its equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that there need be no more than two stretchers on each pier. Stretchers shall be kept close to the vessels.

(e) The employer shall ensure that there is in the vicinity of each vessel being worked at least one U.S. Coast Guard approved 30-inch lifering with not less than 90 feet of line attached and at least one portable or permanent ladder which will reach from the top of the apron to the surface of the water. If the above equipment is not available at the pier, the employer shall furnish it during the time that he is working the vessel. When working a barge, scow, raft, lighter, log boom, or carfloat alongside a ship, a U.S. Coast Guard approved 30-inch lifering, with not less than 90 feet of line, shall be provided either on the floating unit itself or aboard the ship in the immediate vicinity of each floating unit being worked.

(f) When employees are working on log booms or cribs, lifelines shall be furnished and hung overside to the water's edge.

§ 1918.97 Qualification of machinery operators.

(a) Only those employees considered by the employer to be competent by reason of training or experience, and who understand the signs, notices, and operating instructions and are familiar with the signal code in use shall be permitted to operate a crane, winch or other power-operated hoisting apparatus, or any power-operated vehicle, or to give signals to the operator of any hoisting apparatus.

(b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him shall be permitted to operate a crane, winch or other power-operated hoisting apparatus or a power-operated vehicle.

(c) No minor under 18 years of age shall be employed in occupations involving the operation of any power-operated hoisting apparatus or assisting in such operations by performing work such as hooking on or landing drafts, rigging gear, etc.

§ 1918.98 Grain fitting.

(a) Where employees are engaged in work on longitudinal bulkheads or shifting boards (other than longitudinal bulkheads of feeders) at a distance of eight (8) feet or more above any ceiling, tank top or deck, the following shall apply:

(1) If working off portable straight ladders the provisions of § 1918.25(f) of this Part shall apply.

(2) If working off staging, any lumber used in the construction thereof shall be sound, straight grained, free from cross grain, shakes, and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength. Platform planking used as a work surface shall not be less than 2 x 10 lumber and the width of the platform shall not be less than 18 inches.

(3) If working from other elevated positions, employees shall be protected from falling by safety belt and lifeline or other equivalent protection.

(b) (1) When grain fitting operations are in progress in the square of an intermediate deck, the hatch covering at that deck shall be such as to cover the hatch except for the minimum open spaces necessary to perform the work.

(2) When coverings used to provide a temporary work surface are other than the vessels' hatch covers placed in their normal positions, they shall be of adequate strength and so placed or secured that they cannot be accidentally dislodged.

(c) When the erection of grain fittings requires employees to work on surfaces immediately adjacent to or between open deep tanks, either the deep tank covers shall be put in place, the opening covered by a net, or the opening guarded by a line, railing or net rigged as a railing, or by other suitable means.

(d) When removing hatch coverings from the interiors of feeders at the completion of their construction, or when removing or replacing hatch coverings in the interiors of feeders for any purpose at other times, employees engaged in this work shall be protected from falling by the use of adequate individual lifelines, properly tended, or by nets or other means suitable for the purpose. Except for the minimum open spaces necessary, hatch coverings shall not be removed within feeders under construction until such construction is completed.

(e) When repair or other work is carried out in the interior of an existing feeder and circumstances do not allow the covering of the hatch at that deck, employees shall be protected from falling by the use of adequate individual lifelines, properly secured and if necessary tended, or by nets or other means suitable for the purpose.

(f) Such other sections of this part as are applicable to grain fitting operations shall be adhered to.

Subpart J—Personal Protective Equipment

§ 1918.101 Eye protection.

(a) When, because of the nature of the cargo being handled, an eye hazard from flying particles or heavy dust exists, employees shall be protected by eye protection equipment meeting the specifications prescribed by the American National Standard (ANSI) Practice for Occupational and Educational Eye and Face Protection, Z87.1 (1968).

(b) Eye protection equipment shall be maintained in good condition.

(c) Eye protection equipment which has previously been used shall be cleaned and disinfection before it is issued by the employer to another employee.

(d) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

§ 1918.102 Respiratory protection.

(a) *General.* (1) Except as provided in subparagraph (c)(3) of this section, respiratory protective equipment required by this part shall carry U.S. Bureau of Mines approval for the use intended. In cases where the U.S. Bureau of Mines does not issue approval against the particular hazard equipment shall be acceptable to the Occupational Safety and Health Administration. Respiratory protective equipment shall be used only for the purpose intended and no modification of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees required to use respiratory protective equipment shall be instructed in its use.

(b) *Protection against gaseous contaminants not immediately dangerous to life.* (1) In concentrations of ammonia of less than 3 percent, or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister shall be used. Different canisters are approved for use against the following gases and groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide or combinations of the above.

(2) In low concentrations (less than 0.1 percent by volume, but above the Threshold Limit Value of the gas), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subparagraph (1) of this paragraph shall be used.

(c) *Protection against dusts.* (1) For protection against pneumoconiosis producing dusts, a respirator equipped with the type of filter approved for such purpose shall be used.

(2) For protection against toxic dusts, a respirator equipped with the type of filter approved for such purpose shall be used.

(3) For protection against nuisance dusts, a respirator equipped with the type of filter required in subparagraph (1) of this paragraph or a suitable dust mask shall be used.

§ 1918.103 Protective clothing.

(a) When employees are handling cargo which, due to ruptured, leaking or inadequate containers, may cause burns, skin irritation or be otherwise injurious to health, they shall be protected by suitable protective clothing.

(b) Protective clothing which has been previously worn shall be cleaned and disinfected before it is issued by the employer to another employee.

§ 1918.104 Foot protection.

The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use.

§ 1918.105 Head protection.

(a) Employees shall be protected by protective hats meeting the specifications contained in the American National Standard Safety Requirements for Industrial Head Protection, Z89.1 (1969).

(b) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

§ 1918.106 Protection against drowning.

(a) Employees working on log booms shall be protected by U.S. Coast Guard approved buoyant vests or U.S. Coast Guard approved work vests.

(b) Except when engaged in loading or discharging ocean going vessels, employees walking or working on the decks of barges on the Mississippi River System and the Gulf Intracoastal Waterway shall be protected by U.S. Coast Guard approved buoyant vests or U.S. Coast Guard approved work vests.

(c) Buoyant vests and work vests shall be maintained in good condition and shall be considered unserviceable when damaged so as to affect their buoyant properties or capability of being properly fastened.

Appendix I

Cargo Gear Register and Certificates

The cargo gear register, designated Form I by the ILO, is a booklet containing instructions and forms on which the following information is recorded:

Part I. Annual Inspection and Quadrennial Thorough Examination of Derricks and Permanent Attachments (including Bridle Chains) to the Derricks, Masts and Decks.

Part II. Annual Thorough Examination of Cranes, Winches, Hoists, and Accessory Gear other than Derricks and Permanent Attachments Thereto.

Part III. Annual Thorough Examination of Gear which is Exempt from Heat Treatment.

Part IV. Heat Treatment of Chains, Rings, Hooks, Shackles and Swivels which Require such Treatment.

The following are the sample forms of certificates recommended by the ILO.

Test Certificate No. _____ Form No. 2

CERTIFICATE OF TEST AND EXAMINATION OF WINCHES, DERRICKS AND THEIR ACCESSORY GEAR, BEFORE BEING TAKEN INTO USE

(Form prescribed by _____)

Name of ship on which machinery is fitted _____

(1) Situation and description of machinery and gear, with distinguishing number or mark (if any)	(2) Angle to the horizontal of derrick boom while the load was applied (degrees)	(3) Proof load applied (tons)	(4) Safe working load at the angle shown in column 2 (tons)

(5) Name and address of public service, association, company or firm making the test and examination _____

(6) Position of signatory in public service, association, company, or firm _____

I certify that on the _____ day of _____, 19__, the above machinery, together with its accessory gear, was tested by a competent person in the manner set forth on the reverse side of this certificate; that a careful examination of the said machinery and gear by a competent person after the test showed that it had withstood the proof load without injury or permanent deformation; and that the safe working load of the said machinery and gear is as shown in column 4.

(Date) _____ (Signature) _____

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

[Reverse of Form 2]

INSTRUCTIONS

Every winch with the whole of the gear accessory thereto (including derricks, goosenecks, eye plates, eye bolts, or other attachments) shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load	*Proof load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

The proof load shall be lifted with the ship's normal tackle with the derrick at an angle which should not be more than 15 degrees to the horizontal, or, when this is impracticable, at the lowest practicable angle. The angle at which the test was made should be stated in the certificate of test. After the proof load has been lifted, it should be swung as far as possible in both directions.

As a general rule, all tests should be carried out in this way by dead load, and no exception should be allowed in the case of gear on new ships. In the case of replacements or renewals, however, spring or hydraulic balances may be used where dead loads are not available. Where a spring or hydraulic balance is used it shall be accurate, and the test should not be regarded as satisfactory unless the indicator remains constant for a period of at least five minutes.

After being tested as aforesaid, all lifting machinery, with the whole of the gear accessory thereto shall be examined to see whether any part has been injured or permanently deformed by the test.

The safe working load shown in column 4 is applicable only to a swinging derrick. When using fixed derricks, such as "union purchase" rigs, the safe working load should as a general rule be reduced; in any case, it should be determined with due regard to the actual conditions of use.

In the case of heavy derricks, care should be taken that the appropriate shrouds and stays are rigged.

NOTE: The expression "ton" means a ton of 1,000 kg or 2,200 lb.

Test Certificate No. _____ Form No. 3

CERTIFICATE OF TEST AND EXAMINATION OF CRANES OR HOISTS, AND THEIR ACCESSORY GEAR BEFORE BEING TAKEN INTO USE

(Form prescribed by _____)

Name of ship on which machinery is fitted _____

(1) Situation and description of crane or hoist, with distinguishing number or mark (if any)	(2) For jib cranes radius at which the proof load was applied	(3) Proof load applied (tons)	(4) Safe working load (for jib cranes at radius shown in column 2) (tons)

(5) Name and address of public service, association, company or firm making the test and examination _____

_____

(6) Position of signatory in public service, association, company or firm _____

_____

I certify that on the _____ day of _____ 19__, the above machinery, together with its accessory gear, was tested by a competent person in the manner set forth on the reverse side of this certificate; that a careful examination of the said machinery and gear by a competent person after the test showed that it had withstood the proof load without injury or permanent deformation; and that the safe working load of the said machinery and gear is as shown in column 4.

(Signature) _____

Date _____

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

[Reverse of Form 3]

INSTRUCTIONS

Every crane and other hoisting machine, with its accessory gear, shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load	*Proof load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

The proof load shall be lifted and swung as far as possible in both directions. If the jib of the crane has a variable radius, it should be tested with a proof load, as defined above, at the maximum and minimum radii of the jib. With hydraulic cranes where, owing to the limitation of pressure, it is impossible to lift a load 25 percent in excess of the safe working load, it will be sufficient to lift the greatest possible load.

After being tested, each crane or hoist, with the whole of the gear accessory thereto, shall be examined to see whether any part has been injured or permanently deformed by the test.

NOTE: The expression "ton" means a ton of 1,000 kg or 2,200 lb.

Test Certificate No. _____ Form No. 4

CERTIFICATE OF TEST AND EXAMINATION OF CHAINS, RINGS, HOOKS, SHACKLES, SWIVELS AND PULLEY BLOCKS

(Form prescribed by _____)

(1) Distinguishing number or mark (if any)	(2) Description of gear*	(3) Number tested	(4) Date of test	(5) Proof load applied (tons)	(6) Safe working load (tons)

* The dimensions of the gear, the type of material of which it is made and, where applicable, the heat treatment received in manufacture should be stated (unless Form No. 6 is used for the purpose).

(7) Name and address of makers or suppliers _____

_____

(8) Name and address of public service, association, company or firm making the test and examination _____

_____

(9) Position of signatory in public service, association, company or firm _____

_____

I certify that on the _____ day of _____ 19__, the above gear was tested and examined by a competent person in the manner set forth on the reverse side of this certificate; that the examination showed that the said gear withstood the proof load without injury or deformation; and that the safe working load of the said gear is as shown in Column 6.

(Signature) _____

(Date) _____

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

[Reverse of Form 4]

INSTRUCTIONS

Chains, rings, shackles and other loose gear (whether accessory to a machine or not) shall be tested with a proof load equal to that shown against the article in the following table:

Article of gear	*Proof load*
Chain, ring, hook, shackle or swivel	100 percent in excess of the safe working load.
Pulley blocks:	
Single-sheave block	300 percent in excess of the safe working load.

Multiple-sheave block with safe working load up to and including 20 tons.	100 percent in excess of the safe working load.
Multiple-sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple-sheave block with safe working load over 40 tons.	50 percent in excess of the safe working load.
Pitched chains used with hand-operated pulley blocks and rings, hooks, shackles or swivels permanently attached thereto.	50 percent in excess of the safe working load.
Hand-operated pulley blocks used with pitched chains and rings, hooks, shackles or swivels permanently attached thereto.	50 percent in excess of the safe working load.

After being tested, all the gear shall be examined, the sheaves and the pins of the pulley blocks being removed for the purpose, to see whether any part has been damaged or permanently deformed by the test.

NOTE: The expression "ton" means a ton of 1,000 Kg or 2,200 lb.

Test Certificate No. _____ Form No. 5

CERTIFICATE OF EXAMINATION AND TEST OF WIRE ROPE BEFORE BEING TAKEN INTO USE

(Form prescribed by _____)

Name and address of maker or supplier of rope _____

Circumference/diameter* of rope _____

Number of strands _____

Number of wires per strand _____

Lay _____

Quality of wire _____

Date of test of sample of rope _____

Load at which sample broke _____

Safe working load, subject to any stated qualifying conditions such as minimum pulley diameter, direct tensile load, etc _____

Name and address of public service, association, company or firm making the examination and test _____

Position of signatory in public service, association, company or firm making the examination and test _____

I certify that the above particulars are correct, and that the examination and test were carried out by a competent person.

(Signature) _____

(Date) _____

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

*Delete what does not apply.

[Reverse of Form No. 5]

INSTRUCTIONS

Wire rope shall be tested by sample, a piece being tested to destruction, and the safe working load of running ropes shall not exceed one-fifth of the breaking load of the sample tested.

Certificate No. _____ Form No. 6

CERTIFICATE OF HEAT TREATMENT OF CHAINS, RINGS, HOOKS, SHACKLES AND SWIVELS WHICH REQUIRE SUCH TREATMENT

(Form prescribed by _____)

(1) Distinguishing number or mark	(2) Description of gear*	(3) Number of certificate of test and examination	(4) Number heat treated	(5) Date of heat treatment	(6) Nature of heat treatment given	(7) Defects found at inspection after heat treatment

*The dimensions of the gear, the type of material of which it is made, and the heat treatment received in manufacture should be stated.

(8) Name and address of public service, association, company or firm carrying out the heat treatment and inspection _____

_____

(9) Position of signatory in public service, association, company or firm _____

_____

I certify that on the date shown in Column 5, the gear referred to in Columns 1 to 4 was heat-treated (indicated in Column 6) under my supervision; that after being so heat-treated every article was carefully inspected, and that no defects affecting its safe working condition were found other than those indicated in Column 7.

(Signature) _____

(Date) _____

NOTES: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

For requirements as to heat treatment, see reverse side.

[Reverse of Form No. 6]

INSTRUCTIONS

ANNEALING

Chains (other than bridle chains attached to derricks or masts), rings, hooks, shackles and swivels made of wrought iron, used in hoisting or lowering, shall be annealed at the following intervals:

	If used on lifting machinery driven by power	If used solely on lifting machinery worked by hand
Half-inch (12.5 mm) and smaller chains, rings, hooks, shackles and swivels in general use.	6 months	12 months.
All other chains, rings, hooks, shackles and swivels in general use	12 months	2 years.

OTHER HEAT TREATMENT

Chains, rings, hooks, shackles and swivels made of material other than wrought iron shall be heat treated in accordance with procedures approved by the competent authority.

Certificate No. _____ Form No. 7

CERTIFICATE OF ANNUAL THOROUGH EXAMINATION OF GEAR WHICH DOES NOT REQUIRE TO BE PERIODICALLY HEAT TREATED

(Form prescribed by _____)

(1) Distinguishing number or mark	(2) Description of gear*	(3) Number of certificate of test and examination	(4) Remarks

*The dimensions of the gear, the type of material of which it is made, and the heat treatment received in manufacture should be stated.

(5) Name and address of public service, association, company or firm making the test and examination _____

_____

(6) Position of signatory in public service, association, company or firm _____

_____

I certify that on the _____ day of _____ 19__, the above gear was thoroughly examined by a competent person, and that no defects affecting its safe working condition were found other than those indicated in Column 4.

(Signature) _____

(Date) _____

NOTES: This certificate is optional. The above particulars may be entered in Part III of the Register (Form No. 1).

"Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

For list of gear not required to be heat-treated and definition of "thorough examination", see reverse side.

[Reverse of Form No. 7]

INSTRUCTIONS

Gear not required to be heat treated, but required to be thoroughly examined by a competent person once at least in every twelve months:
Plate-link chains.
Pitched chains.
Rings, hooks, shackles and swivels permanently attached to pitched chains, pulley blocks or weighing machines.
Hooks and swivels having ball bearings or other case-hardened parts.
Bordeaux connections.
Other gear exempted by the competent authority, as follows:

NOTE: "Thorough examination" means a visual examination, supplemented if necessary by other means such as a hammer test, carried out as carefully as conditions permit in order to arrive at a reliable conclusion as to the safety of the parts examined; if necessary for the purpose, parts of the machines or gear must be dismantled.

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AUTHORITY: The provisions of this Part 1919 issued under sec. 41, 44 Stat. 1444, as otherwise noted.

Subpart A—General Provisions

§ 1919.1 Purpose and scope.

(a) The regulations in this part implement §§ 1918.12 (c) and (d)(3) and 1918.13 of this chapter. They provide procedures and standards governing accreditation of persons by the Occupational Safety and Health Administration, U.S. Department of Labor, for the purpose of certificating vessels' cargo gear and shore-based material handling devices, and the manner in which such certification shall be performed.

(b) Accreditation is not required, and the regulations of this part are not applicable, under the following circumstances:

(1) When cargo gear certification is performed for vessels inspected and certificated under the authority of the U.S. Coast Guard,[1] or for foreign vessels certificated under the requirements of a foreign nation or by persons acceptable for certification purposes by a foreign nation.

(2) When cargo gear certification is performed for shore-based material handling devices under standards established and enforced by the States wherein the devices are located, or by political subdivisions delegated this responsibility by the States, provided such standards meet the requirements of § 1918.13 (b)(2) of this chapter.

(c) Persons not required to be accredited for gear certification purposes, as set forth in paragraph (b) of this section, may, nevertheless, apply for and receive accreditation by the Administration. The appropriate subparts of this part shall apply to persons accredited pursuant to this paragraph except insofar as exemptions may be granted.

§ 1919.2 Definition of terms.

(a) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special-purpose floating structures not primarily designed for or used as a means of transportation on water.

(b) Except as otherwise noted, "cargo gear", as used in Subparts B through E of this part, includes that gear forming a part of a vessel's equipment which is used for the handling of cargo other than bulk liquids, but does not include gear which is used only for handling or holding hoses, handling ships' stores, or handling the gangway, or boom conveyor belt.

(c) With reference to equipment covered by this part—

(1) "Derrick" means:

(i) When applied to vessels' cargo handling gear, a mechanical device for lifting, including a boom which is suspended at its head by a topping lift from a mast, king post, or similar structure, controlled in the horizontal plane by vangs, and used either singly or in pairs with married falls;

(ii) When applied to shore-based material handling devices, a mechanical device intended for lifting, with or without a boom supported at its head by a topping lift from a mast, fixed A frame, or similar structure. The mast or equivalent member may or may not be supported by guys or braces. The boom, where fitted, may or may not be controlled in the horizontal plane by guys (vangs). The term includes shear legs.

(2) "Crane" means a mechanical device, intended for lifting or lowering a load and moving it horizontally, in which the hoisting mechanism is an integral

[1] Jurisdiction of the U.S. Coast Guard extends to matters within the scope of title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (46 U.S.C. 1–1388, passim); to matters within the regulatory authority of the U.S. Coast Guard under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.) or to matters within the regulatory authority of the U.S. Coast Guard under section 4(e) of the Outer Continental Shelf Lands Act of Aug. 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

part of the machine. A crane may be a fixed or mobile machine.

(3) "Bulk cargo spout" means a spout which may or may not be telescopic and may or may not have removable sections, but is suspended over the vessel from some overhead structure by wire rope or other means. Such a spout is often used with a "thrower" or "trimming machine". A grain loading spout is an example of those covered by this definition.

(4) "Bulk cargo sucker" means a pneumatic conveyor which utilizes a spout-like device, which may be adjustable vertically and/or laterally, and which is suspended over a vessel from some overhead structure by wire rope or other means. An example of an installation of this nature is the "grain sucker" used to discharge grain from barges.

(d) "Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or his authorized representative.

(e) "Administration" means the Occupational Safety and Health Administration, U.S. Department of Labor.

(f) "Person" includes any individual, partnership, corporation, agency, association, or organization.

(g) "Competent person" means:

(1) An individual qualified to perform gear certification functions with respect to vessels' cargo handling gear, as specifically set forth in § 1919.37.

(2) An individual qualified under the provisions of Subparts F and G of this part to perform gear certification functions with respect to shore-based material handling devices.

(h) "Ton" means a ton of 2,240 pounds when applied to vessels' cargo handling gear, and a ton of 2,000 pounds when applied to shore-based material handling devices or to shore-type cranes permanently mounted aboard barges or other vessels employed in domestic trade and designed on the basis of the 2,000-pound ton. Capacity ratings may be stated in pounds.

(i) "Nondestructive examination" means examination of structure or parts by electronic, ultrasonic, or other nondestructive examination suitable for the purpose.

Subpart B—Procedure Governing Accreditation

§ 1919.3 Application for accreditation.

(a) *Application.* Any person seeking accreditation shall file an original and duplicate copy of an application for accreditation with the Assistant Secretary of Labor for Occupational Safety and Health, United States Department of Labor, Washington, D.C. 20210, on a form provided by the Administration for this purpose. Each application shall be signed and certified by the applicant and, if the applicant is an agency or organization, by a responsible officer of such agency or organization.

(b) *Contents of application.* The application form shall include the following information:

(1) A statement detailing the applicable types of work performed by the applicant in the past, noting the amount and extent of such work performed within the previous three years, listing representative vessels involved, and including representative job orders, if available, or equivalent evidence;

(2) Descriptive details concerning any testing instruments and heat treatment furnaces which are to be used in conducting required tests or heat treatments. Test reports indicating that instruments meet the accuracy standards set forth in this part shall be included;

(3) A list setting forth the ports in which applicant currently conducts his business as well as those in which he proposes to conduct gear certification activities;

(4) A list of the applicant's responsible qualified personnel, both supervisory and managerial and including any surveyors, with resumes of their individual experience in the testing, examination, inspection and heat treatment of cargo gear. Such list shall include any branch office personnel or surveyors appointed to act in the applicant's behalf in any of the ports of the United States: *Provided, however,* That where the submission of individual resumes would be unduly burdensome because of the large number of persons engaged in the applicant's behalf, the applicant, after stating this fact, need only submit a list of its personnel together with a detailed statement of the qualifications upon which the appointment of surveyors is based;

(5) A detailed schedule of the fees proposed to be charged for the various gear certification services;

(6) Evidence of financial stability;

(7) Names of at least three business references who will furnish information regarding work performed by applicant;

(8) Any additional information the applicant deems to be pertinent.

§ 1919.4 Action upon application.

(a) Upon receipt of an application for accreditation, the Assistant Secretary shall approve or deny the application. The Assistant Secretary may conduct an investigation, which may include a hearing, prior to approving or denying an application. To the extent he deems appropriate, the Assistant Secretary may provide an opportunity to other interested persons to present data and views on the application prior to approval or denial.

(b) Any application which fails to present the information required by the prescribed form may be returned to the applicant with a notation of deficiencies and without prejudice to submission of a new or revised application.

(c) If the application is approved, notice of approval shall be mailed to the applicant. If the application is denied, notice of such denial shall be mailed to the applicant and such denial shall be without prejudice to any subsequent application except where such action is deemed to be in the public interest. In the event an application is denied with prejudice, the provisions of § 1919.9 shall be applicable.

(d) A copy of the notice of accreditation shall be kept on file by applicant at the applicant's place of business.

§ 1919.5 Duration and renewal of accreditation.

The period of accreditation shall not exceed three years. Applications for renewal of accreditation shall be made on the same form as described in § 1919.3. No accreditation shall expire until action on an application for renewal shall have been finally determined, provided that such application has been properly executed in accordance with § 1919.3 and filed with and received by the Assistant Secretary not less than 15 nor more than 60 days prior to the expiration date. A final determination means either the approval or initial denial of the application for renewal. The procedure specified in § 1919.4 shall be applicable to all applications for renewal.

§ 1919.6 Criteria governing accreditation to certificate vessels' cargo gear.

(a) (1) A person applying for accreditation to issue registers and pertinent certificates, to maintain registers and appropriate records, and to conduct initial, annual and quadrennial surveys shall not be accredited unless he is engaged in one or more of the following activities:

(i) Classification of vessels;

(ii) Certification of vessels' cargo gear;

(iii) Shipbuilding or ship repairing, or both insofar as related to work on vessels' cargo handling gear;

(iv) Unit and loose gear testing of vessels' cargo handling gear.

(2) Applicants for accreditation under paragraph (a) (1) of this section for operations in coastal or Great Lakes ports who come within subdivisions (ii) or (iv) shall not be accredited unless they conduct at least 1,500 hours of cargo gear certification work per year.

(b) A person applying for accreditation to carry out tests of loose gear or wire rope, or both, or to carry out heat treatments, and to issue the related certificates, shall be engaged in one or both of the following activities:

(1) Testing of loose gear or wire rope, or both;

(2) Heat treatment of chains and loose cargo gear.

(c) (1) A person applying for accreditation shall be staffed by individuals technically qualified to conduct the inspections and examinations and to conduct or supervise tests and heat treatments prescribed in this part. Any representatives, agents or surveyors acting on behalf of a person applying for accreditation in ports in which such operations are conducted shall be similarly qualified.

(2) Accreditation to conduct such nondestructive examination as may be a part of any certification activity may be granted to applicants found competent and equipped to carry out this activity.

(d) Except as noted in § 1919.1(c), and unless exemptions are granted under § 1919.10(h), a person applying for ac-

creditation as specified in paragraph (a) of this section shall be prepared to carry out all of the requirements of Subparts C, D, and E, of this part except that loose gear and wire rope tests and heat treatments may be carried out by the manufacturer of the gear concerned or by another person accredited specifically for this purpose.

(e) A person applying for accreditation shall have a satisfactory record of performance, and shall be in sound financial condition.

§ 1919.7 Voluntary amendment or termination of accreditation.

The accreditation of any person may be voluntarily amended or terminated upon written request filed with the Assistant Secretary.

§ 1919.8 Suspension or revocation of accreditation.

The Assistant Secretary may suspend or revoke the accreditation of any person for cause. Except in cases of willfulness or cases in which the public interest requires otherwise, before any accreditation is suspended or revoked, facts or conduct which may warrant such action shall be called to the attention of the person involved in writing and that person shall be afforded an opportunity to achieve or demonstrate appropriate compliance.

§ 1919.9 Reconsideration and review.

(a) Any person aggrieved by the action of the Assistant Secretary or his authorized representative in denying, granting, suspending or revoking an accreditation under this part may within 15 days after such action, (1) file a written request for reconsideration thereof by the Assistant Secretary or the authorized representative of the Assistant Secretary who made the decision in the first instance, or (2) file a written request for review of the decision by the Assistant Secretary or an authorized representative of the Assistant Secretary, who has taken no part in the action which is the subject for review.

(b) A request for reconsideration shall be granted where the applicant shows that there is additional evidence which may materially affect the decision and that there were reasonable grounds for failure to adduce such evidence in the original proceedings.

(c) Any person aggrieved by the action of the Assistant Secretary or authorized representative of the Assistant Secretary in denying a request for reconsideration may, within 15 days after the denial of such request, file with the Assistant Secretary or his authorized representative a written request for review.

(d) Any person aggrieved by the reconsidered determination of the Assistant Secretary or authorized representative of the Assistant Secretary, may within 15 days after such determination, file with the Assistant Secretary a written request for review.

(e) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(f) If a request for reconsideration or review is granted, all interested persons shall be afforded an opportunity to present their views.

(g) No cargo gear certification function shall be performed by any person seeking reconsideration or review under this section pending the final decision with respect to such reconsideration or review.

Subpart C—Duties of Persons Accredited to Certificate Vessels' Cargo Gear

§ 1919.10 General duties; exemptions.

(a) Except as noted in § 1919.1 and in paragraph (h) of this section, the requirements set forth in Subparts D and E of this part shall be strictly adhered to in all testing, examinations, inspections, and heat treatments.

(b) Supervision of all testing, examinations, inspections, and heat treatments shall be carried out only by such persons as are listed in the application for accreditation, or subsequent supplements thereto, submitted pursuant to this part.

(c) The certificates issued by an accredited person shall be signed and all register entries made only by an authorized agent of such accredited person. No certification shall be issued until any deficiencies considered by the accredited person to constitute a currently unsatisfactory condition have been corrected. Replacement parts shall be of equal or better quality as original equipment and suitable for the purpose. In the event deficiencies remain uncorrected and no certification may therefore be issued, the accredited person shall inform the nearest District Office of the Administration of the circumstances.

(d) Dynamometers or other recording test equipment owned by an accredited person shall have been tested for accuracy within the six months next preceding application for accreditation or renewal of same. Such test shall be performed with calibrating equipment which has been checked in turn so that indications are traceable to the National Bureau of Standards. A copy of test reports shall accompany the application. Where test equipment is not the property of the accredited person, that person shall not issue any certificate based upon the use of such equipment unless its owner has made available a certificate of accuracy based on the requirements of this paragraph, obtained within 1 year prior to such use and stating the errors of the equipment. Reasonable standards of accuracy shall be met and proof loads adjusted as necessary.

(e) An accredited person shall, upon request, provide the nearest local office of the Administration with advance information as to scheduled testing or of such other functions as are performed and facilitate the Administration's observation of any such activities as it may desire to witness: *Provided, however,* That tests need not be delayed, except when specifically requested by the Administration under unusual circumstances.

(f) All cargo gear registers or certificates issued by an accredited person shall be made on forms prescribed or approved by the Administration.

(g) Unless otherwise instructed by the Assistant Secretary in specific instances, any person accredited under § 1919.6(a) shall accept certificates, relating to loose gear or wire rope tests or to heat treatments which are issued by the manufacturer of the gear concerned, by another person accredited specifically by the Assistant Secretary for this purpose, or by any other person whose certificates are acceptable to the Administration. Such certificates shall either be attached as a part of the vessel's certification or shall be used as the basis for the issuance of the accredited person's own loose gear, wire rope, or heat treatment certificates. In the latter case, the original certificates shall be kept on file by the accredited person as part of the permanent record of the vessel concerned.

(h) In case of practical difficulties or unnecessary hardships, the Assistant Secretary in his discretion may grant exemptions from any provision of Subparts C, D, and E of this part.

§ 1919.11 Recordkeeping and related procedures concerning records in custody of accredited persons.

(a) An accredited person shall maintain records of all work performed under Subparts D and E of this part.

(b) An accredited person shall maintain a continuous record of the status of the certification of each vessel issued a register by such person.

(c) The records required in paragraphs (a) and (b) of this section shall be available for examination by the Assistant Secretary.

(d) When annual or quadrennial tests, inspections, examinations, or heat treatments are performed by an accredited person, other than the person who originally issued the vessel's register, such accredited person shall furnish copies of any certificates issued and information as to register entries to the person originally issuing the register.

(e) An accredited person shall inform the nearest local office of the Administration whenever a vessel is initially certificated under these regulations and a register in the prescribed form has been issued.

(f) A copy of each certificate relating to unit tests or thorough examinations, except those issued by the manufacturer and those issued by accredited persons outside of the United States, shall be sent to the nearest local office of the Administration within 10 days after issuance. Such records shall form a part of the Administration's file on the accredited person.

(g) An accredited person shall promptly notify the nearest local office of the Administration with respect to any changes in technical personnel, in fee schedules in geographical areas in which operations are conducted, or other pertinent substantial changes in its organization or operations.

§ 1919.12 Recordkeeping and related procedures concerning records in custody of the vessel.

(a) A fully completed and up-to-date register shall be kept in the form prescribed or approved by the Administration, giving the particulars required with respect to:

(1) The inspections and thorough examinations required by § 1919.15 (a) and (b).

(2) The thorough examinations required by § 1919.15(c).

(3) The thorough examinations required by § 1919.17.

(4) The heat treatment required by § 1919.16 (a) and (b), and § 1919.19.

(b) Certificates in the form prescribed or approved by the Administration shall be kept up-to-date, be attached to the register, and shall contain the particulars required with respect to:

(1) The testing and examinations required by §§ 1919.14, 1919.15(a), and 1919.19.

(2) The heat treatment required by §§ 1919.16 and 1919.19.

(c) The certificates and entries in the register shall be signed by a person qualified under § 1919.37.

(d) Adequate means shall be provided to enable persons examining the register, or any certificate attached thereto, to identify items of cargo gear referred to therein. Small items of gear, such as shackles, shall bear a mark to indicate that they have been initially tested.

(e) Records shall be kept aboard vessels identifying wire rope or articles of loose gear obtained from time to time and required to be certificated under the regulations of this part.

(f) An accredited person shall instruct the vessel's officers, or the vessel's operator if the vessel is unmanned, that the vessel's register and certificates shall be preserved for at least 4 years after the date of the latest entry except in the case of nonrecurring test certificates concerning gear which is kept in use for a longer period, in which event the pertinent certificates shall be retained so long as that gear is continued in use.

(g) In cases where derricks, spouts, suckers, or cranes are mounted permanently aboard barges which remain in domestic inland waters service, the certification documentation shall comply with the provisions of § 1919.90 of this part.

Subpart D—Certification of Vessels' Cargo Gear

§ 1919.13 General.

(a) Except as noted in § 1919.1 and as provided in exemptions under § 1919.10 (h), certification performed by accredited persons shall conform to the requirements contained in this subpart.

(b) Safe working loads assigned to assembled units of gear, shall be based on applicable design criteria acceptable to the accredited person. Where no design data on which to base a rating is obtainable, the safe working load ratings assigned shall be based on the owner's information and warranty that those so assigned are correct. Unit test certificates shall state the basis for any such safe working load assignment.

§ 1919.14 Initial tests of cargo gear and tests after alterations, renewals or repairs.

(a) (1) Before being taken into use, hoisting machines, fixed gear aboard vessels accessory thereto, and loose gear and wire rope used in connection therewith shall be tested and examined and the safe working load thereof certified in the manner set forth in Subpart E of this part.

(2) Replacement or additional loose gear and wire rope obtained from time to time shall also be tested and examined in the manner set forth in subparagraph (1) of this paragraph. However, the replacement of a component part of an article of loose gear such as a sheave, pin, or bushing does not require a new test certificate as long as the new component at least equals in all particulars the part replaced.

(b) In the case of untested gear which has been in use, an initial test in conformance with paragraph (a) (1) of this section shall be carried out: *Provided, however,* That existing standing rigging and wire rope will not be required to be tested but shall be thoroughly examined to ascertain its fitness for continued use in conformance with the requirements of §§ 1919.24 and 1919.25.

(c) In the case of important alterations or renewals of the machinery and gear and also after repairs due to failure of or damage to other than loose components, a test as required in paragraph (a) (1) of this section shall be carried out.

(d) If the operation in which cargo gear is engaged never utilizes more than a fraction of the safe working load rating, the owner may, at his option, have said gear certificated for, and limited in operation to, a lesser maximum safe working load: *Provided, however,* That the gear concerned is physically capable of operation at the original load rating and the load reduction is not for the purpose of avoiding correction of any deficiency.

(e) In no case shall safe working loads be increased beyond the original design limitations unless such increase is based on engineering calculations by or acceptable to the accredited certification agency, and all necessary structural changes are carried out.

§ 1919.15 Periodic tests, examinations and inspections.

After being taken into use, every hoisting machine, all fixed gear aboard vessels accessory thereto and loose gear used in connection therewith shall be tested, thoroughly examined or inspected as follows:

(a) Derricks with their winches and accessory gear, including the attachments, as a unit; and cranes and other hoisting machines with their accessory gear, as a unit, shall be tested and thoroughly examined every four years in the manner set forth in Subpart E of this part.

(b) Derricks, their permanent attachments and any other fixed gear, the dismantling of which is especially difficult, shall be visually inspected every twelve months. In order to facilitate such inspection, all derricks shall be lowered.

(c) All hoisting machines (e.g., cranes, winches, blocks, shackles, and all other accessory gear) not included in paragraph (b) of this section shall be thoroughly examined every 12 months by means of a visual examination, supplemented as necessary by other means, such as a hammer test or with electronic, ultrasonic, or other nondestructive methods, carried out as carefully as conditions permit in order to arrive at a reliable conclusion as to the safety of the parts examined. Particular attention shall be paid to the suitability for continued use of all swivels and the pins and bushings of blocks. If necessary, parts of the machines or gear shall be dismantled. If blocks are disassembled, all shell bolt nuts shall be securely locked upon reassembly.

(d) Where a derrick or crane is mounted on a barge hull, and ballast tanks within the hull are used to facilitate use of the derrick or crane, or uncontrolled free surface may be a factor, each annual inspection or examination, as required, shall include such inspection as is necessary for the purpose of determining the integrity of any internals contributing to stability under conditions of use. The owner shall provide the accredited person with necessary information on any ballasting arrangements required.

(e) Annual inspection or examination, as required, shall include, among other things, examination of the following:

(1) Derrick heel attachment points. Heel pins may, if possible, be examined by nondestructive examination.

(2) Shrouds and stays necessary in the use of the gear, together with attachment points.

(3) Deck fittings for the securing of vangs, topping lifts, and/or preventers.

(4) Means of attachment to the hull of "A" frame or other fixed derrick or crane structure and of mobile types of equipment permanently placed aboard the barge or vessel.

(5) Clamshell buckets or other similar equipment, such as magnets, etc., used in conjunction with a derrick or crane mounted aboard a vessel, with particular attention to closing line wires and sheaves. The accredited person may supplement such examination by requesting any operational tests he may deem appropriate.

(6) Winch and other operating drums for excessive wear or defect.

§ 1919.16 Heat treatment.

(a) All chains (other than bridle chains attached to derricks or masts), rings, hooks, shackles, and swivels made of wrought iron, which are used in hoisting or lowering, shall be annealed in accordance with § 1919.36 at the following intervals:

(1) Half-inch and smaller chains, rings, hooks, shackles, and swivels in general use, at least once every six months; and

(2) All other chains, rings, hooks, shackles, and swivels in general use, at least once every twelve months.

(3) In the case of gear used solely on lifting machinery worked by hand, twelve months shall be substituted for six months in subparagraph (1) of this paragraph and two years for twelve months in subparagraph (2) of this paragraph.

(4) When used in this paragraph, the term "in general use" means used on fifty-two or more days in a year. In any case, however, the period between annealings shall not exceed two years.

(b) Chains, rings, hooks, shackles, and swivels made of material other than wrought iron or steel shall be heat treated when necessary in accordance with § 1919.36(b).

§ 1919.17 Exemptions from heat treatment.

Gear made of steel, or gear which contains (as in ball bearings swivels), or is permanently attached to (as with blocks) equipment made of materials which cannot be subjected to heat treatment shall be exempt from the requirements of § 1919.16. Such gear, however, shall be thoroughly examined in the manner described in § 1919.15(c).

§ 1919.18 Grace periods.

Grace periods allowed in connection with the requirements of this subpart are as follows:

(a) Annual or six-month requirements—by the end of the voyage during which they become due;

(b) Quadrennial requirements—within six months after the date when due;

(c) Grace periods shall not be deemed to extend subsequent due dates.

§ 1919.19 Gear requiring welding.

Chains or other gear which have been lengthened, altered or repaired by welding shall be properly heat treated where necessary, and, before again being put into use, shall be tested and reexamined in the manner set forth in Subpart E of this part.

§ 1919.20 Damaged components.

(a) Pursuant to § 1919.51(b) of this chapter, any derrick or associated permanent fitting which is deformed in service between surveys shall be subjected to proof test to determine its suitability for continued service. If a proof test indicates that the derrick or associated permanent fitting may be continued in service without repair, a note of the existing deformity shall be made on the test certificate. When, in the opinion of the accredited person, it is unsafe to conduct a proof test with an existing deformity, the derrick or associated permanent fitting shall be replaced or repaired and then subjected to proof test in accordance with Subpart E of this part.

(b) Any loose gear components which are injured or deformed by a proof load shall be replaced before a certificate is issued.

(c) Any derrick, other fixed installation, or associated permanent fitting which is injured or deformed by a proof load shall be replaced or repaired and another proof load test shall be conducted without damage before a certificate is issued.

§ 1919.21 Marking and posting of safe working loads.

(a) The safe working load of the assembled gear and the minimum angle to the horizontal at which this load may be applied shall be plainly marked at the heels of all booms along with the date of the test. Where gear is certificated for use in union purchase, the union purchase safe working load shall also be plainly marked. Any limitations shall be noted in the vessel's papers.

(b) The safe working load shall be marked on all blocks used in hoisting or lowering.

(c) When the capacity of the boom of a crane or derrick has been or will be rated in accordance with the variance of its radius, the maximum safe working loads for the various working angles of the boom and the maximum and minimum radii at which the boom may be safely used shall be conspicuously posted near the controls and visible to the crane operator. Ratings may be stated in pounds. When they are stated in tons of 2,000 pounds, this fact shall be indicated.

§ 1919.22 Requirements governing braking devices and power sources.

All types of winches and cranes shall be provided with means to stop and hold the proof load in any position, and the efficiency of such means shall be demonstrated. Electric winches, electrohydraulic winches fitted with electromagnetic or hydraulic brakes at the winch, or electric cranes shall be equipped so that a failure of the electric power shall stop the motion and set the brakes without any action on the part of the operator. Current for operation of electric winches and cranes during the tests shall be taken from the vessel's circuits. Shore current may be used if it passes through the vessel's main switchboard.

§ 1919.23 Means of derrick attachment.

Appropriate measures shall be taken to prevent the foot of a derrick from being accidently lifted from its socket or support during the test.

§ 1919.24 Limitations on use of wire rope.

(a) An eye splice made in any wire rope shall have at least three tucks with a whole strand of rope and two tucks with one-half of the wires cut out of each strand. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not prohibited by Part 1918 of this chapter.

(b) Except for eye splices in the ends of wires, each wire rope used in hoisting or lowering, in guying derricks, or as a topping lift, preventer or pendant shall consist of one continuous piece without knot or splice.

(c) Eyes in the ends of wire rope cargo falls shall not be formed by knots and, in single part falls, shall not be formed by wire rope clips.

(d) The ends of falls shall be secured to the winch drums by clamps, U-bolts, shackles or some other equally strong method. Fiber rope fastenings shall not be used.

(e) Wire rope shall not be used for the vessel's cargo gear if in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect. Particular attention shall be given to the condition of those sections of wire rope adjacent to any terminal connections, those sections exposed to abnormal wear, and those sections not normally exposed for examination.

§ 1919.25 Limitations on use of chains.

Chains forming a part of vessel's cargo gear shall not be used when, due to stretch, the increase of length of a measured section exceeds five percent, when a link is damaged, or when other external defects are evident. Chains shall not be shortened by bolting, wiring, or knotting.

Subpart E—Certification of Vessels: Tests and Proof Loads; Heat Treatment; Competent Persons

§ 1919.26 Visual inspection before tests.

Before any test under this Subpart E is carried out, a visual inspection of the gear involved shall be conducted and any visibly defective gear shall be replaced or repaired. The provisions of § 1919.15(d) shall be adhered to.

§ 1919.27 Unit proof tests—winches, derricks and gear accessory thereto.

(a) Winches, with the whole of the gear accessory thereto (including derricks, goosenecks, eye plates, eye bolts, or other attachments), shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load:	*Proof load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

(b) The proof load shall be lifted with the vessel's normal tackle with the derrick at an angle not more than 15 degrees to the horizontal, or, at the designed minimum angle when this is greater, or, when this is impracticable, at the lowest practicable angle. The angle at which the test was made shall be stated in the certificate of test. After the proof load has been lifted, it shall be swung as far as possible in both directions. In applying the proof load, the design factors of the gear concerned will determine whether the load is applied with a single part fall or with a purchase and the certificate of test shall state the means used. Where winches are fitted with mechanical brakes for manual operation they shall be demon-

strated to be in satisfactory operating condition.

(c) In the case of heavy lift derrick barges, proof loads shall be applied, except as limited by design and stability considerations, at the maximum and minimum radii for which designed, as well as at any intermediate radius which the surveyor may deem necessary, and shall be swung as far as possible in both directions. Data with respect to each proof load applied shall be entered in the test certificate.

(d) No items of cargo gear furnished by outside sources shall be used as a part of the vessel's gear for the purpose of accomplishing the proof test.

(e) All tests prescribed by this section should in general be carried out by dead load, except that in the case of quadrennial tests, replacements, or renewals, spring or hydraulic balances may be used where dead loads are not reasonably available. However, no exception shall be allowed in the case of gear on new vessels.

(f) The test shall not be regarded as satisfactory unless the indicator remains constant under the proof load for a period of at least 5 minutes.

(g) (1) The safe working load, determined pursuant to the requirements of this section, shall be applicable only to a swinging derrick. When using two fixed derricks in "union purchase" rigs, the safe working load should generally be reduced. It is recommended that owners obtain union purchase safe working load certification based upon design study and analysis by, or acceptable to, a qualified technical office of an accredited gear certification agency, with the recognition that such determinations are valid only for the conditions contemplated in the analysis.

(2) Where both guys and preventers are fitted, union purchase certification shall state whether the guy or the preventer is the working strength member, when the guy is for slewing only, and when the guy and preventor should share working loads as far as practicable.

(h) When necessary in the proof testing of heavy derricks, the appropriate shrouds and stays shall be rigged.

§ 1919.28 Unit proof tests—cranes and gear accessory thereto.

(a) Except as noted in paragraph (e) of this section, cranes and other hoisting machines, together with gear accessory thereto, shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load:	*Proof load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

(b) The proof load shall be lifted and swung as far as possible in both directions. If the jib or boom of the crane has a variable radius, it shall be tested with proof loads, as specified in paragraph (a) of this section, at the maximum and minimum radii. In the case of hydraulic cranes, when due to the limitation of pressure it is impossible to lift a load 25 percent in excess of the safe working load, it will be sufficient to lift the greatest possible load.

(c) Initial proof tests of new cranes shall be made only with a dead load as specified in paragraph (b) of this section.

(d) Initial tests of cranes which have been in service, quadrennial tests, or tests associated with replacements or renewals, may be made with spring or hydraulic balances where dead loads are not reasonably available under the following conditions:

(1) Tests shall be conducted at maximum, minimum, and intermediate radius points, as well as such points in the arc of rotation as meet with the approval of the accredited person.

(2) An additional test shall be conducted with partial load and shall include all functions and movements contemplated in the use of the crane.

(e) In cases where shore-type cranes are mounted permanently aboard barges, the requirements of this Subpart E with respect to unit proof tests and examinations shall not apply and the applicable requirements of Subpart H of this part shall be adhered to with respect to unit proof tests and examinations.

§ 1919.29 Limitations on safe working loads and proof loads.

The proof loads specified by §§ 1919.27 and 1919.28 shall be adjusted as necessary to meet any pertinent limitations based on stability and/or on structural competence at particular radii. Safe working loads shall be reduced accordingly.

§ 1919.30 Examinations subsequent to unit tests.

(a) After satisfactory completion of the unit proof load tests required by §§ 1919.27 and 1919.28, the cargo gear and all component parts thereof shall be given a thorough visual examination, supplemented as necessary by other means, such as a hammer test or with electronic, ultrasonic, or other nondestructive methods, to determine if any of the parts were damaged, deformed, or otherwise rendered unsafe for further use.

(b) When the test of gear referred to in paragraph (a) of this section is being conducted for the first time on a vessel, accessory gear shall be dismantled or disassembled for examination after the test. The sheaves and pins of the blocks included in this test need not be removed unless there is evidence of deformation or failure.

(c) For subsequent tests such parts of the gear shall be dismantled or disassembled after the test as necessary to determine their suitability for continued service.

(d) When blocks are disassembled all shell bolt nuts shall be securely locked upon reassembly.

(e) In carrying out the requirements of this section, replacement shall be required of:

(1) Any swivel found to have excessive tolerance as a result of wear on any bearing surface.

(2) Pins of blocks found to be shouldered, notched, or grooved from wear, in which case, in addition to replacing the pin, sheave bushings shall be examined for suitability for continued use.

§ 1919.31 Proof tests—loose gear.

(a) Chains, rings, shackles and other loose gear (whether accessory to a machine or not) shall be tested with a proof load against the article equal to that shown in the following table:

Article of gear	*Proof load*
Chain, ring, hook, shackle or swivel	100 percent in excess of the safe working load.
Blocks:	
Single sheave block	300 percent in excess of the safe working load.[1]
Multiple sheave block with safe working load up to and including 20 tons.	100 percent in excess of the safe working load.
Multiple sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple sheave block with safe working load over 40 tons.	50 percent in excess of the safe working load.
Pitched chains used with hand-operated blocks and rings, hooks, shackles or swivels permanently attached thereto.	50 percent in excess of the safe working load.
Hand-operated blocks used with pitched chains and rings, hooks, shackles or swivels permanently attached thereto.	50 percent in excess of the safe working load.

[1] The proof load applied to the block is equivalent to twice the maximum resultant load on the eye or pin of the block when lifting the nominal safe working load defined in (i) below. The proof load is, therefore, equal to four times the safe working load as defined in (i) below or twice the safe working load as defined in (ii) below.

(i) The nominal safe working load of a single-sheave block should be the maximum load which can be safely lifted by the block when the load is attached to a rope which passes around the sheave of the block.

(ii) In the case of a single-sheave block where the load is attached directly to the block instead of to a rope passing around the sheave, it is permissible to lift a load equal to twice the nominal safe working load of the block as defined in (i) above.

(iii) In the case of a lead block so situated that an acute angle cannot be formed by the two parts of the rope passing over it (i.e., the angle is always 90° or more), the block need not have a greater nominal safe working load than one-half the maximum resultant load which can be placed upon it.

(b) In cases where persons accredited to carry out loose gear tests may be retained to conduct tests of special stevedoring gear as described in § 1918.61(b) of this chapter, which does not form part of a vessel's equipment, such tests shall adhere to the requirements set forth in § 1918.61(b) (1), (2), and (3) of this chapter.

(c) After being tested as required by paragraph (a) of this section, and before being taken into use, all chains, rings, hooks, shackles, blocks or other loose gear, except as noted in § 1919.32, shall be thoroughly examined, the sheaves and pins of the blocks being removed for this purpose, to determine whether any part has been injured or permanently deformed by the test. Shell bolt nuts shall be securely locked upon reassembly. Defective loose gear components shall be replaced before the certificate is issued.

(d) Any certificate relating to shackles, swivels or strength members of single-sheave blocks which have been restored to original dimensions by welding shall state this fact.

§ 1919.32 Specially designed blocks and components.

(a) Blocks and connecting components of an unusual nature which are specially designed and constructed as an integral part of a particular lifting unit and are either permanently affixed or of such design that two or more components must be tested together need not be considered as loose gear for purposes of § 1919.31.

(b) In lieu of the loose gear proof test required by § 1919.31(a), design data shall be submitted to an accredited certification agency indicating design and material specifications and analysis whereby the designed strength of such gear may be determined.

(c) Subsequent to the test of the lifting unit as a whole, a thorough visual examination shall be made of disassembled parts and an electronic, ultrasonic, or other equally efficient nondestructive examination shall be made of those parts not dismantled to ensure the safe condition of such parts.

§ 1919.33 Proof tests—wire rope.

Wire rope, except as provided in § 1919.14(b), shall be tested by sample, a piece being tested to destruction, and the safe working load of running ropes, unless otherwise acceptable to the Administration on the basis of design, shall not exceed one-fifth of the breaking load of the sample tested. In the case of running ropes used in gear with a safe working load exceeding 10 tons, the safe working load shall not exceed one-fourth of the breaking load of the sample tested.

§ 1919.34 Proof tests after repairs or alterations.

When proof loads are applied after repairs or alterations, all parts of the assembled gear shall be examined as required in §§ 1919.30, 1919.31(c), or 1919.32(c), whichever is applicable.

§ 1919.35 Order of tests.

When both unit and loose gear proof load tests are required, the loose gear test may be carried out after completion of the unit test.

§ 1919.36 Heat treatment.

(a) The annealing of wrought iron gear required by this part shall be accomplished at a temperature between 1100° and 1200° F. and the exposure shall be of between 30 and 60 minutes duration. After being annealed, the gear shall be allowed to cool slowly and shall then be carefully inspected. All annealing shall be carried out in a closed furnace.

(b) When heat treatment of loose gear made of other than wrought iron or steel is recommended by the manufacturer, it shall be carried out in accordance with the specifications of the manufacturer.

§ 1919.37 Competent persons.

All gear certification functions shall be performed by competent persons as set forth in the following table:

Functions	*Competent person*
Any testing, examination, inspection, or heat treatment required in United States ports.	Responsible individual, surveyor or other authorized agent of a person accredited by the Administration under the regulations contained in this part.
Any testing, examination, inspection, or heat treatment required while the vessel is in other than United States ports.	Responsible individual, surveyor or other authorized agent of persons recognized by the Commandant of the United States Coast Guard or by a foreign nation whose certification is accepted by the Administration as being in substantial accordance with § 1918.12(a) of this chapter.
Testing, examination and inspection of loose gear or wire rope; heat treatment of loose gear.	Employees or authorized agents of persons accredited specifically by the Administration for this purpose under the regulations contained in this part, or the manufacturer of the gear concerned unless disapproved by the Assistant Secretary.

Subpart F—Accreditation To Certificate Shore-Based Equipment

§ 1919.50 Eligibility for accreditation to certificate shore-based material handling devices covered by § 1918.13 of the safety and health regulations for longshoring.

(a) A person applying for accreditation to carry out certification activities and to issue and maintain the requisite records must be:

(1) A manufacturer of cranes or derricks or of specialized equipment of the type for which accreditation application is made, or a person or organization representing such a manufacturer in a technical capacity; or

(2) Technically experienced and qualified to carry out examinations and/or testing, as applicable, of vessels or shore-based equipment or gear of the type for which accreditation application is made.

(b) The owner of shore-based equipment affected may designate a member of his organization to carry out certification functions respecting the owner's equipment, on the following conditions:

(1) The designee is technically experienced and qualified in the inspection and maintenance or design of the type of equipment involved, aside from employment as an operator only.

(2) The designee has applied to an accredited, nationally operating certification agency and has been granted appointment or equivalent recognition by that agency as a surveyor for the purpose intended.

(3) Certification activities carried out by the designee are cleared through the offices, and are subject to the approval, of the accredited certificating agency. When equipment is found satisfactory for use upon any survey, said equipment may be used pending receipt of notification of such approval or any disapproval.

(4) In cases where equipment is certificated by a person designated by the equipment owner, the cognizant accredited certification agency retains the right to inspect such equipment as desired and convenient in order to ascertain the adequacy of the certification activity performed.

(c) Accreditation to conduct such nondestructive examination as may be a part of any certification activity may be granted to applicants found competent and equipped to carry out this activity.

(d) Unless exemptions are granted at the discretion of the Assistant Secretary in cases of practical difficulties or unnecessary hardship, applicants for accreditation as specified in this section shall be prepared to carry out all necessary functions, except that any requisite wire rope tests, nondestructive examinations, and heat treatments may be carried out by the manufacturer of the gear concerned or by another person accredited specifically for these purposes.

(e) A person applying for accreditation shall have a satisfactory record of relevant experience and performance, and shall be in sound financial condition.

§ 1919.51 Provisions respecting application for accreditation, action upon the application, and related matters.

The provisions of §§ 1919.3, 1919.4, 1919.5, 1919.7, 1919.8, and 1919.9 shall govern accreditation to certificate shore-based material handling devices to the extent applicable.

Subpart G—Duties of Persons Accredited to Certificate Shore-Based Material Handling Devices

§ 1919.60 General duties, exemptions.

(a) The requirements of Subpart H of this part shall be strictly observed: *Provided, however,* That in cases of practical difficulties or unnecessary hardship, the Assistant Secretary in his discretion may grant exemptions or variations from any provision in that subpart.

(b) Except as otherwise noted in this part, all functions required by Subpart H of this part shall be carried out by or under the supervision of a person accredited for the purpose or by his authorized representative.

(c) All required unit proof load tests shall be carried out by the use of weights as a dead load. Only where this is not possible may dynamometers or other recording test equipment be used. Any such recording test equipment owned by an accredited person shall have been tested for accuracy within the 6 months next preceding application for accreditation or renewal thereof. Such test shall be performed with calibrating equipment which has been checked in turn so that indications are traceable to the National Bureau of Standards. A copy of test reports shall accompany the accreditation application. Where test equipment is not the property of the accredited person, that person shall not issue any certificate based upon the use of such equipment unless its owner has made available a certificate of accuracy based on the requirements of this paragraph obtained within the year prior to such use, and stating the errors of the equipment. In any event, reasonable standards of accuracy shall be met and proof loads adjusted as necessary.

(d) The qualifications of any person appointed or recognized by any accredited person for the purpose of carrying out certification functions shall meet with the approval of the Assistant Secretary.

(e) Sections 1919.10 (e) and (g) and 1919.11 shall govern, to the extent applicable, persons accredited under Subpart F of this part.

Subpart H—Certification of Shore-Based Material Handling Devices

§ 1919.70 General provisions.

(a) Certification of shore-based material handling devices shall conform to the requirements contained in this subpart, except in cases for which exemptions or variations have been granted by the Assistant Secretary as provided in §§ 1919.50(d) and 1919.60(a).

(b) Any replacements or repairs deemed necessary by the accredited person shall be carried out before application of a proof test.

(c) "Ton" in this subpart means a ton of 2,000 pounds.

(d) When applied to shore-based material handling devices, ratings may be stated in pounds rather than tons. When stated in tons of 2,000 pounds, this fact shall be indicated.

§ 1919.71 Unit proof test and examination of cranes.

(a) Unit proof tests of cranes shall be carried out at the following times:

(1) In the cases of new cranes, before initial use and every 4 years thereafter.

(2) In the cases of uncertificated cranes which have been in use, at the time of initial certification and every 4 years thereafter.

(3) After important alterations and renewals and after repairs due to failure of, or damage to major components.

(b) Unit proof load tests of cranes shall be carried out where applicable with the boom in the least stable direction relative to the mounting, based on the manufacturer's specifications.

(c) Unit proof load tests shall be based on the manufacturer's load ratings for the conditions of use and shall, except in the case of bridge type cranes utilizing a trolley, consist of application of a proof load of 10 percent in excess of the load ratings at maximum and minimum radii, and at such intermediate radii as the certificating authority may deem necessary in the circumstances.[1] Trolley equipped cranes shall be subject to a proof load of 25 percent in excess of the manufacturer's load rating. In cases of foreign manufacture, the manufacturer's specifications shall be subject to approval by the certificating authority as being equivalent to U.S. practice. The weight of all auxiliary handling devices such as, but not limited to, magnets, hooks, slings, and clamshell buckets, shall be considered part of the load.

(d) An examination shall be carried out in conjunction with each unit proof load test. The accredited person, or his authorized representative, shall make a determination as to correction of deficiencies found. The examination shall cover the following points as applicable:

(1) All functional operating mechanisms shall be examined for improper function, maladjustment, and excessive component wear, with particular attention to sheaves, pins, and drums. The examination shall include operation with partial load, in which all functions and movements, including, where applicable, maximum possible rotation in both directions, are performed.

(2) All safety devices shall be examined for malfunction.

(3) Lines, tanks, valves, drains, pumps, and other parts of air or hydraulic systems shall be examined for deterioration or leakage.

(4) Loose gear components, such as hooks, including wire rope and wire rope terminals and connections, shall be checked with particular attention to sections of wire rope exposed to abnormal wear and to sections not normally exposed for examination. The provisions of § 1919.24 shall apply in wire rope examinations. Cracked or deformed hooks shall be discarded and not reused on any equipment subject to the provisions of Part 1918 of this chapter and this Part 1919.

(5) Rope reeving shall comply with manufacturer's recommendations.

(6) Deformed, cracked, or excessively corroded members in crane structure and boom shall be repaired or replaced as necessary.

(7) Loose bolts, rivets, or other connections shall be corrected.

(8) Worn, cracked, or distorted parts affecting safe operation shall be corrected.

(9) Brake and clutch system parts, linings, pawls, and ratchets shall be examined for excessive wear and free operation.

(10) Load, boom angle, or other indicators shall be checked over their full range for any significant inaccuracy. A boom angle or radius indicator shall be fitted.

(11) It shall be ascertained that there is a durable rating chart visible to the operator, covering the complete range of the manufacturer's capacity ratings at all operating radii, for all permissible boom lengths and jib lengths, with alternate ratings for optional equipment affecting such ratings. Necessary precautions or warnings shall be included. Operating controls shall be marked or an explanation of controls shall be posted at the operator's position to indicate function.

(12) Where used, clamshell buckets or other similar equipment such as magnets, etc., shall be carefully examined in all respects, with particular attention to closing line wires and sheaves. The accredited person may supplement such examination by requesting any operational tests as may be appropriate.

(13) Careful examination of the junction areas of removable boom sections, particularly for proper seating, cracks, deformities, or other defects in securing bolts and in the vicinity of such bolts.

(14) It shall be ascertained that no counterweights in excess of the manufacturer's specifications are fitted.

(15) Such other examination or supplemental functional tests shall be made as may be deemed necessary by the accredited person under the circumstances.

§ 1919.72 Annual examination of cranes.

(a) In any year in which no quadrennial unit proof test is required, an examination shall be carried out by an accredited person or his authorized representative. Such examination shall be made not later than the anniversary date of the quadrennial certification and shall conform with the requirements of § 1919.71(d).

§ 1919.73 Unit proof test and examination of derricks.

(a) Unit proof tests of derricks shall be carried out at the same times as are specified in § 1919.71(a) for cranes.

[1] The manufacturer's load ratings are usually based upon percentage of tipping loads under some conditions and upon limitations of structural competence at others, as well as on other criteria such as type of crane mounting, whether or not outriggers are used, etc. Some cranes utilizing a trolley may have only one load rating assigned and applicable at any outreach. It is important that the manufacturer's ratings be used.

(b) Unit proof load tests and safe working load ratings shall be based on the design load ratings at the ranges of boom angles or operating radii. Unit proof loads shall exceed the safe working load as follows:

Safe working load:	*Proof Load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

Proof loads shall be applied at the designed maximum and minimum boom angles or radii, or, if this is impracticable, as close to these as practicable. The angles or radii of test shall be stated in the certificate of test. Proof loads shall be swung as far as possible in both directions. The weight of all auxiliary handling devices shall be considered a part of the load.

(c) After satisfactory completion of a unit proof load test, the derrick and all component parts thereof shall be carefully examined in accordance with the requirements of § 1919.71(d), as far as applicable.

§ 1919.74 Annual examination of derricks.

(a) In any year in which no quadrennial unit proof test is required, an examination shall be carried out by an accredited person or his authorized representative. Such annual examination shall be made not later than the anniversary date of the quadrennial certification and shall conform in all applicable respects with § 1919.71(d).

§ 1919.75 Determination of crane or derrick safe working loads and limitations in absence of manufacturer's data.

(a) In the event neither manufacturer's data nor design data on safe working loads (including any applicable limitations) are obtainable, the safe working load ratings assigned shall be based on the owner's information and warranty that those so assigned are correct. Unit test certificates shall state the basis for any such safe working load assignment.

§ 1919.76 Safe working load reduction.

(a) If the operation in which equipment is engaged never utilizes more than a fraction of the safe working load rating, the owner of such equipment may, at his option, have the crane or derrick certificated for and operated at a lesser maximum safe working load in keeping with the use and based on radius and other pertinent factors: *Provided, however,* That the equipment concerned is physically capable of operation at the original load rating and the load reduction is not for the purpose of avoiding correction of any deficiency.

§ 1919.77 Safe working load increase.

(a) In no case shall safe working loads be increased beyond the manufacturer's ratings or original design limitations unless such increase meets with the manufacturer's approval. Where the manufacturer's services are not available, or where the equipment is of foreign manufacture, engineering design analysis by, or acceptable to, the accredited certification agency is required. All necessary structural changes shall be carried out.

§ 1919.78 Nondestructive examinations.

(a) Wherever it is considered necessary by the accredited person or his authorized representative and wherever it is practical and advisable to avoid disassembly of equipment, removal of pins, etc., examination of structure or parts by electronic, ultrasonic, or other nondestructive methods may be carried out, provided that the procedure followed is acceptable to the Assistant Secretary and the person carrying out such examination is accredited or acceptable to the Assistant Secretary for the purpose.

§ 1919.79 Wire rope.

(a) Wire rope and replacement wire rope shall be of the same size, same or better grade, and same construction as originally furnished by the equipment manufacturer or contemplated in the design, unless otherwise recommended by the equipment or the wire rope manufacturer due to actual working condition requirements. In the absence of specific requirements as noted, wire rope shall be of a size and construction suitable for the purpose, and a safety factor of 4 shall be adhered to, and verified by wire rope test certificate.

(b) Wire rope in use on equipment previously constructed and prior to initial certification of said equipment shall not be required to be tested, but shall be subject to thorough examination at the time of initial certification of the equipment.

§ 1919.80 Heat treatment.

(a) Wherever heat treatment of any loose gear is recommended by the manufacturer, it shall be carried out in accordance with the specifications of the manufacturer.

§ 1919.81 Examination of bulk cargo loading or discharging spouts or suckers.

(a) Those portions of bulk cargo loading or discharging spouts or suckers which extend over vessels, together with any portable extensions, rigging components, outriggers, and attachment points supporting them or any of their components vertically, shall be examined annually. The examination shall be carried out with particular attention to the condition of wire rope and accessories. The equipment shall not be considered satisfactory unless, in the opinion of the accredited person or his authorized representative, it is deemed fit to serve its intended function.

§ 1919.90 Documentation.

(a) Documents issued respecting a certification function by an accredited person shall be on forms approved for such use by the Assistant Secretary and shall so state.

(b) Such documents shall be issued by the accredited person to the owners of affected equipment, attesting to satisfactory compliance with applicable requirements. The forms used shall contain the following information:

(1) Unit proof tests where required—

(i) Identification of crane or derrick including manufacturer, model number, serial number, and ownership.

(ii) Basis for assignment of safe working load ratings, with the ratings assigned (i.e., whether based on manufacturer's ratings, whether for any specific service, etc.).

(iii) Proof test details noting radii and proof loads, how applied, and, where applicable, direction relative to mounting.

(iv) A statement that the test and associated examination were conducted and all applicable requirements of this subpart are met.

(v) Any necessary remarks or supplementary data, including limitations imposed and the reason thereof.

(vi) Name of accredited person and identification of authorized representative actually conducting test and/or examination.

(vii) Authorized signature of accredited person; date and place of test and/or examination.

(2) Annual examination of cranes or derricks—

(i) Information specified in subparagraph (1) (i), (v), (vi), and (vii) of this paragraph.

(ii) A statement that the required examination has been carried out and that, in the opinion of the accredited person or his authorized representative, the equipment has been found in compliance in all applicable respects with the requirements of this subpart.

(3) Annual examination of bulk cargo loading or discharging spouts or suckers—

(i) Specific identification of equipment.

(ii) A statement that examination has been completed and that, in the opinion of the accredited person or his authorized representative, the equipment meets the criteria of § 1919.81(a).

(iii) Information specified in subparagraph (1) (v), (vi), and (vii) of this paragraph.

(c) Certificates relating to wire rope, whether tested by or under the supervision of the accredited person or by its manufacturer and whether or not issued on the basis of the manufacturer's certificates, shall follow the general format of a wire rope test form approved by the Administration.

(d) Accredited persons shall advise owners of affected equipment of the necessity for maintaining required documentation or acceptable copies thereof available for inspection at or near the worksite of the equipment involved.

(1) Where initial and periodic tests as well as annual examinations are required, documentation available for inspection shall include the latest unit test certificate and any subsequent annual examination certificates, together with wire rope test certificates relating to any replacements since the last unit test or annual examination.

(2) Where only annual examination is required, documentation available for inspection shall include the latest annual examination certificate and wire rope

test certificates relating to any wire replaced since the last annual examination.

(3) In the event that heat treatment of any loose gear is recommended by its manufacturer, the latest heat treatment certificate, attesting to compliance with the manufacturer's specifications, shall be part of the available documentation.

(e) No certification shall be issued until any deficiencies considered by the accredited person to constitute a currently unsatisfactory condition have been corrected. Replacement parts shall be of equal or better quality than original equipment and suitable for the purpose. In the event deficiencies remain uncorrected and no certification therefore is issued, the accredited person shall inform the nearest district office of the Administration of the circumstances.

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