FEDERAL REGISTER

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Pages 587–693

PART I

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Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Commodity Exchange Authority
Comptroller of the Currency
Consumer and Marketing Service
Education Office
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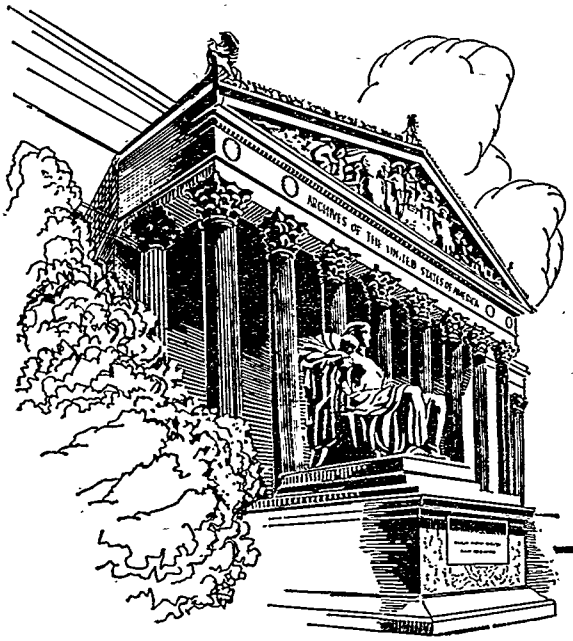

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
* 1934 *

Volume 81

UNITED STATES STATUTES AT LARGE

[90th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1967, reorganization plans, the twenty-fifth amendment to the Constitution, and Presidential proclamations. Also included are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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Title 3—THE PRESIDENT

Proclamation 3885

PROCLAMATION TERMINATING BILATERAL TRADE AGREEMENT WITH SWITZERLAND

By the President of the United States of America

A Proclamation

1. WHEREAS, under the authority vested in him by Section 350(a) of the Tariff Act of 1930, as amended (48 Stat. (pt. 1) 943), the President on January 9, 1936, entered into a trade agreement with the Swiss Federal Council, including a declaration annexed thereto (49 Stat. (pt. 2) 3918), and proclaimed such trade agreement, including such declaration, by proclamations of January 9, 1936 (id. 3917), and May 7, 1936 (id. 3959);

2. WHEREAS the trade agreement of January 9, 1936, identified in the first recital of this proclamation has been supplemented by subsequent agreements, of which the following have been proclaimed:

(a) the exchange of notes of September 19, October 4, November 5, and November 14, 1940 (relating to handkerchiefs), (54 Stat. (pt. 2) 2464), which was proclaimed by a proclamation of November 28, 1940 (id. 2461), that terminated in part the proclamations of January 9, 1936, and May 7, 1936, identified in the first recital of this proclamation,

(b) the exchange of notes of October 13, 1950 (adding to the trade agreement of January 9, 1936, a provision permitting relief to a domestic industry from injurious imports), (2 UST (pt. 1) 453), which was proclaimed by part III of Proclamation 2954 of November 26, 1951 (66 Stat. C6, C10), and

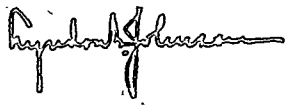
(c) the supplementary agreement of June 8, 1955 (regarding concessions compensatory for the increase in United States duties on watches), (6 UST (pt. 3) 2845), which was proclaimed by Proclamation 3099 of June 25, 1955 (69 Stat. C36);

3. WHEREAS, by an exchange of notes of October 28, 1968 (TIAS 6574), the Government of the United States of America and of the Government of the Swiss Confederation have agreed to terminate, at the close of December 31, 1968, such trade agreement of January 9, 1936, together with the agreements which supplement or otherwise affect it; and

4. WHEREAS paragraph (6) of subsection (a) of Section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351(a)(6)), authorizes the President to terminate, in whole or in part, any proclamation carrying out a trade agreement entered into under Section 350:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including Section 350(a)(6) of the Tariff Act of 1930, as amended, do hereby proclaim that the proclamations of January 9, 1936, and May 7, 1936, identified in the first recital of this proclamation (as modified by the Proclamation of November 28, 1940, identified in clause (a) of the second recital of this proclamation), part III of the proclamation of November 26, 1951, identified in clause (b) of the second recital, and the proclamation of June 25, 1955, identified in clause (c) of the second recital, shall terminate at the close of December 31, 1968.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of January in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.



[F.R. Doc. 69-627; Filed, Jan. 14, 1969; 3:04 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 831—RETIREMENT

Automatic Separation; Exemption

Section 831.503(b) is revised to add a new subparagraph (2) specifically regulating the exemption of hearing examiners from automatic separation upon reaching mandatory retirement age. Effective on publication in the FEDERAL REGISTER, § 831.503(b) is amended to read as follows:

§ 831.503 Automatic separation; exemption.

* * * * *

(b) When a department or agency wishes to secure an exemption from automatic separation for one of its employees, other than a Presidential appointee, the department or agency head shall submit recommendation to that effect to the Commission.

(1) For an employee (other than a hearing examiner appointed under section 3105 of title 5, United States Code) the recommendation shall contain (i) a statement that the employee is willing to remain in service, (ii) a recital of facts tending to establish that his retention would be in the public interest, (iii) the period for which the exemption is desired, which period may not exceed 1 year, and (iv) the reasons why the simpler method of retiring the employee and immediately reemploying him is not being used.

(2) For a hearing examiner appointed under section 3105 of title 5, United States Code, the recommendation shall contain (i) a statement that the hearing examiner is willing to remain in service, (ii) a recital of facts tending to establish that his retention would be in the public interest, which recital should include, as a minimum, a statement of facts tending to establish that the hearing examiner is responsible for a previously assigned case or cases that remain unfinished because of circumstances that could not have been foreseen at the time of assignment, and (iii) the period for which the exemption is desired, which period may not exceed the lesser of 1 year or that reasonably sufficient to complete the previously assigned but unfinished case or cases. The Commission will grant a single exemption only.

(3) The recommendation shall be accompanied by a medical certificate showing the physical fitness of the employee or hearing examiner to perform his work.

(5 U.S.C. 8347, sec. 1(3) of E.O. 11228)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-552; Filed, Jan. 15, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-SW-64]

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

Designation of Control Area

On October 23, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 15663) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area from the Zuni, N. Mex., VORTAC with a 12,500-foot MSL floor direct to the intersection of the Zuni VORTAC 226° T (212° M) and St. Johns, Ariz., VORTAC 247° T (233° M) radials.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., March 6, 1969, as hereinafter set forth.

Section 71.163 (33 F.R. 2051) is amended by adding the following: "Zuni, N. Mex. From the Zuni, N. Mex., VORTAC 12,500 feet MSL to INT of Zuni VORTAC 226° and St. Johns, Ariz., VORTAC 247° radials."

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

Issued in Washington, D.C., on January 8, 1969.

LOUIS H. MCCAUGHEY,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-546; Filed, Jan. 15, 1969; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1020—INVESTIGATIVE PROCEDURES

PART 1030—PROCEDURES AND RULES OF PRACTICE FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Notice is given that the Office of Foreign Direct Investments, acting under the authority conferred in E.O. 11387 and pusuant to Department of Commerce Order 184-A, hereby amends Chapter X of Title 15 of the Code of Federal Regulations by adding new Parts 1020 and 1030 thereto.

The purpose of these parts is to set forth and establish general statements of policy and rules of agency organization, procedure, and practice for the administration of the Office's enforcement program. Part 1020 sets forth investigative procedures; and Part 1030 sets forth rules and procedures applicable to formal administrative hearings conducted to determine whether parties have violated regulations or orders issued by the Office.

The Office will publish Parts 1025, 1040, and 1050 in the near future. Part 1025 will set forth procedures, statements of policy, and rules relating to settlement of compliance matters on a consent basis. Part 1040 will set forth procedures, statements of policy, and rules relating to compliance reports and advisory opinions on compliance matters relating to orders issued pursuant to Part 1030. Part 1050 will set forth agency procedures and rules of practice relating to appearance, standards of conduct, form of papers, service, and similar matters.

The amendments constituting Parts 1020 and 1030 published today shall become effective thirty (30) days following the date of publication in the FEDERAL REGISTER. Interested persons are invited to submit written comments or suggestions concerning the amendments to the Chief Counsel, Legal Division, OFDI, Department of Commerce, Washington, D.C. 20230. Such communications concerning the amendments will be considered if received within thirty (30) days after publication of the notice in the FEDERAL REGISTER. The amendments may be further amended or withdrawn by publication in the FEDERAL REGISTER if the comments warrant such action; in

the absence of such further amendments or withdrawal, the amendments shall be effective as published.

The text of Part 1020 reads as follows:

Sec.
1020.111 How initiated.
1020.112 Investigative policy.
1020.113 By whom conducted.
1020.114 Notification of purpose.
1020.121 Orders to furnish information.
1020.122 Authority to issue or modify agency process.
1020.123 Motions to quash agency process.
1020.131 Investigative hearings.
1020.132 Rights of witnesses in investigations.
1020.141 Noncompliance with compulsory process.
1020.142 Finality; review.
1020.151 Closings.

AUTHORITY: The provisions of this Part 1020 issued pursuant to sec. 5, Act of October 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Order 184-A, Jan. 1, 1968, 33 F.R. 54.

§ 1020.111 How initiated.

The Office[1] may in its discretion, initiate investigations relating to the enforcement of E.O. 11387 any rule or order thereunder, term or condition of any exemption, therefrom, or other agency action relating to the Foreign Direct Investments Program (referred to hereinafter in this part as the "FDIP"), as embodied in E.O. 11387 and Part 1000 of this chapter, upon the request of a governmental agency, upon complaint by a member of the public or upon its own initiative.

§ 1020.112 Investigative policy.

The Office encourages voluntary cooperation with its investigations. Where the circumstances appear so to require, however, the Office may invoke any or all compulsory processes authorized by law.

§ 1020.113 By whom conducted.

Investigations will be conducted by Office representatives duly designated and authorized for the purpose. Such representatives are authorized, among other things, to administer oaths and receive affirmations in any matter under investigation by the Office.

§ 1020.114 Notification of purpose.

Any person[2] under investigation who is compelled or requested to furnish information or documentary evidence is entitled to be advised with respect to the general purpose for which information or evidence is sought.

§ 1020.121 Orders to furnish information.

(a) The Office may issue an order requiring the person or persons named therein:

(1) To appear before a designated respresentative at a designated time and place to testify, produce documentary evidence, and/or produce other information; or

(2) To file (whether on a continuing basis, at stated intervals, upon the occurrence or specified acts or omissions, or otherwise) reports or answers in writing to specified questions, relating to any matter under investigation or inquiry, or likely to lead to the production of information relating thereto.

(b) Any person required to submit any report, whether under this section or under § 1000.602(b) of this chapter, and any person aiding such person in preparing such report, shall preserve for at least 2 years after the date of filing of such report all working papers, irrespective of by whom prepared, used in the preparation of such report; all exhibits, all schedules, and all attachments to such papers; and all books and all records related to such report or to such other papers, which were prepared in the ordinary course of business. Such information shall be produced for inspection and copying by the Office when it so orders under this section.

§ 1020.122 Authority to issue or modify agency process.

The agency has delegated to both the Director and the Deputy Director of the Compliance Division, without power of redelegation, the authority to issue orders under § 1020.121 and, for good cause shown, to modify them, withdraw them, or extend the time prescribed for compliance.

§ 1020.123 Motions to quash agency process.

Any motion to limit, quash, or modify any order issued under § 1020.121 must be filed with the Office, Attention: Director of Compliance Division, within seven (7) days after service of such order, or, if the return date is less than seven (7) days after service of the order, within such other time prior to the return date as the Office designates in such order. Any allegation of undue burden must be accompanied by an affidavit setting forthwith particularity the supporting facts establishing the same.

§ 1020.131 Investigative hearings.

(a) The Office may conduct investigative hearings in the course of any investigation or inquiry relating to the administration or enforcement of the FDIP, including inquiries initiated for the purpose of determining whether there is a sufficient basis for instituting any proceeding to determine whether any person is failing or has failed to comply with E.O. 11387; any rule, order, term or condition of an exemption, or other agency action under the FDIP; or any decree of court relating thereto. Investigative hearings may be held for the purpose of hearing the testimony of witnesses and receiving documents and other information, whether pursuant to § 1020.121, on a voluntary basis, or otherwise.

(b) Investigative hearings shall be nonadjudicative proceedings, presided over by any representative of the Office (hereinafter referred to as the "presiding official") designated by the Director or Deputy Director of the Compliance Division.

(c) Investigative hearings may be stenographically recorded, when the presiding official, in his discretion, so orders.

(d) Unless otherwise ordered by the Director of the Office, investigative hearings shall not be public.

§ 1020.132 Rights of witnesses in investigations.

Any person compelled or requested to submit information to the Office, or to testify, in an investigative hearing shall be entitled to be accompanied, represented, and advised by counsel or another person who has entered an appearance under § 1050.101 of this chapter (referred to hereafter in this section as "counsel") as follows:

(a) Counsel for a witness may advise his client, in confidence, and upon the initiative of either himself or the witness, with respect to any question asked of his client. If it appears that counsel is prompting the witness under color of this paragraph, the presiding official will so note and take appropriate action in respect thereto under paragraph (f) of this section. If, upon advice of counsel, the witness refuses to answer a question, counsel may briefly state that he has advised his client not to answer the question and the legal grounds for such refusal.

(b) Where it is claimed that the testimony or other evidence sought is outside the scope of the investigation, or that the witness is privileged to refuse to answer a question or to produce other evidence, counsel for the witness may object and briefly and precisely state the grounds therefor.

(c) Cumulative objections are unnecessary. Repetition of the grounds for any objection will not be allowed. At the request of counsel and/or when directed by the presiding official, any objections will be treated as continuing objections and preserved throughout the further course of the hearings as to any similar line of inquiry.

(d) Counsel for a witness may not, for any purpose or to any extent not allowed by this section, interrupt the examination of the witness, by making any objections, statements on the record, or otherwise. Any motion challenging the Office's authority to conduct the investigation or the sufficiency or legality of the order to testify or produce documents or other information must have been addressed to the Office prior to the hearing (see § 1020.123). Additional copies of such motions may be filed with the presiding official as part of the record of the investigation and may be incorporated by reference into counsel's statements or objections, but no arguments in support thereof will be allowed at the hearing.

(e) After the presiding official and/or counsel for the Compliance Division have completed the examination of a witness, counsel for the witness may request the

[1] As used in Parts 1020 and 1030 of this chapter, the "Office" means the Office of Foreign Direct Investments, U.S. Department of Commerce.

[2] As used in Parts 1020 and 1030 of this chapter, "person" means any natural person, corporation, partnership, or other entity.

presiding official to permit the witness to clarify any of his answers in order that they may not remain equivocal or incomplete. The granting or denial of such request shall be within the sole discretion of the presiding official; and such grant may be withdrawn if counsel attempts to lead the witness or suggest answers.

(f) The presiding official shall take all necessary and appropriate actions to avoid delay, to prevent or restrain disorderly, dilatory, obstructive, or contumacious conduct and/or otherwise to regulate the course of the hearing. Such official shall, after stating on the record that he will do so, immediately report to the Office any disobedience to his directions, including any direction to answer a specified question, or any disorderly, dilatory, obstructive, or contumacious conduct in the course of the hearing.

§ 1020.141 Noncompliance with compulsory process.

(a) In cases of failure to comply fully with any compulsory process, including an order issued under § 1020.121 or refusal to obey a direction by a presiding official to answer a specified question, the Office may initiate or recommend appropriate action, including actions for enforcement or criminal actions (see, e.g., 50 U.S.C. App. 5 (b)(3), 17).

(b) Honest mistakes or isolated oversights, made in a good faith attempt to comply with the agency's orders, will normally not lead to an enforcement action. The fact that an order is partially defective, or that a person may so believe, will not excuse compliance with the remainder of the order.

§ 1020.142 Finality; review.

(a) Denial of a motion filed under § 1020.123 by any person to whom an order under § 1020.121 has been issued shall constitute final agency action.

(b) The Office may extend the return date specified in an order under § 1020.121 by up to twenty (20) days later than the date of denial of relief under § 1020.123, where—

(1) Such person requests such relief by motion under § 1020.123, for the purpose of seeking judicial review of the order without first committing a willful violation thereof, and

(2) It is clear that the public interest in the effective enforcement and administration of the FDIP will not be compromised thereby.

§ 1020.151 Closings.

When the facts disclosed by an investigation indicate that action is not necessary or warranted in the public interest, the investigative file will be closed. The matter may be further investigated at any time if circumstances so warrant.

The text of Part 1030 reads as follows:

Subpart A—General Policies and Procedures; Scope of Rules

Sec.
1030.111 Formal administrative proceedings.
1030.112 Scope of the rules in this part.

Subpart B—Notice; Answer; Other Pleadings

Sec.
1030.211 Commencement of proceedings.
1030.212 Answer.
1030.213 Default.
1030.221 Amendments, by leave.
1030.222 Amendments conforming proof to evidence.
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Subpart C—Prehearing Procedures; Motions; Discovery

1030.311 Prehearing conferences.
1030.321 Motions.
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1030.323 Answers to motions.
1030.324 Motions for extensions.
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1030.521 Judicial review.

AUTHORITY: The provisions of this Part 1020 issued pursuant to sec. 5, Act of October 6, 1917, 40 Stat 415, as amended, 12 USC. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Order 184-A, Jan. 1, 1968, 33 F.R. 54.

Subpart A—General Policies and Procedures; Scope of Rules

§ 1030.111 Formal administrative proceedings.

The Office may institute a formal administrative proceeding to make any determination in respect to the administration or enforcement of E.O. 11387, any rule or order thereunder, term or condition of any exemption therefrom, or other agency action relating to the Foreign Direct Investment Program (hereinafter referred to in this part as the "FDIP"), as embodied in E.O. 11387 and Part 1000 of this chapter; including, but not limited to, determinations of whether any person has failed to comply with or is in violation, willfully or otherwise, of any such agency action; whether any person is subject to the FDIP; and whether any transaction has been made with intent to evade any provision of the FDIP. Such proceeding shall be conducted in accordance with procedures which will assure due process of law to any party who may suffer legal wrong because of the determination therein.

§ 1030.112 Scope of the rules in this part.

(a) The rules in this part govern procedure in formal administrative proceedings described in § 1030.111.

(b) The rules in this part do not govern any other proceedings, such as negotiations for the entry of consent orders, investigative hearings pursuant to § 1020.131 of this chapter, applications for specific authorizations or exemptions, or other rule making proceedings, including the promulgation of substantive rules and regulations, general bulletins, and interpretative opinions.

Subpart B—Notice; Answer; Other Pleadings

§ 1030.211 Commencement of proceedings.

A formal administrative proceeding is commenced by the issuance and service by the Office of a notice which shall contain the following:

(a) A clear and concise statement of facts sufficient to inform the respondent with reasonable definiteness of the type of acts or practices alleged to constitute a violation or noncompliance, or of the nature of any other matter involved;

(b) Specific designation of the agency actions alleged to have been violated;

(c) A statement that the notice has been issued at the direction of the Director of the Office, upon the representations of the Director of the Compliance Division which are summarized in the notice, and that respondent will have the opportunity to controvert the same;

(d) The substance of §§ 1030.212–1030.213;

(e) Specification of the time and place for hearing; the time to be at least twenty (20) days after service of the notice unless the Office finds that the public interest requires a shorter period; and

(f) Identification of the representative of the Office designated to preside over the hearing and/or prehearing matters (hereinafter referred to in this part as the "presiding officer"), pursuant to §§ 1030.431–1030.432, and the representatives of the Compliance Division of the Office designated to prosecute the matter.

§ 1030.212 Answer.

(a) A respondent shall, except as provided otherwise pursuant to § 1030.211 (e), have twenty (20) days after service of such notice within which to file an answer.

(b) Each answer shall contain a specific admission, denial, or explanation of each fact alleged in the notice or, if the respondent is without knowledge thereof, a statement to that effect. Allegations of a notice not specifically answered pursuant to this paragraph shall be deemed to have been admitted.

(c) Each answer shall contain a concise statement of each defense or affirmative matter that respondent will present, including a concise statement of the facts upon which it is founded. No defense or affirmative matter of which the respondent was aware at the time of filing his answer but which was not included therein may be added by way of amendment or supplemental pleading under §§ 1030.221–1030.223, unless the presiding officer, in his discretion, is convinced that respondent's failure to include it in the answer was justifiable and that the interests of justice require its later admission.

§ 1030.213 Default.

Failure of the respondent to file an answer within the time provided shall constitute a waiver of his right to appear and contest the allegations of the notice and shall authorize the Office, without further notice, to find the facts to be as alleged in the notice and to enter findings and an order thereon.

§ 1030.221 Amendments, by leave.

The presiding officer may, in his discretion, in the interests of justice and to facilitate the determination of a controversy, allow amendments to notice or answer at any time prior to the filing of his decision.

§ 1030.222 Amendments conforming proof to evidence.

When issues not raised by the notice or answer but reasonably within the scope thereof are tried by express or implied consent of the parties, they shall be treated in all respects as though they had been timely raised. Amendments necessary to make notice or answer conform to the evidence and to raise such issues shall be allowed at any time.

§ 1030.223 Supplemental pleadings.

The presiding officer may, in his discretion, in the interests of justice, to facilitate the determination of a controversy, and upon such terms as are just, allow service of a supplemental notice or answer setting forth transactions, occurrences, or events which occurred or were discovered since the date of the notice or answer sought to be supplemented and which are relevant to any of the issues involved in the proceeding.

Subpart C—Prehearing Procedures; Motions; Discovery

§ 1030.311 Prehearing conferences.

(a) The presiding officer may direct any or all parties to meet with him for a conference to consider any or all of the following:

(1) Simplification and clarification of the issues;

(2) Necessity or desirability of amendments to pleadings;

(3) Stipulations or admissions of fact and of the contents, authenticity, and admissibility of documents; and

(4) Such other matters as may aid in the orderly and expeditious disposition of the proceeding, including disclosure of documents or other physical exhibits which will be offered in evidence in the course of the proceeding and of the names of witnesses.

(b) When, as the result of a prehearing conference, it shall appear to the presiding officer that the orderly, fair, and expeditious disposition of the proceeding will be aided thereby, he shall enter upon the record an order reciting any and all actions taken as a result of the conference. Insofar as such order states the issues to be resolved in the proceeding or the facts or documents which have been admitted to or stipulated by the parties, it shall take precedence over any prior pleading or portion of the proceeding.

§ 1030.321 Motions.

While a proceeding is before a presiding officer all motions must be addressed to him. Copies of all written motions must be served upon each party.

§ 1030.322 Form.

(a) All motions must be in writing, if practicable, and shall state the particular order, ruling, or action desired and the grounds therefor.

(b) The presiding officer may allow oral motions to be made before him, in appropriate cases, when each party affected or to be affected by such motion is present. Oral motions must be made upon the record and must otherwise conform with paragraph (a) of this section.

§ 1030.323 Answers to motions.

Within ten (10) days after service of any written motion, or within such longer or shorter time as may be fixed by the presiding officer, the opposing party shall answer. Failure to answer shall constitute consent to the granting of the relief or sanction requested in the motion. The moving party will ordinarily have no right to reply.

§ 1030.324 Motions for extensions.

As a matter of discretion, the presiding officer may waive the requirements of §§ 1030.321–1030.323 as to motions for extensions of time and he may rule upon such motions ex parte.

§ 1030.325 Rulings.

The presiding officer shall rule, either in writing or upon the record, upon all motions presented to him. No formal opinion or findings shall be required on any motion.

§ 1030.326 Interlocutory appeals.

No interlocutory appeal, to the Foreign Direct Investments Appeals Board (see § 1030.515) or otherwise, will be allowed from any decision of the presiding officer.

§ 1030.331 Federal rules.

The Federal Rules of Civil Procedure shall apply, so far as the presiding officer determines to be practicable, to discovery proceedings. There will be no fixed rule on priority of discovery.

§ 1030.332 Compulsory process.

Compulsory process for discovery (in the nature of Fed. R. Civ. P. 26, 33, 34, 45) shall issue only when allowed by the presiding officer, in his discretion, upon written motion (as provided in §§ 1030.321–1030.323) supported by affidavit showing good cause, in the form of general relevance and reasonable scope of the evidence sought. All powers of compulsory process of the agency are redelegated to all duly designated presiding officers for use in formal administrative proceedings upon application of any party thereto, in accordance with this section. The presiding officer shall also have the power to grant a protective order or relief (in the nature of a protective order under Fed. R. Civ. P. 30(b)) to any party or third party subjected to such compulsory process.

§ 1030.333 Admissions.

Requests for admissions (in the nature of Fed. R. Civ. P. 36) may be made without moving therefor under § 1030.322.

Subpart D—Hearings

§ 1030.411 Public hearings.

All hearings in formal administrative proceedings shall be public unless otherwise ordered by the presiding officer.

§ 1030.412 Expedition of hearings.

Hearings shall proceed with all reasonable expedition, be held at one place, and continue without suspension until concluded, unless the presiding officer specifically provides otherwise. The presiding officer may, in the interests of justice, in order to assure full and fair presentation of the issues, and consistent with the public interest in the expeditious administration and enforcement of the FDIP, order brief intervals in any proceeding. In unusual and exceptional circumstances, for good cause stated on the record, he shall have the authority to order hearings at more than one place and to order brief intervals to permit discovery necessarily deferred during the prehearing procedures.

§ 1030.413 Rights of parties.

Every party shall have the right of due notice, presentation of evidence, objection, cross-examination, motion, argument, determination upon a record, and all other rights essential to a fair hearing.

§ 1030.414 Examination of witnesses.

An adverse party, or an officer, agent, or employee thereof, and any witness determined by the presiding officer to be hostile, unwilling, or evasive, may be interrogated by leading questions. Any witness may be contradicted and impeached by any party, including the party calling him.

§ 1030.415 Admissibility of evidence.

Technical rules of evidence shall not apply in proceedings under this part. Relevant, material, and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable, and unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of admissible documents shall be segregated and excluded so far as practicable.

§ 1030.416 Objections.

Objections to evidence shall timely and briefly state the grounds relied upon, but the transcript shall not include argument or debate thereon except as ordered by the presiding officer. The presiding officer shall, when requested by a party, rule upon the record on any properly presented objection, or specifically defer such ruling. Any objection not ruled upon shall be deemed overruled. The substance of any overruled objection shall be deemed preserved without formal exception.

§ 1030.417 Burden of proof.

Counsel representing the Compliance Division shall have the burden of persuasion and the burden of going forward with evidence to show, prima facie, that respondent failed to comply with a requirement of the FDIP, but the proponent of any proposition shall be required to sustain the burden of persuasion and the burden of going forward with evidence with respect thereto.

§ 1030.418 Use of information obtained in investigations.

Any documents, papers, books, physical exhibits, or other materials or information obtained by the Office under any of its powers may be disclosed by counsel representing the Compliance Division when necessary in connection with formal administrative proceedings and may be offered in evidence by such counsel in any such proceeding.

§ 1030.421 Transcript.

Hearings shall be stenographically recorded and transcribed by a reporter under the supervision of the presiding officer. The original transcript shall be a part of the record and the sole official transcript.

§ 1030.422 Record.

The record shall include the pleadings, all motions, all orders of the presiding officer, the original transcript, all exhibits offered in evidence by any party, all proposed findings, conclusions, and orders, and the decision of the presiding officer. Except as provided under §§ 1030.451–1030.452, the record shall be open to public inspection during business hours at the Department of Commerce, Office of Foreign Direct Investments, upon application therefor to the Chief Counsel.

§ 1030.423 Excluded evidence.

When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer on the record of what he expected to prove by the answer of the witness, or the preciding officer may, in his discretion, hear and record the evidence in full. Rejected exhibits, adequately marked for identification, and other rejected evidence shall be retained in the record and be available for consideration by any reviewing authority.

§ 1030.431 Presiding officers.

(a) Hearings and prehearing matters in formal administrative proceedings shall be presided over by an individual designated by the Director of the Office. Such individual shall not be employed by the Office in any investigative or prosecuting function, and shall not be subject to the supervision of the Director of the Compliance Division in any way.

(b) The presiding officer for prehearing matters may differ from that presiding over the hearing. A presiding officer who opens the hearings, under a particular notice shall, in the ordinary course, be the sole presiding officer for such hearings, but the Director, in the event of the death, illness, or other unavailability of a presiding officer, or other extenuating and unusual circumstances, may substitute one presiding officer for another.

§ 1030.432 Assignment.

The presiding officer shall be designated by the Director or Deputy Director of the Office.

§ 1030.433 Powers and duties.

Presiding officers shall conduct fair and impartial hearings, take all necessary action to avoid delay in the disposition of proceedings, and maintain order. They shall have all powers necessary and appropriate to that end, including, but not limited to, the following:

(a) To administer oaths and receive affirmations;

(b) To issue compulsory process;

(c) To take or to cause depositions to be taken;

(d) To rule upon offers of proof and receive evidence;

(e) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(f) To hold conferences for stipulations, simplification of issues, settlement, or any other proper purpose;

(g) To consider and rule upon, as justice may require, all procedural and other motions;

(h) To make and file findings and orders; and

(i) To take any action authorized by the rules in this part or in conformance with the law.

§ 1030.434 Suspension of attorneys.

The presiding officer shall have the authority, for good cause stated on the record, to suspend or bar from participation in a particular proceeding any attorney who shall refuse to comply with his direction, or who shall be guilty of disorderly, dilatory, obstructive, or contumacious conduct in the course of such proceeding.

§ 1030.451 In camera policy.

Presiding officers shall have authority when good cause therefor is placed on the record, to order any documents, or oral testimony, or other matter offered in evidence, whether admitted or rejected, to be placed in camera.

§ 1030.452 In camera orders.

Except as provided in § 1030.453, matter placed in camera is kept confidential and is not part of the public record. Only the respondent, his counsel, authorized agency personnel, and court personnel concerned with judicial review shall have access to such matter. Where it is appropriate, in order to protect a trade secret or other confidential business information, the presiding officer may enter other orders necessary and appropriate to protect such information from misuse.

§ 1030.453 Disclosure.

The power of the presiding officer, the Office, and reviewing courts to disclose in camera matter to the extent necessary for the proper disposition of a proceeding is specifically reserved.

§ 1030.461 Proposed findings, conclusions, and order.

At the close of the reception of evidence, or within a reasonable time thereafter fixed by the presiding officer, each party must file with the presiding officer for his consideration all proposed findings of fact, conclusions of law, and forms of order, together with reasons therefor and briefs in support thereof. Within a reasonable time thereafter fixed by the presiding officer, each party shall file answering briefs, reply briefs, and/or other papers which the presiding officer may direct. If it appears to the presiding officer that such procedure will be more expeditious, he may order that one party file its papers first, that the other answer, and that the first then reply.

§ 1030.462 Form.

Such proposed findings, conclusions, and orders must be in writing, must be served upon all parties, and must contain adequate references to the record and authorities relied on. "Passim" references to the record may not be used.

§ 1030.463 General policy on proposals and objections.

It is the policy of the Office to give careful consideration to all timely proposed findings, conclusions, and orders, as well as to objections thereto.

§ 1030.464 Waiver.

If a party fails to file a proposed finding as to any fact involved in the proceeding, or a proposed conclusion of law as to any legal question raised by the hearing, he shall be deemed to have waived any objections on contentions with regard to that fact or that question of law.

§ 1030.465 Separate hearing on relief.

The presiding officer may announce a tentative decision, either orally or in writing, with respect to the issues of fact and questions of law involved in the proceeding. He may thereafter in his discretion, conduct a separate hearing on relief, and may request that the prevailing party or parties propose a form of order and the other party or parties comment thereon, or that all parties present their views concurrently. When the former procedure is adopted, any failure to object to any part of a form of order proposed by a prevailing party will constitute a waiver of objection to it.

Subpart E—Decision and Review

§ 1030.511 Decision.

After completion of the reception of evidence in a proceeding, the presiding officer who presided over the hearings, unless he has become unavailable to the Office, shall make and file a decision.

§ 1030.512 Content.

(a) The decision shall contain:

(1) A statement of numbered findings and conclusions upon all the material issues of fact, law, or discretion presented on the record;

(2) An opinion or other statement of the reasons or basis for such findings and conclusions; and

(3) An order.

(b) The decision shall be based upon a consideration of the pleadings and the whole record and be supported by reliable, probative, and substantial evidence.

§ 1030.513 Reopening of proceeding.

At any time prior to the filing of his decision a presiding officer may reopen the proceeding for the reception of further evidence.

§ 1030.514 Order.

(a) If the presiding officer determines that the respondent has not failed to comply with the Foreign Direct Investment Program, he shall, in his order, dismiss the proceeding.

(b) If the presiding officer determines that the respondent has failed to comply with the Foreign Direct Investments Program, he shall enter an order which will, to the extent that he deems practicable, undo and remedy the acts or omissions of the respondent constituting such noncompliance.

(c) (1) Such order may require, among other things, that within a specified period the respondent:

(i) Repatriate all or any part of its share in the earnings of incorporated affiliated foreign nationals (see § 1000.306 (c) of this chapter);

(ii) Cause its affiliated foreign nationals to make transfers of capital to the respondent (see § 1000.312(b) of this chapter);

(iii) Repatriate all or part of its foreign balances (see § 1000.203(a)(1) of this chapter) to the United States or otherwise reduce its foreign balances; and or

(iv) Reduce the net assets of its unincorporated affiliated foreign nationals by the remission to the respondent of earnings of such affiliated foreign nationals or by a transfer of capital from such affiliated foreign nationals to the respondent (see §§ 1000.312(b) and 1000.313(b) of this chapter).

(2) Such order shall provide that any such transfer of capital made to the respondent by its affiliated foreign nationals, reduction in the respondent's share in the reinvested earnings of incorporated affiliated foreign nationals, reduction in the net assets of the respondent's unincorporated affiliated foreign nationals, and/or reduction in foreign balances, made pursuant to the order, shall be diregarded for the purpose of measuring compliance with the provisions of Part 1000 of this chapter for the period during which such transfers of capital or reductions are made or for any subsequent period.

(d) Such order may, for 1 or more years withdraw all or part of respondent's general authorizations or exemptions under Part 1000 of this chapter and prohibit, except upon specific authorizations (see § 1000.801 of this chapter) any—

(1) Positive direct investment in affiliated foreign nationals of the respondent in Schedule A or B countries during any calendar quarter;

(2) Positive net transfer of capital to affiliated foreign nationals of the respondent in Schedule C countries during any calendar quarter;

(3) Reinvestment by the respondent of any portion of its share in the total earnings of its incorporated affiliated foreign nationals in Schedule C countries during any calendar quarter; or

(4) Transfers of capital (see § 1000.312(a) of this chapter) to any affiliated foreign nationals of the respondent or the reinvestment by the respondent of any portion of its share in the earnings of its incorporated affiliated foreign nationals for a specified period.

(e) Where the presiding officer finds the respondent's noncompliance in any year involves—

(1) Positive direct investment in affiliated foreign nationals of the respondent in Schedule A or B countries;

(2) Positive net transfer of capital to affiliated foreign nationals of the respondent in Schedule C countries;

(3) The reinvestment by the respondent of any portion of its shares in the total earnings of its incorporated affiliated foreign nationals in Schedule C countries; or

(4) Maintenance of foreign balances—

in excess by a specified amount of that authorized or exempted (hereinafter referred to in this paragraph as the "amount of noncompliance"), he shall enter an order containing provisions as specified in paragraphs (c) and/or (d) of this section, such that the sum of the amounts of—

(i) Funds repatriated pursuant to paragraph (c) of this section and

(ii) Authorizations or exemptions withdrawn pursuant to paragraph (d) of this section—

is equal to or greater than the amount of noncompliance.

(f) In assessing the reduction specified in paragraph (e) of this section, and in otherwise determining remedies under this section, the presiding officer shall, in exercising his discretion, take duly into account the importance to the FDIP of encouraging future good faith efforts to comply therewith.

§ 1030.515 Effective date.

(a) The presiding officer shall, prescribe, in his order, effective dates for the decision and order in substantially the following terms, unless, in his discretion, he determines that the expeditious enforcement of the FDIP and the public interest or justice require otherwise:

(1) The decision will constitute final agency action ten (10) days after the date of service thereof upon the respondent, except as provided in subparagraph 3 of this paragraph.

(2) The effective date of the order shall be twenty (20) days after the date of service of the decision upon the respondent.

(3) If the respondent shall, within ten (10) days after the date of service of the decision upon him, file a petition for appeal to the Foreign Direct Investments Appeals Board (hereinafter referred to in this section as the "Board"), the action of the Board upon such petition, if such action is dispositive of the appeal, shall be final agency action; such action shall be effective upon the service of notice of such action upon the respondent. If the Board denies such petition or adopts the decision of the presiding officer, the order issued by the presiding officer shall become effective ten (10) days after the date of service upon respondent of the notice of such action of the Board.

(b) Nothing contained in this section shall prevent the Board from advancing or extending any effective dates when the public interest so requires.

§ 1030.521 Judicial review.

(a) The period between the date agency action becomes final and the effective date of any order (see § 1030.515) permits any party aggrieved by agency action under this part to seek timely review thereof prior to its falling into default in respect thereto. This interval reflects a policy of the Office to permit respondents to seek judicial review of agency actions under this part, whenever the public interest so permits, without their having first to commit a willful violation thereof (see 12 U.S.C. 95a(3)).

(b) Nothing contained in this chapter shall be deemed to preclude the agency from invoking or resorting to administrative, civil, or criminal remedies or processes successively, in any order, or simultaneously.

CHARLES E. FIERO,
Director, Office of Foreign Direct Investments.

JANUARY 9, 1969.

[F.R. Doc. 69-486; Filed, Jan. 15, 1969; 3:00 p.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Applications for Registration and Financial Reports and Minimum Financial Requirements

On November 26, 1968, notice was published in the FEDERAL REGISTER (33 F.R. 17632) of proposed amendments to the general regulations promulgated under the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.; Public Law 90-258; 17 CFR Part 1). These matters were the subject of a public oral hearing held in Washington, D.C., on December 19, 1968, and interested parties were afforded an opportunity to submit written data, views, or arguments in addition to or in lieu of testimony at such hearing.

Pursuant to the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended, and after careful consideration of all the oral and written views, comments, and arguments presented by interested persons, and of all other relevant facts and information available, the general regulations promulgated under such Act are hereby amended as follows:

1. Section 1.10 is revised to read as follows:

§ 1.10 Applications for registration and financial reports.

(a) Application for registration as futures commission merchant shall be made on Form 1-R. Application for registration as floor broker shall be made on Form 2-R. Each application shall be executed and filed in accordance with the instructions accompanying the prescribed form.

(b) Except as provided in paragraph (e) of this section, every person who files an application for registration as futures commission merchant, and who is not so registered at the time of such filing, shall, concurrently with the filing of such applications, file on Form 1-FR a report of the applicant's financial condition as of a date not more than 3 months prior to the date on which such report is filed. Each such financial report shall be executed in accordance with the instructions accompanying the prescribed form.

(c) Except as provided in paragraphs (d) and (e) of this section, every person registered as futures commission merchant under the Act shall file on Form 1-FR a report of his financial conditions as of each June 30 and each December 31, unless the registrant's records are kept on a fiscal year basis, in which case he shall file on Form 1-FR such a report as of the midpoint and the end of each fiscal year. Each such report shall be executed and filed in accordance with the instructions accompanying the prescribed form, and shall be filed not more than 3 months after the date as of which it reports the registrant's financial condition.

(d) The provisions of paragraph (c) of this section shall not apply to any person registered as futures commission merchant who is a member of a contract market and conforms to minimum financial standards and related reporting requirements set by such contract market in its bylaws, rules, regulations, or resolutions and approved by the Secretary of Agriculture as adequate to effectuate the purposes of section 4f(2) of the Act: *Provided, however,* That each such registrant shall promptly file with the Commodity Exchange Authority a true and exact copy of each financial report which he files with such contract market.

(e) The provisions of paragraph (b) of this section shall not apply to any applicant for registration as futures commission merchant to operate only in accordance with the provisions of § 1.31a, and the provisions of paragraph (c) of this section shall not apply to any registered futures commission merchant who in accordance with his latest application for registration is authorized to operate only in accordance with the provisions of § 1.31a and who in fact at all times so operates. However, every such person shall, concurrently with the filing of the application for registration and each application for re-registration as futures commission merchant, file with the Commodity Exchange Authority a report of his financial condition prepared in accordance with generally accepted accounting principles. Each such financial report shall show the applicant's financial condition as of a date not more than 3 months prior to the date on which it is filed with the Commodity Exchange Authority.

(f) Every person registered as futures commission merchant under the Act, except those registrants referred to in paragraph (e) of this section, shall prepare a written computation of his net worth at least once each month and retain it in accordance with § 1.31. Whenever any such computation shows, or any registrant knows or has reason to believe, that the registrant's net worth has declined 20 percent or more from his net worth as shown in the report of his financial condition, referred to in this section, which he most recently filed with the Commodity Exchange Authority, or whenever any registrant knows or has reason to believe that he is not in compliance with the requirements prescribed in § 1.17, such registrant shall immediately notify the Commodity Exchange Authority thereof.

2. A new § 1.17 is promulgated, reading as follows:

§ 1.17 Minimum financial requirements.

(a) Except as provided in paragraphs (b) and (c) of this section, no person applying for registration as futures commission merchant shall be so registered unless he has adjusted working capital equal to or in excess of whichever of the following is greater: (1) $10,000 or (2) the sum of the safety factors hereinafter prescribed in this section with respect to both proprietary accounts and customers' accounts plus 5 percent of the applicant's aggregate indebtedness; and each person registered as futures commission merchant shall at times continue to meet such financial requirements.

(b) The requirements of paragraph (a) of this section shall not be applicable if the applicant for registration or registrant is a member of a contract market and conforms to minimum financial standards and related reporting requirements set by such contract market in its bylaws, rules, regulations or resolutions and approved by the Secretary of Agriculture as adequate to effectuate the purposes of paragraph (2) of section 4f of the Act.

(c) The minimum financial requirements prescribed in the regulations in this part shall not be applicable to any applicant for registration as futures commission merchant to operate only in accordance with the provisions of § 1.31a, or to any registrant who in accordance with his application for registration is authorized to operate only in accordance with that section and who in fact at all times so operates.

(d) Definitions: For the purposes of this section:

(1) The term "working capital" means the amount by which current assets exceed current liabilities.

(2) The term "current assets" means cash and other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold during the next 12 months in the normal course of operation of the principal business of the applicant or registrant, and which are available for and intended for payment of current liabilities. The term "current assets" excludes, among other things:

(i) Customers' regulated and nonregulated commodity futures accounts that liquidate to an unsecured deficit or contain unsecured debit balances and which accounts have been in such a condition for more than 30 consecutive days;

(ii) Crop loans (loans made to farmers for the purpose of financing their crops or farm operations) which are not (*a*) due and collectable within 9 months after the respective dates of making of such loans, and (*b*) evidenced by legally enforceable written instruments in the possession of the registrant or applicant;

(iii) All other unsecured receivables that are not due and collectable within 6 months from the respective dates of their inception;

(iv) Exchange membership, clearing house stocks and guaranty funds;

(v) Unsecured advances and loans to any business affiliate that directly or indirectly controls, is controlled by, or is under common control with, the applicant or registrant;

(vi) Unrealized commissions on open futures contracts;

(vii) Cash and claims to cash which are restricted as to withdrawal, such as customers' segregated funds;

(viii) Land, buildings, furniture and fixtures, improvements to real property and other fixed assets;

(ix) Prepaid expenses and deferred charges;

(x) Unsecured loans and advances to partners, officers and employees of the applicant or registrant;

(xi) Unsecured debit balances and unsecured deficits in accounts owned by the applicant or registrant or in accounts of partners, officers and employees of the applicant or registrant; and

(xii) Securities without a ready market.

(3) The term "current liabilities" means obligations that are or will become due and payable in the next 12 months, or the liquidation of which is reasonably expected to require the use of existing resources classifiable as current assets or the creation of other current liabilities. For the purpose of computing "working capital" within the meaning of this section, the following amounts may be excluded from current liabilities:

(i) The amount of money, securities and property due to commodity customers of the applicant or registrant which is held in segregated account in compliance with the requirements of section 4d(2) of the Act and the regulations thereunder: *Provided, however,* That such exclusion may be taken only if the applicant or registrant has also excluded such money, securities, and property held in segregated account from current assets in computing his working capital; and

(ii) The amount of indebtedness subordinated to the claims of all general creditors of the applicant or registrant pursuant to a satifactory subordination agreement, as hereinafter defined.

(4) The term "satisfactory subordination agreement" means a written agreement duly executed by the registrant or applicant and the lender, which agreement is binding and enforceable in accordance with its terms upon the lender, his creditors, heirs, executors, administrators, and assigns, and which agreement satisfies all of the following conditions:

(i) It effectively subordinates any right of the lender to demand or receive payment or return of the cash or securities loaned, to the claims of all present and future creditors of the registrant or applicant;

(ii) The cash or securities are loaned for a term of not less than 1 year;

(iii) It provides that the agreement shall not be subject to cancellation by either party, and that the loan shall not be repaid and the agreement shall not be terminated, rescinded, or modified by mutual consent or otherwise if the effect thereof would be to make the agreement inconsistent with the conditions of this section or to reduce the adjusted working capital of the applicant or registrant below the amount required by this section;

(iv) It provides that no default in the payment of interest or in the performance of any covenant or condition by the registrant or applicant shall have the effect of accelerating the maturity of the indebtedness;

(v) It provides that any notes or other written instruments evidencing the indebtedness shall bear on their face an appropriate legend stating that such notes or instruments are issued subject to the provisions of a subordination agreement which shall be adequately referred to and incorporated by reference;

(vi) It provides that any securities or other property loaned to the registrant or applicant pursuant to its provisions may be used and dealt with by the registrant or applicant as part of his capital and shall be subject to the risks of the business; and

(vii) Two copies of such agreement, and of any notes or written instruments evidencing the indebtedness, are filed, within 10 days after such agreement is entered into, with the regional office of the Commodity Exchange Authority for the region in which the registrant or applicant maintains his principal place of business, together with a statement of the full name and address of the lender, and the business relationship of the lender to the registrant or applicant.

(5) The term "adjusted working capital" means working capital less:

(i) Five percent of all unsecured receivables used by the applicant or registrant in computing his working capital;

(ii) The amount by which any advances paid by the applicant or registrant on cash commodity contracts and used in computing his working capital, exceeds 90 percent of the market value of the commodities covered by such contracts;

(iii) In the case of cash commodity inventories that are hedged by bona fide hedging positions in the futures market as defined in section 4a(3) of the Act, the amount by which the value of such inventories used by the applicant or registrant in computing his working capital, exceeds 95 percent of the market value of such inventories;

(iv) In the case of cash commodity inventories that are not hedged as specified above, the amount by which the value of such inventories used by the applicant or registrant in computing his working capital, exceeds 80 percent of the market value of such inventories: *Provided, however,* That with respect to those units of inventory that are committed to fixed price sales, there shall be no deduction from the value of such units of inventory used by the applicant or registrant in computing his working capital if the value so used does not exceed the committed sales price;

(v) The amount by which the value of securities and obligations used by the applicant or registrant in computing his working capital exceeds:

(*a*) In the case of preferred stocks, 80 percent of the market value thereof;

(*b*) In the case of common stocks, 70 percent of the market value thereof;

(*c*) In the case of commercial bonds, 90 percent of the market value thereof; and

(*d*) In the case of obligations of, or guaranteed by, the United States, and of general obligations of any State, or of any political subdivision thereof, 100 percent of the market value thereof.

(6) The term "aggregate indebtedness" means that portion of the total liabilities of an applicant or registrant which is not adequately collateralized, but excluding:

(i) Advances received by the applicant or registrant against bills of lading issued in connection with the shipment of commodities sold by the applicant or registrant;

(ii) Equities in partners' and officers' commodity futures accounts;

(iii) Equities in customers' commodity futures accounts segregated in accordance with the Act and regulations; and

(iv) The amount of indebtedness subordinated to the claims of all general creditors of the applicant or registrant pursuant to a satisfactory subordination agreement, as defined in this section.

(7) Liabilities shall be deemed to be "adequately collateralized" when, pursuant to a legally enforceable written instrument, such liabilities are secured by identified assets that are otherwise unencumbered and the market value of which exceeds the amount of such liabilities by 10 percent or more.

(e) In the case of open futures contracts held in customers' accounts carried by the applicant or registrant, the safety factor shall be one-half of 1 percent of the market value of the greater of either the total long or total short futures contracts in each commodity (regulated, nonregulated and foreign) in all such accounts: *Provided, however,* (1) That such safety factor shall not apply to any spread or straddle held for the same account in the same commodity, on the same market, in the same crop year, and (2) that in the case of any intermarket or intercrop year spread or straddle, or any intermarket and intercrop year spread or straddle, held for the same account in the same commodity, the safety factor shall be one-fourth of 1 percent of the market value of that side of each such spread or straddle having the greater market value.

(f) In the case of open futures contracts held in proprietary accounts carried by the applicant or registrant, the safety factor shall be 10 percent of the market value of the greater of either the total long or total short futures contracts in each commodity (regulated, nonregulated and foreign) in all such accounts: *Provided, however,* (1) That such safety factor shall not apply to any spread or straddle held for the same account in the same commodity, on the same market, in the same crop year, or to any contract representing a bona fide hedging transaction as defined in section 4a

(3) of the Act or to any contract resulting from a "changer trade" made in accordance with the rules of a contract market which have been submitted to and not disapproved by the Secretary of Agriculture, and (2) that in the case of any intermarket or intercrop year spread or straddle, or any intermarket and intercrop year spread or straddle, held for the same account in the same commodity the safety factor shall be 5 percent of the market value of that side of each such spread or straddle having the greater market value. The term "proprietary account" within the meaning of this section shall include any account directly or indirectly owned or controlled by the applicant or registrant or any employee thereof, or by any partner or officer of the applicant or registrant, if a partnership, or by any officer, director or owner of 10 percent or more of the capital stock of the applicant or registrant, if a corporation, or by any person who alone or in concert with any other person or persons controls the applicant or registrant.

The foregoing amendments reflect certain changes in the proposals set forth in the notice of rulemaking published on November 26, 1968. With respect to § 1.17, certain nonsubstantive changes were made for the purpose of clarifying the provisions thereof and a provision was added to allow an exclusion from both "current liabilities" and "aggregate indebtedness" for indebtedness subordinated to the claims of general creditors pursuant to a "satisfactory subordination agreement" as that term is defined in paragraph (d)(4). The provisions of paragraph (d)(4) make it clear that to be a "satisfactory subordination agreement" the loan must be for a period of not less than 1 year; that the subordination must continue until the loan is properly repaid; that the loan may not be repaid if the repayment would reduce the adjusted working capital of the applicant or registrant below the amount required by § 1.17; and that the agreement may not be terminated, rescinded, or modified by mutual consent or otherwise if the effect thereof would be to make it inconsistent with the conditions of § 1.17 or to reduce the adjusted working capital of the applicant or registrant below the amount required by § 1.17.

In addition, in order to facilitate enforcement of these provisions, paragraph (d)(4) also provides that two copies of the subordination agreement, and any notes or written instruments evidencing the indebtedness, must be filed, within 10 days after the agreement is entered into, with the regional office of the Commodity Exchange Authority for the region in which the registrant or applicant maintains his principal place of business, together with a statement of the full name and address of the lender, and the business relationship of the lender to the registrant or applicant.

The foregoing changes were made pursuant to suggestions made in connection with comments concerning the notice of proposed rulemaking and questions raised in connection with certain provisions of the notice. It does not appear that further notice and other public procedure with respect to these matters would make additional information available to the Department of Agriculture. Accordingly, it is found upon good cause that further notice and other public procedure is impracticable and unnecessary.

NOTE: The reporting and recordkeeping requirements herein have been approved by the Bureau of the Budget in accord with the Federal Reports Act of 1942 (44 U.S.C. Ch. 12).

These amendments shall become effective sixty (60) days after publication in the FEDERAL REGISTER.

Issued: January 10, 1969.

TED J. DAVIS,
Assistant Secretary.

[F.R. Doc. 69-583; Filed, Jan. 15, 1969; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 727—AGRICULTURE INDUSTRY IN PUERTO RICO

Wage Rates

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 comp., p. 1004), and by means of Administrative Order No. 603 (33 F.R. 12103), the Secretary of Labor appointed and convened Industry Committee No. 80 for the agriculture industry in Puerto Rico, referred to the committee the question of the minimum wage rate or rates to be paid under section 6 of the Act to employees in its industry, and gave notice of a hearing to be held by the committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 80 are hereby published in this order amending 29 CFR Part 727, effective February 1, 1969, as set forth below.

Section 727.2 of 29 CFR Part 727 is revised to read as follows:

§ 727.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in an activity in any of the following classifications of the agriculture industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(a) *Coffee classification.* (1) The minimum wage for this classification is $0.53 an hour.

(2) This classification is defined as the planting, replanting and cultivating of coffee trees (including the preparation of the soil), the harvesting of coffee, the removal of the pulp from the coffee bean, the washing, drying, hulling, and packing of the bean, and the conditioning of shade trees cultivated in connection therewith.

(b) *Sugar cane classification.* (1) The minimum wage for this classification is $0.65 an hour.

(2) This classification is defined as the preparation of the soil, the planting and cultivating of sugar cane (all work related to the growing and maturing of the crop), the harvesting of sugar cane (cutting, piling, loading, transloading, and all transportation by or for the account of the grower to the point at which title to the sugar cane passes to others), and any other work related to the production and delivery of sugar cane by the grower performed on a farm as an incident to or in conjunction with the farming operations of the grower.

(c) *Tobacco classification.* (1) The minimum wage for this classification is $0.52 an hour.

(2) This classification is defined as the preparation of the soil, the planting, transplanting, cultivating, harvesting, sowing, drying, packing, preparation, and delivery of tobacco.

(d) *Dairy farms classification.* (1) The minimum wage for this classification is $0.70 an hour.

(2) This classification is defined as the production, handling, packing, bottling, and storage of milk, and the breeding of bovine cattle for production of milk.

(e) *Pineapple classification.* (1) The minimum wage for this classification is $0.65 an hour.

(2) This classification is defined as the sowing, cultivation, harvesting, packing, sale, and delivery of pineapple to a warehouse or market.

(f) *Tomatoes, peppers, aviculture and floriculture classification.* (1) The minimum wage for this classification is $0.62 an hour.

(2) This classification is defined as the planting, cultivating, harvesting, and marketing of tomatoes and peppers; the care of poultry for the production of meat or eggs, and for the production and rearing of baby chicks, game cocks, or any other birds; and the sowing, cultivation, and production of flowers and plants, trees, and grass used for ornamental purposes.

(g) *Cattle and other agricultural activities classification.* (1) The minimum wage for this classification is $0.55 an hour.

(2) This classification is defined as the breeding and raising of cattle for meat and all other work in the agriculture industry in Puerto Rico, other than work included in any other classification of this industry.

(Sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 13th day of January 1969.

BEN P. ROBERTSON,
Acting Administrator.

[F.R. Doc. 69-561; Filed, Jan. 15, 1969; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1; Rev. 5, Amdt. 14]

OI REG. 1—OIL IMPORT REGULATION

Allocation of Imports—Low Sulphur Residual Fuel Oil—District V

Section 11A of Oil Import Regulation 1 (Revision 5) provides for the making of allocations of imports of crude oil into District V based upon the production of low sulphur residual fuel oil. This amendment extends (to Mar. 31, 1970) the period during which such allocations will be made and notice and public procedure thereon are unnecessary, and, in the interest of control of air pollution, this amendment shall become effective immediately.

Section 11A of Oil Import Regulation 1 (Revision 5) (33 F.R. 8666) is amended to read as follows:

Sec. 11A Allocations of crude oil—District V—based upon production of low sulphur residual fuel oil to be used as fuel in District V.

(a) This section provides for the making of allocations of imports into District V of crude oil based upon the production of low sulphur residual fuel oil during the period ending March 31, 1970. To the extent that the provisions of this section are inconsistent with the provisions of other sections of the regulation, the provisions of this section shall be controlling.

(b) In addition to the allocations of crude oil and unfinished oils made under section 11 of the regulation, each eligible applicant with refinery capacity in District V who produces in District V low sulphur residual fuel oil to be used as fuel containing not more than five tenths of one percent (0.5%) sulphur by weight for delivery under contract to customers required to burn such fuel in order to comply with local government requirements shall receive an allocation of imports of crude oil equal to the amount in barrels of such low sulphur residual fuel oil which he certifies he has so produced and delivered during the period ending March 31, 1970.

(c) For the purpose of computing import allocations under section 11 of this regulation, crude oil imported pursuant to an allocation under this section 11A or domestic oil received in exchange pursuant to the provisions of section 17 and processed will not qualify as refinery inputs. However, the person receiving the foreign crude oil under an exchange agreement pursuant to section 17 may count such oil as a refinery input.

(d) Applications for allocations may be filed at any time during the period. To apply for an allocation of imports under this section, an application must be filed with the Administrator in such form as he may prescribe. All licenses issued under allocations pursuant to this section made after January 1, 1969, shall expire June 30, 1970.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 8, 1969.

[F.R. Doc. 69-540; Filed, Jan. 15, 1969; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER N—PROCEDURES

PART 957—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO DEBARMENT AND SUSPENSION FROM CONTRACTING

Pursuant to authority delegated to him in Part 956 of Title 39, Code of Federal Regulations, the Judicial Officer has issued the Following Rules of Practice in Proceedings Relative to Debarment and Suspension from Contracting which are added to Title 39, Code of Federal Regulations, as Part 957. As these new regulations are procedural rules and relate to a proprietary function of the Government advanced notice and public rule making procedures, as well as a delayed effective date, are unnecessary and would be contrary to the public interest. Accordingly, new Part 957 reads as follows effective upon publication in the FEDERAL REGISTER:

Sec.
957.1 Authority for rules.
957.2 Scope of rules.
957.3 Definitions.
957.4 Initiation of debarment proceedings.
957.5 The request for a hearing.
957.6 Order relative to hearing.
957.7 Reply.
957.8 Service and filing documents for the record.
957.9 Respondent's failure to appear at the hearing.
957.10 Respondent already debarred by another Government agency.
957.11 Amendment of pleadings.
957.12 Continuances and extensions.
957.13 Hearings.
957.14 Appearances.
957.15 Conduct of the hearing.
957.16 Evidence.
957.17 Witness fees.
957.18 Depositions.
957.19 Transcript.
957.20 Proposed findings and conclusions.
957.21 Decision.
957.22 Motion for reconsideration.
957.23 Modification or revocation of orders.
957.24 Computation of time.
957.25 Official record.
957.26 Public information.
957.27 Suspension.

AUTHORITY: The provisions of this Part 957 issued under 5 U.S.C. 301, 39 U.S.C. 308a, 309, 501.

§ 957.1 Authority for rules.

The rules in this part are issued by the Judicial Officer of the Post Office Department pursuant to authority delegated by the Postmaster General (5 U.S.C. sec. 301; 39 U.S.C. secs. 308(a), 309, 501; Part 956 of this chapter).

§ 957.2 Scope of rules.

The rules in this part shall be applicable in all formal proceedings before the Post Office Department pertaining to hearings initiated under Part 956 of this chapter.

§ 957.3 Definitions.

(a) The term "Department" means the U.S. Post Office Department.

(b) The term "Bureau Head" means the head of any Bureau or Office of the Post Office Department or his representative for the purpose of carrying out the provisions of Part 956 of this chapter.

(c) The term "General Counsel" includes his authorized representative.

(d) The term "Judicial Officer" includes the Acting Judicial Officer.

(e) "Debarment" means, in general, an exclusion from Government contracting and subcontracting for a reasonable, specified period of time commensurate with the seriousness of the offense or failure, or the inadequacy of performance.

(f) "Suspension" means a disqualification from Government contracting and subcontracting for a temporary period of time because a concern or individual is suspected upon adequate evidence of engaging in criminal, fraudulent, or seriously improper conduct.

(g) "Respondent" means any individual, firm or other entity which has been served a written notice of proposed debarment pursuant to Part 956 of this chapter.

(h) "The Docket Clerk" means the Docket Clerk of the Department, whose office is located at the Post Office Department, 12th and Pennsylvania Avenue NW., Washington, D.C. 20260.

§ 957.4 Initiation of debarment proceedings.

(a) A Bureau Head shall initiate a debarment proceeding by serving upon the proposed Respondent a written notice of proposed debarment in the manner hereinafter (§ 957.8(d)) provided for the service of all other papers.

(b) The notice shall state:

(1) That debarment is being considered;

(2) The reasons for the proposed debarment;

(3) The period of debarment and the proposed effective date thereof;

(4) That the debarment will not become effective until after a hearing if such hearing is requested within 20 days following the receipt of the notice; and

(5) That the request for a hearing is to be submitted in the manner prescribed by the rules in this part, a copy of which shall be enclosed with the notice.

(c) If no hearing is requested within 20 days following the receipt of the notice, the action of the Bureau Head set forth in the notice shall become the final departmental determination without further notice to the Respondent.

(d) The party against which a final departmental determination has been entered pursuant to paragraph (c) of this section shall, however, at any time have the privilege of reopening a case for the limited purpose of contesting the issue of service. Such party's contentions on that issue shall be addressed to the Judicial Officer in the same manner as a request for a hearing (see § 957.5). The Judicial Officer may require such additional showings or proof as he may deem necessary on the issue of service and shall reopen any debarment proceeding previously closed pursuant to paragraph (c) of this section if he shall find that service was incomplete or otherwise failed to adequately advise of the pendency of the proposed debarment.

§ 957.5 The request for a hearing.

A respondent may, within 20 days following the receipt of a written notice of proposed debarment, file a request for a hearing before the Judicial Officer. The request shall be addressed to the Judicial Officer through the Bureau Head who initiated the debarment proceeding and shall be accompanied by a concise statement admitting, denying or explaining each of the allegations set forth in the notice of proposed debarment and stating the relief desired.

§ 957.6 Order relative to hearing.

(a) The Judicial Officer shall issue an order granting the Respondent's request for a hearing, establishing the time and place thereof and advising the Respondent of the consequences of a failure to appear at the hearing (see § 957.10). Whenever practicable, the hearing date shall be within 30 days of the date of the Judicial Officer's order relative to hearing.

(b) The notice of proposed debarment and the request for a hearing together with the reply, if any, shall become the pleadings in any proceeding in which the Judicial Officer orders a hearing to be held.

§ 957.7 Reply.

Not more than 15 days from the service of the request for a hearing, the General Counsel may submit a reply on behalf of the Bureau Head who initiated the debarment proceeding.

§ 957.8 Service and filing documents for the record.

(a) Each party shall file with the Docket Clerk, pleadings, motions, orders and other documents for the record. The Docket Clerk shall cause copies to be served promptly on other parties to the proceeding and on the Judicial Officer.

(b) The parties shall submit four copies of all documents unless otherwise ordered by the Judicial Officer. One copy shall be signed as the original.

(c) Documents shall be dated and shall state the docket number and title of the proceeding. Any pleading or other document required by order of the Judicial Officer to be filed by a specified date shall be served upon the Docket Clerk on or before such date. The date of such service shall be the filing date and shall be entered thereon by the Docket Clerk.

(d) Service of all papers shall be effected by mailing the same, postage prepaid, registered, or certified mail, return receipt requested, or by causing said notice to be personally served on the proposed Respondent by an authorized representative of the Department. In the case of personal service the person making service shall secure from the proposed Respondent or his agent, a written acknowledgment of receipt of said notice, showing the date and time of such receipt. Said acknowledgment (or the return receipt where service is effectuated by mail) shall be made a part of the record by the Bureau Head initiating the debarment proceeding. The date of delivery, as shown by the acknowledgment of personal service or the return receipt, shall be the date of service.

§ 957.9 Respondent's failure to appear at the hearing.

If the Respondent shall fail to appear at the hearing, the Judicial Officer shall receive the Bureau Head's evidence and render a departmental decision without requirement of further notice to the Respondent.

§ 957.10 Respondent already debarred by another Government agency.

(a) When a Bureau Head proposes to debar a firm or individual already debarred by another Government agency for a term concurrent with such debarment, the debarment proceedings before this Department may be based entirely upon the record of facts obtained from such other agency or upon such facts and additional other facts. In such cases the facts obtained from the other agency shall be considered as established, but the party to be debarred shall have opportunity to present information to the Judicial Officer and to explain why the debarment by this Department should not be imposed.

(b) Where the Bureau Head initiating the debarment proceeding relies:

(1) Upon the provisions of paragraph (a) of this section, or

(2) Upon all or part of the record of the proposed Respondent's previous debarment by another Government agency,

in initiating such proceeding, the notice of proposed debarment shall contain a statement so stating in sufficient detail to apprise the Respondent of the extent of such reliance.

(c) The Bureau Head's reliance upon provisions of paragraph (a) of this section, stated in conformity with the directions set forth in paragraph (b) of this section does not deprive the Respondent of the right to request the Judicial Officer to grant a hearing pursuant to these rules, nor the Judicial Officer the full discretion to grant or deny such request.

§ 957.11 Amendment of pleadings.

(a) By consent of the parties a pleading may be amended at any time. Also, a party may move to amend a pleading at any time prior to the close of the hearing: *Provided,* That the proposed amendment is reasonably within the scope of the proceeding.

(b) When issues not raised by the pleadings but reasonably within the scope of the proceedings initiated by the notice of proposed debarment are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendments as may be necessary to make the pleadings conform to the evidence and to raise such issues shall be allowed at any time upon the motion of any party.

(c) If a party objects to the introduction of evidence at the hearing on the ground that it is not within the issues framed by the pleadings, but fails to satisfy the Judicial Officer that an amendment of the pleadings would prejudice him on the merits, the Judicial Officer may allow the pleadings to be amended and may grant a continuance to enable the objecting party to rebut the evidence presented.

(d) The Judicial Officer may, upon reasonable notice and upon such terms as are just, permit service of a supplemental pleading setting forth transactions, occurrences, or events which have transpired since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 957.12 Continuances and extensions.

Continuances and extensions will not be granted by the Judicial Officer except for good cause shown.

§ 957.13 Hearings.

(a) Hearings are held in Room 7134, Post Office Department, Washington, D.C. 20260, or other locations designated by the Judicial Officer.

(b) A party may, not later than 7 days prior to the scheduled date of a hearing, file a request that such hearing be held at a place other than that designated in the Judicial Officer's order relative to hearing. He shall support his request with a statement outlining:

(1) The evidence to be offered in such place;

(2) The names and addresses of the witnesses who will testify;

(3) The reasons why such evidence cannot be produced at Washington, D.C.

The Judicial Officer shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

§ 957.14 Appearances.

(a) A Respondent may appear and be heard in person or by attorney.

(b) An attorney may practice before the Department in accordance with applicable rules issued by the Judicial Officer (see Part 951 of this chapter).

(c) When a Respondent is represented by an attorney, all pleadings and other papers subsequent to the notice of proposed debarment shall be mailed to the attorney.

(d) All counsel shall promptly file notices of appearance. Changes of Respondent's counsel shall be recorded by notices from retiring and succeeding counsel and from the Respondent.

(e) After a request for a hearing has been filed pursuant to the rules in this part, the General Counsel's Office shall represent the Bureau Head in further proceedings relative to the hearing and shall in its notice of appearance identify the individual member of such office who has been assigned to handle the case on its behalf.

§ 957.15 Conduct of the hearing.

The Judicial Officer shall have authority to:

(a) Administer oaths and affirmations;

(b) Examine witnesses;

(c) Rule upon offers of proof, admissibility of evidence, and matters of procedure;

(d) Order any pleading amended upon motion of a party at any time prior to the close of the hearing;

(e) Maintain discipline and decorum and exclude from the hearing any person acting in an indecorous manner;

(f) Require the filing of briefs or memoranda of law on any matter upon which he is required to rule;

(g) Order prehearing conferences for the purpose of the settlement or simplification of issues by the parties;

(h) Order the proceeding reopened at any time prior to his decision for the receipt of additional evidence;

(i) Render a final departmental decision;

(j) Take such other further action as may be necessary to properly preside over the debarment proceeding and render decision therein.

§ 957.16 Evidence.

(a) Except as otherwise provided in the rules in this part, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern. However, such rules may be relaxed to the extent that the Judicial Officer deems proper to insure a fair hearing.

(b) Testimony shall be under oath or affirmation and witnesses shall be subject to cross-examination.

(c) Agreed statements of fact may be received in evidence.

(d) Official notice or knowledge may be taken of the types of matters of which judicial notice or knowledge may be taken.

(e) The written statement of a competent witness may be received in evidence: *Provided,* That such statement is relevant to the issues, that the witness shall testify under oath at the hearing that the statement is in all respects true, and, in the case of expert witnesses, that the statement correctly states his opinion or knowledge concerning the matters in question.

§ 957.17 Witness fees.

The Post Office Department does not pay fees and expenses for Respondent's witnesses or for depositions requested by Respondent.

§ 957.18 Depositions.

(a) Not later that 7 days prior to the scheduled date of the hearing any party may file application with the Docket Clerk for the taking of testimony by deposition. In support of such application the applicant shall submit under oath or affirmation a statement setting out the reasons why such testimony should be taken by deposition, the time and the place, and the name and address of the witness whose deposition is desired, the subject matter of the testimony of each witness, its relevancy, and the name and address of the person before whom the deposition is to be taken.

(b) If the application be granted, the order for the taking of the deposition will specify the time and place thereof, the name of the witness, the person before whom the deposition is to be taken and any other necessary information.

(c) Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. The questions and answers together with all objections, shall be reduced to writing and, unless waived by stipulation of the parties, shall be read to and subscribed by the witness in the presence of the deposition officer who shall certify it in the usual form. The deposition officer shall file the testimony taken by deposition as directed in the order. The deposition officer shall put the witness on oath. All objections made at the time of examination shall be noted by the deposition officer and the evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, a party may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim. Objections to relevancy or materiality of testimony, or to errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of the parties and errors of any kind which might be obviated, cured or removed if promptly presented, are waived unless timely objection is made at the taking of the deposition.

(d) At the hearing any part or all of the deposition may be offered in evidence by any party who was present or represented at the taking of the deposition or who had notice thereof. If the deposition is not offered and received in evidence, it shall not be considered as a part of the record in the proceeding. The admissibility of depositions or parts thereof shall be governed by the rules of evidence.

(e) The party requesting the deposition shall pay all fees required to be paid to witnesses and the deposition officer, and shall provide an original and one copy of the deposition for the official record, and shall serve one copy upon the opposing party.

(f) Within the United States or within a territory or insular possession, subject to the dominion of the United States, depositions may be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held; within a foreign country, depositions may be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or any other person designated in the order for the taking of a deposition.

(g) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

§ 957.19 Transcript.

(a) Hearings shall be stenographically reported by a contract reporter of the Post Office Department under the supervision of the Judicial Officer. Argument upon any matter may be excluded from the transcript by order of the Judicial Officer. A copy of the transcript shall be a part of the record and the sole official transcript of the proceeding. Copies of the transcript or parts of the official record other than the transcript may be obtained by the Respondent from the reporter upon the payment to him of a reasonable price therefor.

(b) Changes in the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. No physical changes shall be made in or upon the official transcript, or copies thereof, which have been filed with the record. Within 10 days after the receipt by any party of a copy of the official transcript, or any part thereof, he may file a motion requesting correction of the transcript. Opposing counsel shall, within such time as may be specified by the Judicial Officer, notify the Judicial Officer in writing of his concurrence or disagreement with the requested corrections. Failure to interpose timely objection to a proposed correction shall be considered to be concurrence. Thereafter, the Judicial Officer shall by order specify the corrections to be made in the transcript. The Judicial Officer on his own initiative may order corrections to be made in the transcript with prompt notice to the parties of the proceeding. Any changes ordered by the Judicial Officer other than the agreement of the parties shall be subject to objection and exception.

§ 957.20 Proposed findings and conclusions.

(a) Each party to a proceeding, except one who fails to appear at the hearing

may, unless at the discretion of the Judicial Officer such is not appropriate, submit proposed findings of fact, conclusions of law and supporting reasons either in oral or written form in the discretion of the Judicial Officer. The Judicial Officer may also require parties to any proceeding to submit proposed findings of fact and conclusions of law with supporting reasons. Unless given orally the date set for filing of proposed findings of fact and conclusions of law shall be within 15 days after the delivery of the official transcript to the Docket Clerk who shall notify both parties of the date of its receipt. The filing date for proposed findings shall be the same for both parties. If not submitted by such date, or unless extension of time for the filing thereof is granted, they will not be included in the record or given consideration.

(b) Except when presented orally before the close of the hearing, proposed findings of fact shall be set forth in serially numbered paragraphs and shall state with particularity all evidentiary facts in the record with appropriate citations to the transcript or exhibits supporting the proposed findings. Each proposed conclusion shall be separately stated.

§ 957.21 Decision.

The Judicial Officer shall issue a final departmental decision. Such decision shall include findings and conclusions, with the reasons therefor, upon all the material issues of fact or law presented on the record, and the appropriate order.

§ 957.22 Motion for reconsideration.

Within 10 days from the date thereof, or such longer period as may be fixed by the Judicial Officer, either party may file a motion for reconsideration of the final departmental decision. Each motion for reconsideration shall be accompanied by a brief clearly setting forth the points of fact and of law relied upon in support of said motion.

§ 957.23 Modification or revocation of orders.

A party against whom an order of debarment has been issued may file an application for modification or revocation thereof. The Docket Clerk shall transmit a copy of the application to the General Counsel, who shall file a written reply. A copy of the reply shall be sent to the applicant by the Docket Clerk. Thereafter an order granting or denying such application will be issued by the Judicial Officer.

§ 957.24 Computation of time.

A designated period of time under the rules in this part exclude the day the period begins, and includes the last day of the period unless the last day is a Saturday, Sunday, or legal holiday, in which event the period runs until the close of business on the next business day.

§ 957.25 Official record.

The transcript of testimony together with all pleadings, orders, exhibits, briefs, and other documents filed in the proceeding shall constitute the official record of the proceeding.

§ 957.26 Public information.

The Law Librarian of the Post Office Department shall maintain for public inspection in the Law Library copies of all departmental decisions. The Docket Clerk maintains the complete official record of every proceeding.

§ 957.27 Suspension.

(a) Any firm or individual suspended under Part 956 of this chapter who believes that his suspension has not been in accordance with the provisions thereof, or with applicable laws or regulations, may appeal to the Judicial Officer for a review of the suspension.

(b) Any such appeal shall be addressed to the Judicial Officer through the Bureau Head who ordered the suspension within 20 days of the date upon which the appellant has been notified of his suspension. Such appeal shall concisely and in the manner of a pleading set forth the grounds upon which the suspension is contested and may be supported by a brief and such evidence as the appellant may desire to submit.

(c) Should the appellant desire oral argument or a hearing before the Judicial Officer in connection with his appeal, application therefore shall be included in the appeal. In the event that the Judicial Officer grants the appellant's application for a hearing the notice of suspension and the appeal shall constitute the pleadings defining the issues therein and the hearing shall be regulated in accordance with the rules in this part concerning debarment proceedings.

(d) The decision of the Judicial Officer in any appeal shall constitute the final departmental determination of the issues presented thereby. Either party thereto may, however, file a motion for reconsideration thereof, in accordance with the provisions of § 957.23.

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 69-550; Filed, Jan. 15, 1969; 8:47 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 6; Amdt. 7]

PART 71—STANDARD TIME ZONE BOUNDARIES

Relocation of Standard Time Zone Boundary in State of Indiana

The purpose of this amendment to Part 71 of Title 49 of the Code of Federal Regulations is to change the existing boundary line between the eastern time zone and the central time zone as it applies to the State of Indiana.

The time zone boundary issue in the State of Indiana has been a complex one for many years. It is a State with strong economic ties both to the East and the Midwest, especially in relation to the cities of Detroit and New York on the one hand and Chicago on the other. Individual citizens, business associations, communications media, transportation facilities, municipal and county governments, schools, religious groups, and service organizations of all kinds are interested in and affected by the location of the time zone boundary line in Indiana, and many have conflicting needs and interests in regard to the time zone matter.

Historically, 15 counties in the State have observed central standard time in the winter months and central daylight time in the summer. These counties, as outlined in a map prepared by the Indiana State Chamber of Commerce in October 1966, are: Lake, Porter, La Porte, St. Joseph, Marshall, Starke, Jasper, Newton, Gibson, Pike, Dubois, Spencer, Warrick, Vanderburgh, and Posey. The remaining Indiana counties have historically observed eastern standard time in the winter months, and, for the most part, nonadvanced eastern time in the summer as well.

In 1961 the Interstate Commerce Commission, by administrative proceeding, modified the time zone boundary so that it divided the State approximately in half. Counties to the northeast, east, and southeast of Indianapolis, and that city itself, were placed in the eastern standard time zone. Counties to the northwest, west, and southwest of Indianapolis were placed in the central standard time zone. The line was not generally observed by a great many citizens of the State who continued to follow the historical pattern. This nonobservance presented no legal problem because there was no mandatory requirement for the observance of advanced [daylight] time. However, with the passage of the Uniform Time Act of 1966 which requires mandatory observance of advanced time during the April–October period in each time zone as determined by the time zone boundary line, the problem became acute.

The Uniform Time Act provides in pertinent part that—

> During the period commencing at 2 o'clock antemeridian on the last Sunday of April of each year and ending at 2 o'clock antemeridian on the last Sunday of October of each year, the standard time of each zone * * * shall be advanced 1 hour and such time as so advanced shall * * * be the standard time of such zone during such period.

The Act permits only one exception to the rule, to the effect that—

> * * * any State, may by law, exempt itself from the provisions of this subsection providing for the advancement of time, but only if such law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable * * *. (15 U.S.C. 260a.)

The Act also provided authority to enforce its provisions by application to Federal District Courts for writs of injunction.

The Act thus created a problem for the State of Indiana, since the observance of advanced time in the time zones established by the ICC in 1961 was now legally binding on the State and, as of April 1,

1967, became enforceable by the newly created Department of Transportation. Officials of the State indicated to the Department that a modification of the existing time zone boundary line would be necessary. The Department decided to defer seeking injunctive action to enforce advanced time in the existing zones, while preparing for and conducting proceedings to determine how the line should be relocated. This decision was made pursuant to the statutory mandate (15 U.S.C. section 260) to "foster and promote widespread and uniform adoption and observance of the same standard of time within and throughout each such standard time zone". However, the Department announced both in 1967 and 1968 that the legal time in Indiana during the April to October period was to be in accordance with the existing zones.

On August 9, 1967, the Department initiated a proceeding (32 F.R. 11478) on the basis of a petition from Governor Roger Branigin. The petition proposed that the entire State of Indiana be placed in the central standard time zone, which was logical from a geographic standpoint. The proposal issued by the Department afforded all interested persons a reasonable period in which to comment on the proposal.

Comments received from the counties in the northwestern and southwestern corners of the State indicated a strong preference for central time, the time those counties had historically observed. However, excluding those comments, most of the remaining chambers of commerce in the State and 88 percent of the business firms responding favored eastern time. In addition, comments received from labor unions, news media, civic groups, transportation and communications organizations, religious groups, and individuals (27,680 to 10,730) expressed a strong preference for eastern time.

When all of the evidence available had been tabulated and analyzed, the conclusion was that the central time proposal was unacceptable to a large segment of every group and geographical area responding, except the areas and businesses around Gary and Evansville. This 15-county area which has historically observed central time continued to favor central time except for two counties in the northwest—Marshall and St. Joseph Counties. The South Bend-Mishawaka Area Chamber of Commerce (St. Joseph County) favored eastern time and a detailed petition was sent to the Department explaining the reasons for placing St. Joseph County in eastern time. Marshall County is closely tied economically with St. Joseph County, and for that reason has indicated a preference for eastern time. Most of the 13 counties around Gary and Evansville indicated that central time was a necessity for them. The general correspondence received from private citizens was overwhelmingly in favor of central time in both of those areas.

In general, the responses received from the areas outside of the Gary and Evansville areas indicated that there was a good deal of confusion as to the application of advanced (daylight) time. For example, many of the comments indicated a desire to be on eastern time the year around, without advanced (daylight) time in the summer. However, as outlined above, without State exemption from the advanced time provisions of the Uniform Time Act, this result could not be accomplished. The placement of any State in a time zone brings with it, as a matter of law, advanced time during the April–October period, unless that State specifically exempts itself. There are no legal means by which the Department of Transportation can place a State in a time zone without the automatic application of advanced time during the described period.

Based on the analysis of the comments received on the first proposal, a modified proposal was issued by the Department on January 16, 1968 (33 F.R. 765), to include the entire State within the eastern standard time zone except for six counties in the northwest and seven counties in the southwest areas of the State. Those 13 counties (Lake, Porter, Laporte, Starke, Jasper, Newton, Gibson, Pike, Dubois, Spencer, Warrick, Vanderburgh, and Posey), were to be included in the central standard time zone. This proposal was issued with the realization that many persons favoring eastern time did not favor eastern daylight time in the summer months. However, the Department took account of the fact that it does not have any authority to change the advanced (daylight) time requirements of the Uniform Time Act, and worked on the assumption that if this were necessary, it would be a matter left to the State Legislature, as specifically provided in the Uniform Time Act.

Well over 90 percent of the comments received on the second proposal were in the form of newspaper clip-outs sponsored by Indiana organizations favoring central time which urged the Department to avoid "double-daylight time" in Indiana, and to keep the State on what is generally termed "slow time". In addition, somewhat over 1,900 individual letters contained the same recommendation. The term "double-daylight time", is at best both inaccurate and misleading. There is no such thing as "double" daylight time in any time zone. These comments indicated to the Department only that the commentator opposed being on advanced eastern time during the April–October period. They left to speculation the questions of whether the commentator wished to have eastern standard time for the remainder of the year, or whether he would reject eastern time completely in favor of central time (with advanced time) rather than accept eastern time with advanced time.

Of the individual letters that recommended either central or eastern time, excluding those received from the 13 northwestern and southwestern counties, 4,422 favored central time and 1,477 favored eastern time.

Of the 15 carriers which commented, 12 favored the proposal. These included: Eastern Airlines, Trans World Airlines, Delta Airlines, the Indiana Bus Association, the C & E Trucking Corp., the Clemans Truck Line (South Bend), Transamerican Freight Lines (South Bend), Shippers Dispatch, Inc. (South Bend), George F. Burnett & Co. (South Bend), A.B.C. Coach Lines (Fort Wayne), and Specter Freight System, Inc. (South Bend). The only carrier expressly favoring central time was Ozark Airlines which said that its routes lend themselves to the central time zone structure. In addition, of 124 business firms which commented on the second proposal, 108 preferred eastern time and 16 central time.

Four of the six representatives of the communications industry that commented were in agreement with the Department's proposal, while the remaining two favored central time (both were newspapers—one from Jasper, Ind., which has always been in the central time zone, and the other from Cannelton, Ind., which is in the eastern time zone). Two newspapers and two radio-television stations expressed the view that the proposal would work to the advantage of their industry.

Four educational institutions (two school boards and two universities) also supported the proposal.

Various members of the Indiana Legislature and the Indiana Congressional delegation have also expressed the view that the Department's second proposal best meets the needs of commercial and public convenience.

In evaluating the comments on the two proposals, the Department had to weigh them not in the light of what was requested in the comments, but in the light of what would be possible to accomplish within the statutory prescriptions. Therefore, comments stating a preference for eastern standard time for the entire year had to be carefully analyzed to determine what the commentators' preference would be considering that mandatory advanced time must be included for the April–October period. Most of the comments received from the area of the State favoring central time (northwestern and southwestern counties) indicated an understanding of and preference for central time with the mandatory advanced time. A great many of the other comments favoring eastern or central time did not contemplate this accompanying feature. Thus, the Department cannot attribute a reliable degree of accuracy to the profile of opinion reflected in the record. Such a degree of accuracy appears unattainable, given the substantial confusion and the mixed desires of the public which commented.

As stated before, Indiana has been a split State in many matters of time observation. It is an example of a State with strong ties both to New York and Chicago and with strong urban and rural concentrations. These factors have produced a split pattern of time observance that is out of phase with the State's geographical position.

As a result of its evaluation of all of the comments, with proper weight being assigned to those that did not squarely comment on the actual issue involved,

the Department of Transportation is now of the opinion that, except for the 12 counties in the northwestern and southwestern corners of the State, the majority preference is clearly in favor of a form of eastern time for the remainder of the State. This conforms to the historical pattern of time observance, leaving aside the question of mandatory advanced time. This also conforms to the strong preference shown by the business community and the common carriers whose needs are specially to be considered in setting time zone boundaries pursuant to 15 U.S.C. 261. Communications from Dubois County which, under the January 1968 proposal would have remained in the central time zone, have indicated strongly that it desires to be in the eastern zone. Accordingly, the boundary is being moved so as to include that county in the eastern zone.

In consideration of the foregoing, it has been decided to amend § 71.4(b) of Title 49 of the Code of Federal Regulations to place the entire State of Indiana in the eastern time zone, except for Lake, Porter, La Porte, Starke, Jasper, Newton, Gibson, Pike, Spencer, Warrick, Vanderburgh, and Posey Counties which remain in the central time zone. This action of altering the time zone boundary is necessary, in the Department's opinion, to foster and promote widespread observance of standard time to the fullest extent of the Department's authority. However, the Department is also of the opinion that to accommodate the very strong preference of the people of Indiana a means should be provided whereby that portion of the State being placed in the eastern time zone could have a legislative opportunity to be exempted from advanced time, without disrupting the activities of those in the central time zone who accept the advanced time situation.

Therefore, coincident with the release of this decision, the Department of Transportation is recommending legislation to the Congress that would authorize the legislature of any State having more than one time zone to exempt the portion of the State in any one time zone (or the whole State, as now provided) from the mandatory requirements of the Uniform Time Act of 1966 for advanced time during the April–October period. Thus, if the Indiana Legislature determines that the portion of the State being placed in the eastern time zone does not desire to observe advanced time during the April–October period, it would be free, if the legislation proposed by the Department is enacted, to respond to that desire.

In consideration of the foregoing, § 71.4(b) of Title 49 of the Code of Federal Regulations is amended, effective 2 a.m. on April 27, 1969, to read as follows:

§ 71.4 Boundary line between eastern and central zones.

* * * * *

(b) *Indiana.* From the juncture of the western boundary of the State of Michigan with the northern boundary of the State of Indiana eastwardly along said northern boundary to the east line of La Porte County; thence southerly along the east line of La Porte County to the north line of Starke County; thence east along the north line of Starke County to the east line of Starke County; thence south along the east line of Starke County to the south line of Starke County; thence west along the south line of Starke County to the east line of Jasper County; thence south along the east line of Jasper County to the south line of Jasper County; thence west along the south lines of Jasper and Newton Counties to the western boundary of the State of Indiana; thence south along the western boundary of the State to the north line of Gibson County; thence east along the north lines of Gibson and Pike Counties to the east line of Pike County; thence south along the east lines of Pike and Warrick Counties to the north line of Warrick County; thence east along the north lines of Warrick and Spencer Counties to the east line of Spencer County; thence south along the east line of Spencer County to the southern boundary of the State of Indiana.

* * * * *

(Act of Mar. 19, 1918, as amended by Uniform Time Act of 1966 (15 U.S.C. 260–267); sec. 6(e)(5), Department of Transportation Act (49 U.S.C. 1655(e)(5)))

Issued in Washington, D.C., on January 10, 1969.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 69-565; Filed, Jan. 15, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

PART 33—SPORT FISHING

National Wildlife Refuges in Alabama and Certain Other States

The following special regulations are issued and are effective upon publication in the FEDERAL REGISTER. These special regulations provide access across and through certain portions of National Wildlife Refuges.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Area open to transportation of unstrung bows and arrows when used for fishing in conformance with Alabama State fishing regulations. This regulation effective March 1, 1969, through June 15, 1969.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

VIRGINIA

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Mackay Island National Wildlife Refuge, Va., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 720 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 825 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1969, through October 14, 1969. Fishing is permitted in Corey's Ditch and in the canal adjacent to the Knotts Island Causeway on a year-round basis for bank fishing only.

(2) Fishing permitted during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

NORTH CAROLINA

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Mackay Island National Wildlife Refuge, N.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 720 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 825 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1969, through October 14, 1969. Fishing is permitted in Corey's Ditch and in the canal adjacent to the Knotts Island Causeway on a year-round basis, for bank fishing only.

(2) Fishing permitted during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Sport fishing on the Piedmont National Wildlife Refuge, Round Oak, Ga., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 825 Peachtree-Seventh

Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1969, through November 15, 1969.

(2) Fishing permitted during daylight hours only.

(3) Boats with motors prohibited.

(4) Use of live minnows as bait prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through November 15, 1969.

OKEFENOKEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Okefenokee National Wildlife Refuge, Waycross, Ga. Certain isolated areas are closed and posted. The open areas, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) Fishing permitted during daylight hours only.

(2) Boats with motors not larger than 10 hp., canoes and rowboats permitted.

(3) Artificial and live bait (except live minnows) permitted.

(4) Trotlines, limb lines, nets, or other set tackle prohibited.

(5) Persons entering refuge from main access points must register with the respective concessioner.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

FLORIDA

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Loxahatchee National Wildlife Refuge, Delray Beach, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 74,492 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from February 23, 1969, to February 22, 1970.

(2) Fishing is restricted to 1 hour before sunrise to 1 hour after sunset.

(3) Boats may enter or leave the refuge only at the three public ramps as follows: (a) North end of the refuge at S-5A landing; (b) headquarters boat ramp; (c) S-39 boat ramp on south end of refuge.

(4) Method of fishing is with attended rod and reel and/or pole and line. Trotlines, limb lines, nets, or other set tackle prohibited.

(5) Air-thrust boats may be authorized only by special permit issued by the refuge manager. Speedboats and racing craft are prohibited except for official purposes.

(6) Persons must follow such routes of travel within the area as may be designated by posting by the refuge officer-in-charge. To protect Government property or wildlife the refuge officer-in-charge may close any or all of the area.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective to February 22, 1970.

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Woodruff National Wildlife Refuge, De Leon Springs, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 650 acres, are delineated on a map that is available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 825 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season is open year-round on refuge waters west of Norris Dead River, Lake Woodruff, and Spring Garden Creek. The open season extends from March 15, 1969, to October 15, 1969, in refuge waters east of the Norris Dead River, Lake Woodruff, and Spring Garden Creek.

(2) Fishing on refuge waters is permitted during daylight hours only.

(3) Airthrust boats are prohibited.

(4) Firearms of any type are prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

LOUISIANA

LACASSINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacassine National Wildlife Refuge, Lake Arthur, La., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 28,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 825 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from February 15, 1969, through October 15, 1969.

(2) Fishing permitted from 45 minutes before sunrise to 45 minutes after sunset.

(3) Entry to Lacassine Pool restricted to four roller-ways provided.

(4) Boats may not be left inside the refuge overnight.

(5) Boats with outboard motors no larger than 20 hp. permitted in Lacassine Pool. No size restrictions on boats and motors in the canals and streams.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1969.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Santee National Wildlife Refuge. Summerton, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,150 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 825 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1969, through October 31, 1969, on Jacks Creek, Dingle Pond, Taw Caw Creek, Potato Creek, and Pinopolis Pool Impoundments.

(2) Fishing permitted during daylight hours only.

(3) Boats with motors prohibited. Boats must be removed from the refuge at the close of each day unless permission is granted by the refuge officer-in-charge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 31, 1969.

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, McBee, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 80 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 825 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from January 1, 1969, through December 31, 1969, on Lake Bee and the U.S. Highway 1—Black Creek Bridge Area; from March 15, 1969, through October 15, 1969, on Martins Lake, Lakes 12 and 17, Wire Road—Black Creek Bridge Area, State Road 145—Black Creek Bridge Area, and the Catarrh Road—Black Creek Bridge Area.

(2) Fishing permitted during daylight hours only.

(3) Boats with electric motors permitted; gasoline powered engines prohibited.

(4) Alcoholic beverages prohibited.

(5) All boats must remain at least 30 feet or three boat lengths away from wood duck nesting boxes or geese nesting platforms.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the White River National Wildlife Refuge, De Witt, Ark., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,592 acres are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 825 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1969, through October 31, 1969.

(2) Boats without owner's name plate affixed in a conspicuous place may not be left overnight.

(3) Taking of frogs, water skiing, and firearms prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 31, 1969.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 9,092 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 825 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from the date of this publication through October 23, 1969, except that portion of the refuge located south of Upper Blue Basin remains open until 7 days before opening of the 1969 duck season.

(2) Boats with outboard motors and inboard motors of not more than 10 hp. may be used.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective until 7 days before opening of the 1969 duck season.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 8, 1969.

[F.R. Doc. 69-556; Filed, Jan. 15, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

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

[Navel Orange Reg. 165]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.465 Navel Orange Regulation 165.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel 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 Navel 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 Navel 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 Navel 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 Navel 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 January 14, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 17, 1969, through January 23, 1969, are hereby fixed as follows:

(i) District 1: 891,000 cartons;

(ii) District 2: 154,000 cartons;

(iii) District 3: 55,000 cartons.

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

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

Dated: January 15, 1969.

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

[F.R. Doc. 69-703; Filed, Jan. 15, 1969; 11:19 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 1]

PART 1483—WHEAT AND FLOUR

Subpart—Flour Export Program (GR-346) Terms and Conditions

MISCELLANEOUS AMENDMENTS

This amendment is issued to correct the main heading and certain paragraph numbering of the Flour Export Program (GR-346) Terms and Conditions which appeared in the FEDERAL REGISTER (33 F.R. 15633) on October 23, 1968 and (33 F.R. 16071) November 1, 1968. The corrections are as follows:

(1) Subchapter C—Export Payments in the main heading is corrected to read Subchapter C—Export Programs.

(2) Section 1483.207, "Definition of terms," is corrected by changing in paragraph (i), the numbering of subparagraphs (7), (7), (8), and (9) to read (7), (8), (9), and (10), respectively.

(3) Section 1483.230 "General" is corrected by changing the paragraph designation (d) to read (c).

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 8, 1969.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-558; Filed, Jan. 15, 1969; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 112—LABELS

Miscellaneous Amendments

On August 21, 1968, there was published in the FEDERAL REGISTER (33 F.R. 11837) a notice of proposed rule making with respect to proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Part 112, of Title 9, Code of the Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158). A notice extending the period to submit written data, views, or arguments to December 5, 1968, was published in the October 25, 1968, issue of the FEDERAL REGISTER (33 F.R. 15804).

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rule making, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the proposed amendments of Part 112 of Subchapter E, Chapter I, Title 9, of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth in full herein, subject to the following noted modifications:

In § 112.1(d), for the purpose of clarification, the definition of a label was rewritten.

In § 112.2(a)(4) the word "antigenic" and the word "water" were inserted for clarification. In § 112.2(a)(8) the word "store" was substituted for the word "keep" as being more appropriate. In § 112.2(a)(11), virus vaccine was substituted for vaccine virus for accuracy. For uniformity, semicolons were used in place of periods after subparagraphs of § 112.2 (a) where indicated. In § 112.2(a)(16), requirements were changed to final container carton and enclosures and requirements relaxed for combination products containing certain fractions. Printing errors made in § 112.2(a)(17) and (e) were corrected. Section 112.2(e) was reworded to clarify the intent as a label requirement and not a sales policy restriction.

Section 112.3(h) as proposed was deleted.

Section 112.6(d) was changed to permit all poultry vaccine to be packaged in the manner prescribed in this subparagraph.

In § 112.7 paragraph (a) was deleted as no longer applicable. Paragraphs (b), (c), (d), and (e) were renumbered (a), (b), (c), and (d), respectively. The intent of § 112.7(d) is clarified by stipulating that live rabies vaccine made with low-egg passage virus would be restricted to use in dogs and other live rabies virus vaccine could be recommended for other animals if they qualify under prescribed conditions.

1. The heading of Part 112 is amended to read as set forth above and the table of contents is amended to read as follows:

Sec.
112.1 Containers.
112.2 Required and permitted information.
112.3 Diluent labels.
112.4 Reference to distributors and permittees.
112.5 Review and approval of labels and other material.
112.6 Packaging desiccated products.
112.7 Special additional requirements.
112.26 Collection, marking and handling of samples.
112.27 Selection for laboratory testing.

AUTHORITY: The provisions of this Part 112 issued under 37 Stat. 832–833; 21 U.S.C. 151–158.

2. Section 112.1 is amended by adding a new paragraph (d) to read as follows:

§ 112.1 Containers.

* * * * *

(d) When used in regulations Parts 101 through 121 of this subchapter—

(1) The term "label" means all written, graphic, or printed matter upon or attached to a final container, and unless otherwise specified, any statement or other information required to be on the label, shall also appear on the outside of the immediate carton, box, or wrapper (sometimes herein referred to as "carton"), if any, used to package the final container.

(2) The term "labeling" means all labels and other written, graphic, or printed matter (i) upon the final container or packaging, or (ii) accompanying the final container.

3. Section 112.2 is amended by revising paragraph (a) and adding a new paragraph (e) to read:

§ 112.2 Required and permitted information.

(a) Except as provided by the Director, each label of a biological product prepared at a licensed establishment or imported shall include the following:

(1) The true name of the product which name shall be identical with that shown in the license or permit under which the product is prepared or imported and shall be prominently lettered and placed giving equal emphasis to each word composing it;

(2) In case the product is manufactured in the United States, the name and address of the licensee, or of the subsidiary which manufactured the product, when named in the establishment license as provided in § 102.4(e) of this subchapter, and in the case of a foreign-manufactured biological product offered for importation, the name and address of the permittee and of the foreign manufacturer: *Provided,* That when the licensee has more than one premise, one street address only shall be given, although the general location of each premise in such case may be stated;

(3) The license or permit number assigned by the Department which shall be shown only in one of the following forms, respectively: "U.S. Veterinary License No. ____," or "U.S. Vet. License No. ____," or "U.S. Veterinary Permit No. ____," or "U.S. Vet. Permit No. ____";

(4) A serial number by which the product can be identified with the manufacturer's records of preparation: *Provided,* That when a liquid antigenic fraction is to be used instead of a water diluent for one or more desiccated antigenic fractions in a combination package, a hyphenated serial number composed of the serial number of the desiccated fraction and that of the liquid fraction shall be on the final container carton;

(5) A permitted expiration date affixed before the product is removed from the manufacturer's establishment;

(6) A dosage table and full instructions for the proper use of the product or a statement in the case of very small labels as to where such information is to be found;

(7) The recoverable quantity of the content of each final container;

(8) Instructions to store the biological product at a temperature of not over 45° F.;

(9) In the case of a multiple-dose container, a warning that all of the product should be used at the time the container is first opened, except as provided in subparagraphs (13) and (14) of this paragraph;

(10) In the case of a product composed of viable or dangerous organisms or viruses, the notice "Burn this container and all unused contents" prominently placed and lettered and affixed to the final container of such product;

(11) In the case of virus vaccine, the true name of the biological product shall be supplemented with: (i) The attenuation level as Live Virus, Modified Live Virus, Killed Virus, or Inactivated Virus; (ii) "Formalin Killed Virus" or "Chemically Inactivated" will be permitted. "Phenolized" will be permitted for Rabies Vaccine, Nerve Tissue Origin; (iii) The methods used to propagate the virus shall be designated on each label; and (iv) a designation of the animal of origin for all tissues used in production, shall be on each label. Commonly accepted designations such as Chick or Chicken, Duck, Turkey, Avian, Canine, Feline, Ovine, Equine, and Bovine shall be permitted. Abbreviations shall be permitted if defined on all labels and enclosures;

(12) In the case of a product which contains an antibiotic added during the production process, the statement "Contains _____ as a preservative," or an equivalent statement indicating the antibiotic added, except that the label affixed to the final container is exempt from this requirement provided this

statement appears on a carton label containing such final container:

(13) In the case of a desiccated biological product which is to be added to a diluent and never returned to the original container, all labels for such desiccated biological product are exempt from the provisions of subparagraph (9) of this paragraph;

(14) In the case of diagnostic or desensitizing antigens which are packaged as multiple-dose containers, all labels are exempt from the provisions of subparagraph (9) of this paragraph;

(15) Biological products recommended for use in domestic animals, the edible portions of which may be used for food purposes, shall have a withholding statement "Do not vaccinate within _____ _____ days before slaughter" on all labels showing the required number of days for the type of products specified in subdivisions (i), and (ii) of this subparagraph; *Provided*, That longer periods shall be stated when deemed necessary by the Director:

(i) The withholding statement shall be not less than 21 days for the products containing adjuvants or precipitating agents;

(ii) The withholding statement shall be not less than 14 days for the products containing live microorganisms; *Provided*, That when a longer withholding period for a biological product such as Anthrax Spore Vaccine is specified in regulations pertaining to livestock slaughter, the longer period shall be used.

(16) The statement "No U.S. Standard of Potency" if no standard requirement for evaluating potency of the biological product has been established by the Division and no test method acceptable to the Division for evaluating potency of the product is included in the licensee's outline: *Provided*, That in the case of a combination biological product for which a standard requirement has been established by the Division for evaluating the potency of one or more fractions of the product or test methods acceptable to the Division for evaluating potency of one or more fractions of such product have been included in the licensee's outline, the statement "U.S. Standard for (name fractions) Fraction(s) Only" shall be used: *Provided further*, That if the applicable statement appears on the carton label and enclosure, if any is used, the label affixed to the final container shall be exempt from this requirement.

(17) In the case of Autogenus Bacterins, all labels shall designate the animal of origin from which the organisms used for seed were isolated and include the statement: "No U.S. Standard of Potency. The product is to be used only in the herd or flock from which the organisms were isolated;" and

(18) All other similar information required by the Director.

* * * * *

(e) Restricted sales to veterinarians may be so stated on the labels: *Provided*, That the entire production of the product by the licensee involved shall be so restricted. The phrase "For Veterinary Use Only" or an equivalent statement may be used to indicate a product is recommended specifically for animals and not for humans.

4. Section 112.3 is amended by revising paragraph (c) to read:

§ 112.3 Diluent labels.

* * * * *

(c) The recoverable quantity of contents in cubic centimeters.

* * * * *

5. Section 112.4 is amended by revising paragraph (b) to read:

§ 112.4 Reference to distributors and permittees.

* * * * *

(b) *Permittees*. The name and address of a permittee shall not be placed on the labels or containers of an imported biological product in such manner as to indicate that he is the manufacturer of such product. Reference to such permittee shall be made by name, address, and U.S. Veterinary Biological Product Permit number only.

6. Section 112.5 is revised to read:

§ 112.5 Review and approval of labels and other material.

(a) Except as otherwise provided in this section quadruplicate copies of all labels, circulars, and enclosures distributed with biological products prepared by licensed establishment or imported shall be submitted to the Director for review and approval before they are placed in use. For the convenience and guidance of licensees and permittees, sketches or proofs of new labels and the like may be submitted in triplicate to the Director for review and approval, and in this case the preparation of finished labels and the like shall be deferred until copies of such sketches or proofs are returned to the licensee or permittee. Blank transmittal forms will be furnished upon request to the Veterinary Biologics Division.

(b) Tags, stickers, and the like used to identify products or materials during process of production or testing, if not false or deceptive, may be used by licensees.

(c) Labels stamped or printed directly to the final container or glued thereto shall be permanently legible throughout the dating period. Biological products shall be withheld from the market if such labels have been altered, mutilated, destroyed, obliterated, or removed.

(d) When requested by the Director, licensees and permittees shall submit lists of labels, cartons, and required enclosures which they will continue in actual use. Each shall be properly identified by name of product, date of approval, the number assigned by the Division when approved.

7. Section 112.6 is amended by revising paragraph (b) and adding a new paragraph (d) to read:

§ 112.6 Packaging desiccated products.

* * * * *

(b) Except as provided in paragraph (d) of this section, only one multiple-dose final container of a desiccated biological product and its accompanying container of diluent shall be packaged in an appropriately labeled box or carton.

* * * * *

(d) When a biological product is designed to be administered to poultry, multiple dose containers, not to exceed 1,000 doses per vial and not to exceed 10 vials per package, may be marketed in a single appropriately labeled carton with accompanying containers of diluent; *Provided*, That (1) The package must have a complete, overlapping, wraparound label or seal which must be broken in order to open the package, and (2) Have a required statement prominently placed on the carton label to the effect that, "Federal regulations prohibit the repackaging or sale of the contents of this package in fractional units. Do not accept if seal is broken;" and (3) Only one enclosure (direction sheet) shall be supplied in each carton.

8. Part 112 is amended by adding a new § 112.7 to read:

§ 112.7 Special additional requirements.

(a) In the case of liquid Brucella abortus vaccine and rabies vaccine, all carton labels and enclosures shall include a warning against freezing.

(b) In the case of vaccines containing live Newcastle Disease virus, a caution statement indicating that Newcastle Disease can cause inflammation of the eyelids of humans, and a warning to the user to avoid infecting his eyes shall be included on the enclosure.

(c) In the case of vaccine containing infectious bronchitis virus, labels and enclosures shall show the infectious bronchitis virus type or types used in the product. Abbreviation is permitted.

(d) In the case of vaccines containing live rabies virus, low egg-passage (40th–50th egg-passage level), a warning statement on cartons, labels, and enclosures in large bold-faced print, preferably in red, shall be shown as follows: For Use in Dogs Only! Not for Use in Any Other Animal! or an equivalent statement; and in the case of other vaccines containing live rabies virus, the statement For Use in _____ Only! Not for Use in Any Other Animal! may be used and other animals listed: *Provided* Adequate potency has been demonstrated for domestic animals so listed and safety has been demonstrated for all animals listed.

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

Effective date: Thirty days after publication in the FEDERAL REGISTER except with respect to § 112.2(a) (15) (ii) provisions of which shall become effective July 1, 1969.

Done at Washington, D.C., this 13th day of January 1969.

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

[F.R. Doc. 69-582; Filed, Jan. 15, 1969; 8:49 a.m.]

Title 12—BANKS AND BANKING

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

PART 21—MINIMUM SECURITY DEVICES AND PROCEDURES FOR NATIONAL AND DISTRICT BANKS

On November 9, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 16449) stating that the Comptroller of the Currency was considering the addition of a new Part 21 entitled "Minimum Security Devices and Procedures for National and District Banks," to Title 12 of the Code of Federal Regulations. Interested persons were afforded an opportunity to participate in the rule making through the submission of relevant data, views, or arguments. After consideration of all such relevant matter as was submitted by interested persons, the new part as so proposed is hereby adopted, with certain changes, as set forth below:

Sec.
21.0 Scope of part.
21.1 Definitions.
21.2 Designation of security officer.
21.3 Security devices.
21.4 Security procedures.
21.5 Filing by banks of reports with the Comptroller of the Currency.
21.6 Corrective action.
21.7 Penalty provision.
Appendix A—Minimum standards for security devices.
Appendix B—Proper employee conduct during and after a robbery.

AUTHORITY: The provisions of this Part 21 issued under sec. 3, 82 Stat. 295. Interpret or apply secs. 1, 2, 3, 4, 5, 82 Stat. 294, 295.

§ 21.0 Scope of part.

Pursuant to the authority conferred upon the Comptroller of the Currency by section 3 of the Bank Protection Act of 1968 (82 Stat. 295), the regulations contained in this part—

(a) Establish minimum standards with which each national or district bank must comply with respect to the installation, maintenance, and operation of security devices and procedures to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts;

(b) Establish time limits within which each such bank shall comply with such standards; and

(c) Require the submission of reports with respect to the installation, maintenance, and operation of security devices and procedures.

§ 21.1 Definitions.

For purposes of this part—

(a) "Bank" means a national banking association or a bank located in the District of Columbia and subject to the supervision of the Comptroller of the Currency.

(b) "Banking hours" means the time during which a banking office is open for the normal transaction of business with the banking public.

(c) "Banking office" means the main office of a bank or a branch authorized under 12 U.S.C. section 36.

(d) "Teller's station or window" means a location in a banking office at which bank customers routinely conduct transactions with the bank which involve the exchange of funds, including a walkup or drive-in teller's station or window.

§ 21.2 Designation of security officer.

On or before February 15, 1969, or within 30 days after the opening of a new bank, the board of directors of each bank shall designate an officer or other employee of the bank who shall be charged, subject to the supervision by the bank's board of directors, with responsibility for the installation, maintenance, and operation of security devices and the development and administration of a security program which equal or exceed the standards prescribed by this part.

§ 21.3 Security devices.

(a) *Installation, maintenance, and operation of appropriate security devices.* Before January 1, 1970, or within 30 days after the opening of a new bank, the security officer of each bank, under such directions as shall be given him by the bank's board of directors, shall survey the need for security devices in each of the bank's banking offices and shall provide for the installation, maintenance, and operation, in each such office, of—

(1) A lighting system for illuminating, during the hours of darkness, the area around the vault, if the vault is visible from outside the banking office;

(2) Tamper-resistant locks on exterior doors and exterior windows designed to be opened;

(3) An alarm system or other appropriate device for promptly notifying the nearest responsible law enforcement officers of an attempted or perpetrated robbery or burglary; and

(4) Such other devices as the security officer, after seeking the advice of law enforcement officers, shall determine to be appropriate for discouraging robberies, burglaries, and larcenies, and for assisting in the identification and apprehension of persons who commit such acts.

(b) *Considerations relevant to determining appropriateness.* For the purposes of subparagraph (4) of paragraph (a) of this section, considerations relevant to determining appropriateness include, but are not limited to—

(1) The incidence of crimes against the particular banking office and/or against financial institutions in the area in which the banking office is or will be located;

(2) The amount of currency or other valuables exposed to robbery, burglary, or larceny;

(3) The distance of the banking office from the nearest responsible law enforcement officers and the time required for such law enforcement officers ordinarily to arrive at the banking office;

(4) The cost of the security devices;

(5) Other security measures in effect at the banking office; and

(6) The physical characteristics of the banking office structure and its surroundings.

(c) *Implementation.* It is appropriate for banking offices in areas with a high incidence of crime to install many devices which would not be practicable because of costs for small banking offices in areas substantially free of crimes against financial institutions. Each bank shall consider the appropriateness of installing, maintaining, and operating security devices which are expected to give a general level of bank protection at least equivalent to the standards described in Appendix A of this part. In any case in which (on the basis of the factors listed in paragraph (b) of this section or similar ones, the use of other measures, or the decision that technological change allows the use of other measures judged to give equivalent protection) it is decided not to install, maintain, and operate devices at least equivalent to these standards, the bank shall preserve in its records a statement of the reasons for such decision.

§ 21.4 Security procedures.

(a) *Development and administration.* On or before July 15, 1969, each bank shall develop and provide for the administration of a security program to protect each of its banking offices from robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts. The security program shall be reduced to writing, approved by the bank's board of directors, and retained by the bank in such form as will readily permit determination of its adequacy and effectiveness.

(b) *Contents of security programs.* Such security programs shall—

(1) Provide for establishing a schedule for the inspection, testing, and servicing of all security devices installed in each banking office; provide for designating the officer or other employee who shall be responsible for seeing that such devices are inspected, tested, serviced, and kept in good working order; and require such officer or other employee to keep a record of such inspections, testings, and servicings;

(2) Require that each banking office's currency be kept at a reasonable minimum and provide procedures for safely removing excess currency;

(3) Require that the currency at each teller's station or window be kept at a reasonable minimum and provide procedures for safely removing excess currency and other valuables to a locked safe, vault, or other protected place;

(4) Require that the currency at each teller's station or window include "bait" money, i.e., used Federal Reserve notes the denominations, banks of issue, serial numbers, and series years of which are recorded, verified by a second officer or employee, and kept in a safe place;

(5) Require that all currency, negotiable securities, and similar valuables be kept in a locked vault or safe during nonbanking hours, that the vault or safe be opened at the latest time practicable before banking hours, and that the vault

or safe be locked at the earliest time practicable after banking hours;

(6) Provide, where practicable, for designation of a person or persons to open each banking office and require him or them to inspect the premises, to ascertain that no unauthorized persons are present, and to signal other employees that the premises are safe before permitting them to enter;

(7) Provide for designation of a person or persons who will assure that all security devices are turned on and are operating during the periods in which such devices are intended to be used;

(8) Provide for designation of a person or persons to inspect, after the closing hour, all areas of each banking office where currency, negotiable securities, or similar valuables are normally handled or stored in order to assure that such currency, securities, and valuables have been put away, that no unauthorized persons are present in such areas, and that the vault or safe and all doors and windows are securely locked; and

(9) Provide for training, and periodic retraining, of employees in their responsibilities under the security program, including the proper use of security devices and proper employee conduct during and after a robbery, in accordance with the procedures listed in Appendix E of this part.

§ 21.5 Filing by banks of reports with the Comptroller of the Currency.

(a) *Compliance reports.* As of the last business day in June of 1970, and as of the last business day in June of each calendar year thereafter, each bank shall file with the Regional Administrator of National Banks for the region in which it is located a statement certifying to its compliance with the requirements of this part. The statement shall be dated and signed by the president, or cashier, or other managing officer of the bank and may be in a form substantially as follows:

I hereby certify to the best of my knowledge and belief that this bank has developed and administers a security program that equals or exceeds the standards prescribed by 12 CFR § 21.4; that such security program has been reduced to writing, approved by the bank's board of directors, and retained by the bank in such form as will readily permit determination of its adequacy and effectiveness; and that the bank security officer, after seeking the advice of law enforcement officers, has provided for the installation, maintenance, and operation of appropriate security devices, as prescribed by 12 CFR § 21.3, in each of the bank's banking offices.

(b) *Records of consultation.* The bank's files shall contain a readily available record showing the name(s) and title(s) of the law enforcement officer(s) whose advice the security officer sought prior to the installation, maintenance, and operation of appropriate security devices.

(c) *Reports on security devices.* On or before March 15, 1969, and upon such other occasions as the Comptroller of the Currency may specify, each bank shall file with the Regional Administrator of National Banks for the region in which it is located a report on Form No. CC-9030-02 (in duplicate) for each of its offices that is subject to this part.

(d) *External crime reports.* Each time a robbery, burglary, or nonbank employee larceny is perpetrated or attempted at a banking office operated by a bank, the bank shall, within a reasonable time, file a report in conformity with the requirements of Form CC-9030-01 with the Regional Administrator of National Banks for the region in which the reporting bank is located.

(e) *Special reports.* Each bank shall file such other reports as the Comptroller of the Currency or his designee may require.

§ 21.6 Corrective action.

Whenever the Comptroller of the Currency or his designee determines that the security devices or procedures used by a bank are deficient in meeting the requirements of this part, or that the requirements of this part should be varied in the circumstances of a particular banking office, he may take or require the bank to take necessary corrective action. If the Comptroller of the Currency or his designee determines that such corrective action is appropriate or necessary, the bank will be so notified and will be furnished a statement of what the bank must do to comply with the requirements of this part.

§ 21.7 Penalty provision.

Pursuant to section 5 of the Bank Protection Act of 1968 (82 Stat. 295), a bank that violates any provision of this part shall be subject to a civil penalty not to exceed $100 for each day of violation.

Dated this 13th day of January 1969.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

APPENDIX A

MINIMUM STANDARDS FOR SECURITY DEVICES

(1) *Surveillance systems*—(i) *General.* Surveillance systems should be:

(A) Equipped with one or more photographic, recording, monitoring, or like devices capable of reproducing images of persons in the banking office with sufficient clarity to facilitate (through photographs capable of being enlarged to produce a 1-inch vertical head-size of persons whose images have been reproduced) the identification and apprehension of robbers or other suspicious persons;

(B) Reasonably silent in operation;

(C) So designed and constructed that necessary services, repairs, or inspections can readily be made.

Any camera used in such a system should be capable of taking at least one picture every 2 seconds and, if it uses film, should contain enough unexposed film at all times to be capable of operating for not less than 3 minutes, and the film should be at least 16 mm.

(ii) *Installation, maintenance, and operation of surveillance systems providing surveillance of other than walkup or drive-in teller's stations or windows.* Surveillance devices for other than walkup or drive-in windows should be:

(A) Located so as to reproduce identifiable images of persons either leaving the banking office or in a position to transact business at each such station or window; and

(B) Capable of activation by initiating devices located at each teller's station.

(iii) *Installation, maintenance, and operation of surveillance systems providing surveillance of walkup or drive-in teller's stations or windows.* Surveillance devices for walkup and drive-in teller's stations or windows should be located in such a manner as to reproduce identifiable images of persons in a position to transact business at each such station or window and areas of such station or window that are vulnerable to robbery or larceny. Such devices should be capable of activation by one or more initiating devices located within or in close proximity to such station or window. Such devices could be omitted in the case of walkup or drive-in teller's station or window in which the teller is effectively protected by a bullet-resistant barrier from persons outside the station or window, but if the teller is vurnerable to larceny or robbery by members of the public who enter the banking office, the teller should have access to a device to activate a surveillance system that covers the area of vulnerability or the exits to the banking office.

(2) *Robbery alarm systems.* A robbery alarm should be provided for each banking office at which the police ordinarily can arrive within 5 minutes after an alarm is activated. Robbery alarm systems should be:

(i) Designed to transmit to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that a crime against the banking office has occurred or is in progress;

(ii) Capable of activation by initiating devices located at each teller's station (except walkup or drive-in teller's stations or windows in which the teller is effectively protected by a bullet-resistant barrier and effectively isolated from persons, other than fellow employees, inside a banking office of which such station or window may be a part);

(iii) Safeguarded against accidental transmission of an alarm;

(iv) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(v) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 24 hours in the event of failure of the usual source of power.

(3) *Burglar alarm systems.* Burglar alarm systems should be:

(i) Capable of detecting promptly an attack on the outer door, walls, floor, or ceiling of each vault, and each safe not stored in a vault, in which currency, negotiable securities, or similar valuables are stored when the office is closed, and any attempt to move any such safe;

(ii) Designed to transmit to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that any such attempt is in progress; and in the case of a banking office at which the police ordinarily cannot arrive within 5 minutes after an alarm is activated, designed to activate a loud sounding bell or other device that is audible inside the banking office and for a distance of approximately 500 feet outside the banking office;

(iii) Safeguarded against accidental transmission of an alarm;

(iv) Equipped with a visual and audible signal, capable of indicating improper functioning of or tampering with the system; and

(v) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the

system for at least 80 hours in the event of failure of the usual source of power.

(4) *Walkup and drive-in teller's stations or windows.* Walkup and drive-in teller's stations or windows contracted for after February 15, 1969, should be constructed in such a manner that tellers are effectively protected by bullet-resistant barriers from robbery or larceny by persons outside such stations or windows. Such barriers should be of glass at least 1 3/16 inches thick,[1] or of material of at least equivalent bullet-resistance. Pass-through devices should be designed and constructed as not to afford a person outside the station a direct line of fire at a person inside the station.

(5) *Vaults, safes, and night depositories.* Vaults and safes (if not to be stored in a vault) in which currency, negotiable securities, or similar valuables are to be stored when the office is closed, and night depositories, contracted for after February 15, 1969, should meet or exceed the following standards:

(A) *Vaults.* Vault walls, roof and floor contracted for after February 15, 1969, should be made of steel-reinforced concrete, at least 18 inches thick; vault doors should be made of steel or other drill- and torch-resistant material, at least 3½ inches thick, and be equipped with a dial combination lock and a time lock and a substantial, lockable daygate; or vaults and vault doors should be constructed of materials that afford at least equivalent burglary-resistance.

(B) *Safes.* Safes contracted for after February 15, 1969, should weigh at least 750 pounds empty, or be securely anchored to the premises where located. The door should be equipped with a combination lock, and with a relocking device that will effectively lock the door if the combination lock is punched. The body should consist of steel, at least 1 inch in thickness, with an ultimate tensile strength of 50,000 pounds per square inch, either cast or fabricated, and be fastened in a manner equal to a continuous ¼-inch penetration weld having an ultimate tensile strength of 50,000 pounds per square inch. One hole not exceeding 3/16-inch diameter may be provided in the body to permit insertion of electrical conductors, but should be located so as not to permit a direct view of the door or locking mechanism. The door should be made of steel that is at least 1½ inches thick, and at least equivalent in strength to that specified for the body; or safes should be constructed of materials that afford at least equivalent burglary-resistance.

(C) *Night depositories.* Night depositories (excluding envelope drops not used to receive substantial amounts of currency) contracted for after February 15, 1969, should consist of a receptacle chest having cast, or welded, steel walls, top and bottom, at least 1 inch thick; a combination locked steel door at least 1½ inches thick; and a chute, made of steel that is at least 1 inch thick, securely bolted or welded to the receptacle and to a depository entrance of strength similar to the chute; or night depositories should be constructed of materials that afford at least equivalent burglary-resistance. The depository entrance should be equipped with a lock. Night depositories should be equipped with a burglary alarm and be designed to protect against the "fishing" of a deposit from the deposit receptacle, and to protect against the "trapping" of a deposit for extraction.

Each device mentioned in this Appendix should be installed and regularly inspected, tested, and serviced by competent persons, so as to assure realization of its maximum performance capabilities. Activating devices for surveillance systems and robbery alarms should be operable with the least risk of detection by unauthorized persons that can be practicably achieved.

APPENDIX B

PROPER EMPLOYEE CONDUCT DURING AND AFTER A ROBBERY

With respect to proper employee conduct during and after a robbery, employees should be instructed:

(1) To avoid actions that might increase danger to themselves or others;

(2) To activate the robbery alarm system and the surveillance system during the robbery, if it appears that such activation can be accomplished safely;

(3) To observe the robber's physical features, voice, accent, mannerisms, dress, the kind of weapon he has, and any other characteristics that would be useful for identification purposes;

(4) That if the robber leaves evidence (such as a note) try to put it aside and out of sight, if it appears that this can be done safely; retain the evidence, do not handle it unnecessarily, and give it to the police when they arrive; and refrain from touching, and assist in preventing others from touching, articles or places the robber may have touched or evidence he may have left, in order that fingerprints of the robber may be obtained;

(5) To give the robber no more money than the amount he demands, and include "bait" money in the amount given;

(6) That if it can be done safely, observe the direction of the robber's escape and the description and license plate number of the vehicle used, if any;

(7) To telephone the local police, if they have not arrived, and the nearest office of the Federal Bureau of Investigation, or inform a designated officer or other employee who has this responsibility, that a robbery has been committed;

(8) That if the robber leaves before the police arrive, assure that a designated officer or other employee waits outside the office, if it is safe to do so, to inform the police when they arrive that the robber has left;

(9) To attempt to determine the names and addresses of other persons who witnessed the robbery or the escape, and request them to record their observations or to assist a designated officer or other employee in so doing;

(10) To refrain from discussing the details of the robbery with others before recording the observations respecting the robber's physical features and other characteristics as hereinabove described and the direction of escape and description of vehicle used, if any.

[F.R. Doc. 69-653; Filed, Jan. 15, 1969; 8:50 a.m.]

[1] It should be emphasized that this thickness is merely bullet-resistant and not bulletproof.

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

Foreign Equity Investments

1. Effective January 7, 1969, § 211.8 is amended to read as follows:

§ 211.8 Investments in shares of other corporations.

(a) *General consent.* Subject to section 25(a) of the Act[1] and this part, the Board hereby grants its general consent for any Corporation to invest, directly or indirectly, in the shares of foreign corporations[2] not doing business in the United States; but no investment hereunder shall cause the Corporation to have invested more than $500,000 in the shares, or to hold more than 25 percent of the voting shares, of any such corporation.

(b) *Specific consent.* Prior specific consent of the Board is required with respect to the acquisition of any shares by a Corporation, except as provided in paragraph (a) of this section or the ninth paragraph of section 25(a) of the Act (relating to purchases of stock to prevent loss on debts previously contracted).

(c) *Conditions.* (1) Shares of stock in a corporation shall be disposed of as promptly as practicable if (i) such corporation should engage in the business of underwriting, selling, or distributing securities in the United States or (ii) the Corporation is advised by the Board that their holding is inappropriate under section 25(a) of the Act or this part.

(2) In computing the amount which may be invested in the shares of any corporation under paragraph (a) of this section and section 25(a) of the Act, there shall be included any such investments in other corporations controlled by such corporation. Unless otherwise specified, "shares" in this section includes any rights to acquire shares, except that prior Board consent is not required for the acquisition and exercise of stock rights in lieu of dividends which are declared on shares already held by a Corporation and which do not result in an increase in percentage ownership of the corporation.

(d) *Reports.* A Corporation shall inform the Board through the Federal Reserve Bank of its district within 30 days after the close of each quarter with respect to any acquisition or disposition of shares during that quarter, including the following information concerning any corporation whose shares it acquired for the first time (unless previously furnished): (1) Recent balance sheet and income statement, (2) brief descriptions of the corporation's business (including full information concerning any such business transacted in the United States), the shares acquired, and any related credit transaction, (3) lists of directors and principal officers (with address and principal business affiliation of each) and of all shareholders (known to the issuing corporation) holding 10 percent or more of any class of the corporation's shares (and the amount held by each), and (4) information concerning the rights and privileges of the various classes of shares outstanding.

[1] Including the limitations therein based on capital and surplus.

[2] As used here, "corporation" does not include limited partnerships or similar organizations.

2a. This amendment is issued pursuant to the authority granted to the Board of Governors by sections 25 and 25(a) of the Federal Reserve Act (12 U.S.C. 601 and 615) to prescribe regulations governing corporations operating or chartered under such sections. The purpose of the amendment is to permit such corporations, without obtaining the Board's prior specific consent, to invest up to $500,000 in not more than 25 percent of the stock of any foreign corporation not doing business in the United States.

b. There was no notice and public participation with respect to this amendment, nor is the effective date deferred, because the Board found that such actions were not necessary in the public interest.

Dated at Washington, D.C., this 7th day of January 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-551; Filed, Jan. 15, 1969; 8:47 a.m.]

[Reg. P]

PART 216—MINIMUM SECURITY DEVICES AND PROCEDURES FOR FEDERAL RESERVE BANKS AND STATE MEMBER BANKS

1. Effective January 13, 1969, Part 216 is added, as set forth below.

2a. This part implements the provisions of the Bank Protection Act of 1968 (Public Law 90-289; 82 Stat. 295). Notice of proposed rule making with respect to this part was published in the FEDERAL REGISTER of November 9, 1968 (33 F.R. 16461).

2b. The regulation was adopted by the Board after consideration of all relevant material that was presented by interested persons and after consultation and coordination with the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the Department of Justice. In general, the regulatory requirements as adopted follow the proposals in the notice of proposed rule making. Certain proposed requirements were modified to relax their effect; to the very minor extent that the requirements respecting security procedures as adopted are more stringent than these proposed, the Board found that the changes would not impose a significantly greater burden and that, in the circumstances republication for additional comment is unnecessary. Deferment of the effective date of the regulation is also unnecessary since no action pursuant thereto is required until February 15, 1969.

Dated at Washington, D.C., this 13th day of January 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

Sec.
216.0 Scope of part.
216.1 Definitions.
216.2 Designation of security officer.
216.3 Security devices.
216.4 Security procedures.
216.5 Filing of reports.
216.6 Corrective action.
216.7 Applicability to Federal Reserve Banks.
216.8 Penalty provision.
Appendix A—Minimum standards for security devices.
Appendix B—Proper employee conduct during and after a robbery.

AUTHORITY: The provisions of this Part 216 issued under sec. 3, 82 Stat. 295. Interpret or apply sec. 1, 2, 3, 4, 5, 82 Stat. 294, 295.

§ 216.0 Scope of part.

Pursuant to the authority conferred upon the Board of Governors of the Federal Reserve System by section 3 of the Bank Protection Act of 1968 (82 Stat. 295) with respect to State banks which are members of the Federal Reserve System and to Federal Reserve Banks[1] the rules contained in this part—

(a) Establish minimum standards for the installation, maintenance, and operation of security devices and procedures to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts;

(b) Establish time limits for compliance; and

(c) Require the submission of reports.

§ 216.1 Definitions.

For the purposes of this part—

(a) The term "State member bank" means any bank that is a member of the Federal Reserve System (other than a national bank or a District of Columbia bank).

(b) The term "banking hours" means the time during which a banking office is open for the normal transaction of business with the banking public.

(c) The term "banking office" includes the main office of any State member bank and any branch thereof.

(d) The term "branch" includes any branch bank, branch office, branch agency, additional office, or any branch place of business located in any State of the United States or in any territory of the United States, Puerto Rico, Guam, or the Virgin Islands at which deposits are received or checks paid or money lent.

(e) The term "Board" means the Board of Governors of the Federal Reserve System.

(f) The term "teller's station or window" means a location in a banking office at which bank customers routinely conduct transactions with the bank which involve the exchange of funds, including a walkup or drivein teller's station or window.

§ 216.2 Designation of security officer.

On or before February 15, 1969 (or within 30 days after a State bank becomes a member of the Federal Reserve System, whichever is later), the board of directors of each State member bank shall designate an officer or other employee of the bank who shall be charged, subject to supervision by the bank's board of directors, with responsibility for the installation, maintenance, and operation of security devices and for the development and administration of a security program which equal or exceed the standards prescribed by this part.

§ 216.3 Security devices.

(a) *Installation, maintenance, and operation of appropriate security devices.* Before January 1, 1970 (or within 30 days after a State bank becomes a member of the Federal Reserve System, whichever is later), the security officer of each State member bank, under such directions as shall be given him by the bank's board of directors, shall survey the need for security devices in each of the bank's banking offices and shall provide for the installation, maintenance, and operation, in each such office, of—

(1) A lighting system for illuminating, during the hours of darkness, the area around the vault, if the vault is visible from outside the banking office;

(2) Tamper-resistant locks on exterior doors and exterior windows designed to be opened;

(3) An alarm system or other appropriate device for promptly notifying the nearest responsible law enforcement officers of an attempted or perpetrated robbery or burglary; and

(4) Such other devices as the security officer, after seeking the advice of law enforcement officers, shall determine to be appropriate for discouraging robberies, burglaries, and larcenies and for assisting in the identification and apprehension of persons who commit such acts.

(b) *Considerations relevant to determining appropriateness.* For the purposes of subparagraph (4) of paragraph (a) of this section, considerations relevant to determining appropriateness, include, but are not limited to—

(1) The incidence of crimes against the particular banking office and/or against financial institutions in the area in which the banking office is or will be located;

(2) The amount of currency or other valuables exposed to robbery, burglary, or larceny;

(3) The distance of the banking office from the nearest responsible law enforcement officers and the time required for such law enforcement officers ordinarily to arrive at the banking office;

(4) The cost of the security devices;

(5) Other security measures in effect at the banking office; and

(6) The physical characteristics of the banking office structure and its surroundings.

(c) *Implementation.* It is appropriate for banking offices in areas with a high incidence of crime to install many devices which would not be practicable because of costs for small banking offices in areas substantially free of crimes against financial institutions. Each bank shall consider the appropriateness of installing, maintaining, and operating security devices which are expected to give a general level of bank protection at least equivalent to the standards described in Appendix A of this part. In any case in

[1] See § 216.7 regarding the applicability of this part to Federal Reserve Banks.

which (on the basis of the factors listed in paragraph (b) of this section or similar ones, the use of other measures, or the decision that technological change allows the use of other measures judged to give equivalent protection) it is decided not to install, maintain, and operate devices at least equivalent to these standards, the bank shall preserve in its records a statement of the reasons for such decision and forward a copy of that statement to the Federal Reserve Bank for the District in which its main office is located.

§ 216.4 Security procedures.

(a) *Development and administration.* On or before July 15, 1969 (or within 30 days after a State bank becomes a member of the Federal Reserve System, whichever is later), each State member bank shall develop and provide for the administration of a security program to protect each of its banking offices from robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts. This security program shall be reduced to writing, approved by the bank's board of directors, and retained by the bank in such form as will readily permit determination of its adequacy and effectiveness, and a copy shall be filed with the Federal Reserve Bank for the District in which the main office of the bank is located.

(b) *Contents of security programs.* Such security programs shall—

(1) Provide for establishing a schedule for the inspection, testing, and servicing of all security devices installed in each banking office; provide for designating the officer or other employee who shall be responsible for seeing that such devices are inspected, tested, serviced, and kept in good working order; and require such officer or other employee to keep a record of such inspections, testings, and servicings;

(2) Require that each banking office's currency be kept at a reasonable minimum and provide procedures for safely removing excess currency;

(3) Require that the currency at each teller's station or window be kept at a reasonable minimum and provide procedures for safely removing excess currency and other valuables to a locked safe, vault, or other protected place;

(4) Require that the currency at each teller's station or window include "bait" money, i.e., used Federal Reserve notes, the denominations, banks of issue, serial numbers, and series years of which are recorded, verified by a second officer or employee, and kept in a safe place;

(5) Require that all currency, negotiable securities, and similar valuables be kept in a locked vault or safe during nonbusiness hours, that the vault or safe be opened at the latest time practicable before banking hours, and that the vault or safe be locked at the earliest time practicable after banking hours;

(6) Provide where practicable, for designation of a person or persons to open each banking office and require him or them to inspect the premises, to ascertain that no unauthorized persons are present, and to signal other employees that the premises are safe before permitting them to enter;

(7) Provide for designation of a person or persons who will assure that all security devices are turned on and are operating during the periods in which such devices are intended to be used;

(8) Provide for designation of a person or persons to inspect, after the closing hour, all areas of each banking office where currency, negotiable securities, or similar valuables are normally handled or stored in order to assure that such currency, securities, and valuables have been put away, that no unauthorized persons are present in such areas, and that the vault or safe and all doors and windows are securely locked; and

(9) Provide for training, and periodic retraining, of employees in their responsibilities under the security program, including the proper use of security devices and proper employee conduct during and after a robbery, in accordance with the procedures listed in Appendix B of this part.

§ 216.5 Filing of reports.

(a) *Compliance reports.* As of the last business day in June of 1970, and as of the last business day in June of each calendar year thereafter, each State member bank shall file with the Federal Reserve Bank for the District in which its main office is located a statement certifying to its compliance with the requirements of this part. The statement shall be dated and signed by the president, or cashier, or other managing officer of the bank and may be in a form substantially as follows:

I hereby certify, to the best of my knowledge and belief, that this bank has developed and administers a security program that equals or exceeds the standards prescribed by § 216.4 of Regulation P; that such security program has been reduced to writing, approved by the bank's board of directors, and retained by the bank in such form as will readily permit determination of its adequacy and effectiveness; and that the bank security officer, after seeking the advice of law enforcement officers, has provided for the installation, maintenance, and operation of appropriate security devices, as prescribed by § 216.3 of Regulation P, in each of the bank's banking offices.

(b) *Reports on security devices.* On or before March 15, 1969, and upon such other occasions as the Board may specify, each State member bank shall file with the Federal Reserve Bank for the District in which it is located a report on Form P-1 (in duplicate) for each of its offices that is subject to this part.

(c) *External crime reports.* Each time a robbery, burglary, or nonbank-employee larceny is perpetrated or attempted at a banking office operated by a State member bank, the bank shall, within a reasonable time, file a report in conformity with the requirements of Form P-2. One copy of such report shall be filed with the appropriate State supervisory authority and three copies of such report shall be filed with the Federal Reserve Bank for the District in which the head office of the reporting bank is located.

(d) *Special reports.* Each State member bank shall file such other reports as the Board may require.

§ 216.6 Corrective action.

Whenever the Board determines that the security devices or procedures used by a State member bank are deficient in meeting the requirements of this part, or that the requirements of this part should be varied in the circumstances of a particular banking office, it may take or require the bank to take necessary corrective action. If the Board determines that such corrective action is appropriate or necessary, the bank will be so notified and will be furnished a statement of what the bank must do to comply with the requirements of this part.

§ 216.7 Applicability to Federal Reserve Banks.

The provisions of this part apply to each Federal Reserve Bank and its branches,[2] except that reports and other writings required or permitted to be filed by a State member bank with the Federal Reserve Bank for the District in which it is located must, in the case of a Federal Reserve Bank, be filed with the Board: *Provided, however,* That the applicability of the Bank Protection Act of 1968 and of this part to Federal Reserve Banks and their branches does not preclude the Board from requiring, by virtue of its authority under other provisions of law, that Federal Reserve Banks and their branches comply with higher standards respecting the installation, maintenance, and operation of security devices and procedures than those that are prescribed by this part.

§ 216.8 Penalty provision.

Pursuant to section 5 of the Bank Protection Act of 1968, a State member bank or Federal Reserve Bank that violates any provision of this part shall be subject to a civil penalty not to exceed $100 for each day of the violation.

APPENDIX A

MINIMUM STANDARDS FOR SECURITY DEVICES

(1) *Surveillance systems*—(i) *General.* Surveillance systems should be:

(A) Equipped with one or more photographic, recording, monitoring, or like devices capable of reproducing images of persons in the banking office with sufficient clarity to facilitate (through photographs capable of being enlarged to produce a 1 inch vertical head-size of persons whose images have been reproduced) the identification and apprehension of robbers or other suspicious persons;

(B) Reasonably silent in operation;

(C) So designed and constructed that necessary services, repairs, or inspections can readily be made.

Any camera used in such a system should be capable of taking at least one picture every 2 seconds and, if it uses film should contain enough unexposed film at all times to be capable of operating for not less than 3 minutes, and the film should be at least 16 mm.

(ii) *Installation, maintenance, and operation of surveillance sytsems providing surveillance of other than walkup or drive-in*

[2] A branch of a Federal Reserve Bank means an office established pursuant to section 3 of the Federal Reserve Act (12 U.S.C. sec. 521)

teller's stations or windows. Surveillance devices for other than walkup or drive-in windows should be:

(A) Located so as to reproduce identifiable images of persons either leaving the banking office or in a position to transact business at each such station or window; and

(B) Capable of activation by initiating devices located at each teller's station.

(iii) *Installation, maintenance, and operation of surveillance systems providing surveillance of walkup or drive-in teller's stations or windows.* Surveillance devices for walkup and drive-in teller's stations or windows should be located in such a manner as to reproduce identifiable images of persons in a position to transact business at each such station or window and areas of such station or window that are vulnerable to robbery or larceny. Such devices should be capable of activation by one or more initiating devices located within or in close proximity to such station or window. Such devices could be omitted in the case of walkup or drive-in teller's station or window in which the teller is effectively protected by a bullet-resistant barrier from persons outside the station or window, but if the teller is vulnerable to larceny or robbery by members of the public who enter the banking office, the teller should have access to a device to activate a surveillance system that covers the area of vulnerability or the exits to the banking office.

(2) *Robbery alarm systems.* A robbery alarm should be provided for each banking office at which the police ordinarily can arrive within 5 minutes after an alarm is activated. Robbery alarm systems should be:

(i) Designed to transmit to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that a crime against the banking office has occurred or is in progress;

(ii) Capable of activatiton by initiating devices located at each teller's station (except walkup or drive-in teller's stations or windows in which the teller is effectively protected by a bullet-resistant barrier and effectively isolated from persons, other than fellow employees, inside a banking office of which such station or window may be a part);

(iii) Safeguarded against accidental transmission of an alarm;

(iv) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(v) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 24 hours in the event of failure of the usual source of power.

(3) *Burglar alarm systems.* Burglar alarm systems should be:

(i) Capable of detecting promptly an attack on the outer door, walls, floor or ceiling of each vault, and each safe not stored in a vault, in which currency, negotiable securities, or similar valuables are stored when the office is closed, and any attempt to move any such safe;

(ii) Designed to transmit, to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that any such attempt is in progress; and in the case of a banking office at which the police ordinarily cannot arrive within 5 minutes after an alarm is activated, designed to activate a loud sounding bell or other device that is audible inside the banking office and for a distance of approximately 500 feet outside the banking office;

(iii) Safeguarded against accidental transmission of an alarm;

(iv) Equipped with a visual and audible signal, capable of indicating improper functioning of or tampering with the system; and

(v) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 80 hours in the event of failure of the usual source of power.

(4) *Walkup and drive-in teller's stations or windows.* Walkup and drive-in teller's stations or windows contracted for after February 15, 1969, should be constructed in such a manner that tellers are effectively protected by bullet-resistant barriers from robbery or larceny by persons outside such stations or windows. Such barriers should be of glass at least 1 3/16 inches thick [1] or of material of at least equivalent bullet-resistance. Pass-through devices should be designed and constructed as not to afford a person outside the station a direct line of fire at a person inside the station.

(5) *Vaults, safes, and night depositories.* Vaults and safes (if not to be stored in a vault) in which currency, negotiable securities, or similar valuables are to be stored when the office is closed, and night depositories, contracted for after February 15, 1969, should meet or exceed the following standards:

(A) *Vaults.* Vault walls, roof and floor contracted for after February 15, 1969, should be made of steel-reinforced concrete, at least 18 inches thick; vault doors should be made of steel or other drill and torch-resistant material, at least 3½ inches thick, and be equipped with a dial combination lock and a time lock and a substantial, lockable daygate; or vaults and vault doors should be constructed of materials that afford at least equivalent burglary-resistance.

(B) *Safes.* Safes contracted for after February 15, 1969, should weigh at least 750 pounds empty, or be securely anchored to the premises where located. The door should be equipped with a combination lock, and with a relocking device that will effectively lock the door if the combination lock is punched. The body should consist of steel, at least 1 inch in thickness, with an ultimate tensile strength of 50,000 pounds per square inch, either cast or fabricated, and be fastened in a manner equal to a continuous ¼-inch penetration weld having an ultimate tensile strength of 50,000 pounds per square inch. One hole not exceeding 3/16-inch diameter may be provided in the body to permit insertion of electrical conductors, but should be located so as not to permit a direct view of the door or locking mechanism. The door should be made of steel that is at least 1½ inches thick, and at least equivalent in strength to that specified for the body; or safes should be constructed of materials that afford at least equivalent burglary-resistance.

(C) *Night depositories.* Night depositories (excluding envelope drops not used to receive substantial amounts of currency) contracted for after February 15, 1969, should consist of a receptacle chest having cast, or welded, steel walls, top and bottom, at least 1 inch thick; a combination locked steel door at least 1½ inches thick; and a chute, made of steel that is at least 1 inch thick, securely bolted or welded to the receptacle and to a depository entrance of strength similar to the chute; or night depositories should be constructed of materials that afford at least equivalent burglary-resistance. The depository entrance should be equipped with a lock. Night depositories should be equipped with a burglary alarm and be designed to protect against the "fishing" of a deposit from the deposit receptacle, and to protect against the "trapping" of a deposit for extraction.

Each device mentioned in this appendix should be installed and regularly inspected, tested, and serviced by competent persons, so as to assure realization of its maximum performance capabilities. Activating devices for surveillance systems and robbery alarms should be operable with the least risk of detection by unauthorized persons that can be practicably achieved.

[1] It should be emphasized that this thickness is merely bullet-resistant and not bullet-proof.

APPENDIX B

PROPER EMPLOYEE CONDUCT DURING AND AFTER A ROBBERY

With respect to proper employee conduct during and after a robbery, employees should be instructed:

(1) To avoid actions that might increase danger to themselves or others;

(2) To activate the robbery alarm system and the surveillance system during the robbery, if it appears that such activation can be accomplished safely;

(3) To observe the robber's physical features, voice, accent, mannerisms, dress, the kind of weapon he has, and any other characteristics that would be useful for identification purposes;

(4) That if the robber leaves evidence (such as a note) try to put it aside and out of sight, if it appears that this can be done safely; retain the evidence, do not handle it unnecessarily, and give it to the police when they arrive; and refrain from touching, and assist in preventing others from touching, articles or places the robber may have touched or evidence he may have left, in order that fingerprints of the robber may be obtained;

(5) To give the robber no more money than the amount he demands, and include "bait" money in the amount given;

(6) That if it can be done safely, observe the direction of the robber's escape and the description and license plate number of the vehicle used, if any;

(7) To telephone the local police, if they have not arrived, and the nearest office of the Federal Bureau of Investigation, or inform a designated officer or other employee who has this responsibility, that a robbery has been committed;

(8) That if the robber leaves before the police arrive, assure that a designated officer or other employee waits outside the office, if it is safe to do so, to inform the police when they arrive that the robber has left;

(9) To attempt to determine the names and addresses of other persons who witnessed the robbery or the escape, and request them to record their observations or to assist a designated officer or other employee in so doing;

(10) To refrain from discussing the details of the robbery with others before recording the observations respecting the robber's physical features and other characteristics as hereinabove described and the direction of escape and description of vehicle used, if any.

[F.R. Doc. 69-587; Filed, Jan. 15, 1969; 8:50 a.m.]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Specific Functions Delegated to Board Members, Employees and Federal Reserve Banks

1. Effective January 7, 1969, the following new section is added after § 265.1:

§ 265.1a Specific functions delegated to Board members.

Any Board member designated by the Chairman is authorized under sections 25 and 25(a) of the Federal Reserve Act and Parts 211 and 213 of this chapter (Regulations K and M):

(a) To approve the establishment of a foreign branch or agency by a member bank or corporation organized under section 25(a) (an "Edge" corporation) or operating under an agreement with the Board pursuant to section 25 (an "Agreement" corporation) which has already established branches in more than one foreign country.

(b) To grant specific consent to stock acquisitions by a member bank or an Edge or Agreement corporation (and to approve such acquisitions which may exceed the limitations in section 25(a) based on such a corporation's capital and surplus) not resulting in the acquisition by such bank or corporation of effective control of any foreign company (other than a company performing nominee, fiduciary or other banking services incidental to the activities of a foreign branch or affiliate of such bank or corporation).

(c) To permit an Edge or Agreement corporation to exceed the limitations in § 211.9 (b) and (c) of this chapter (Regulation K).[1]

2. Also effective January 7, 1969, the titles of § 265.2 and paragraph (c) thereof are amended to read as shown below, and the following subparagraph (11) is added to paragraph (c):

§ 265.2 Specific functions delegated to Board employees and Federal Reserve banks.

* * * * *

(c) The Director of the Division of Supervision and Regulation (or, in his absence, the Acting Director) is authorized:

* * * * *

(11) Under sections 25 and 25(a) of the Federal Reserve Act and Parts 211 and 213 of this chapter (Regulations K and M), to approve increases and reductions in the capital stock and amendments to the articles of association of a corporation organized under section 25(a) and additional investments by a member bank in the stock of a corporation operating under an agreement with the Board pursuant to section 25.

3a. The purpose of those amendments is to delegate certain functions of the Board relating to the international operations of member banks and Edge and Agreement corporations, in order to expedite handling of various applications for Board action in this area.

b. The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with the adoption of this amendment, because the rules contained therein are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

Dated at Washington, D.C., this 7th day of January 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-533; Filed, Jan. 15, 1969; 8:45 a.m.]

[1] Subject, of course, to the limitations in section 25(a) relating to aggregate liabilities outstanding on debentures, bonds, and promissory notes.

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 326—MINIMUM SECURITY DEVICES AND PROCEDURES FOR INSURED NONMEMBER BANKS

On November 9, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 16454) stating that the Board of Directors of the Federal Deposit Insurance Corporation was considering the addition of a new Part 326, entitled "Minimum Security Devices and Procedures for Insured Nonmember Banks", to Title 12 of the Code of Federal Regulations. Interested persons were afforded an opportunity to participate in the rule making process through the submission of relevant data, views, or arguments. After consideration of all such relevant matter as was submitted by interested persons, the new part as so proposed is hereby adopted, with certain changes, as set forth below:

Sec.
326.0 Scope of part.
326.1 Definitions.
326.2 Designation of security officer.
326.3 Security devices.
326.4 Security procedures.
326.5 Filing by insured State nonmember banks of reports with the Corporation.
326.6 Corrective action.
326.7 Penalty provision.
Appendix A—Minimum Standards for Security Devices.
Appendix B—Proper Employee Conduct During and After a Robbery.

AUTHORITY: The provisions of this Part 326 issued under sec. 3, 82 Stat. 295. Interpret or apply secs. 1, 2, 3, 4, 5, 82 Stat. 294, 295.

§ 326.0 Scope of part.

Pursuant to the authority conferred upon the Federal Deposit Insurance Corporation by section 3 of the Bank Protection Act of 1968 (82 Stat. 295), the regulations contained in this part—

(a) Establish minimum standards with which each insured State nonmember bank must comply with respect to the installation, maintenance, and operation of security devices and procedures to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts;

(b) Establish time limits within which each such bank shall comply with such standards; and

(c) Require the submission of reports with respect to the installation, maintenance, and operation of security devices and procedures.

§ 326.1 Definitions.

For the purposes of this part—

(a) The term "insured State nonmember bank" means any bank (including any mutual savings bank), incorporated under the laws of any State of the United States, any territory of the United States, Puerto Rico, Guam, or the Virgin Islands, that is not a member of the Federal Reserve System but the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1811–1832), but the term does not include any bank located in the District of Columbia.

(b) The term "banking hours" means the time during which a banking office is open for the normal transaction of business with the banking public.

(c) The term "banking office" includes the main office or any insured State nonmember bank and any branch thereof.

(d) The term "branch" includes any branch bank, branch office, branch agency, additional office, or any branch place of business located in any State of the United States or in any territory of the United States, Puerto Rico, Guam, or the Virgin Islands at which deposits are received or checks paid or money lent.

(e) The term "Board of Directors" means the Board of Directors of the Federal Deposit Insurance Corporation.

(f) The term "teller's station or window" means a location in a banking office at which bank customers routinely conduct transactions with the bank which involve the exchange of funds, including a walkup or drive-in teller's station or window.

§ 326.2 Designation of security officer.

On or before February 15, 1969, or within 30 days after the bank becomes a member of the Federal Deposit Insurance Corporation, the board of directors of each insured State nonmember bank shall designate an officer or other employee of the bank who shall be charged, subject to supervision by the bank's board of directors, with responsibility for the installation, maintenance, and operation of security devices and for the development and administration of a security program which equal or exceed the standards prescribed by this part.

§ 326.3 Security devices.

(a) *Installation, maintenance, and operation of appropriate security devices.* Before January 1, 1970, or within 30 days after the bank becomes a member of the Federal Deposit Insurance Corporation, the security officer of each insured State nonmember bank, under such directions as shall be given him by the bank's board of directors, shall survey the need for security devices in each of the bank's banking offices and shall provide for the installation, maintenance, and operation, in each such office, of—

(1) A lighting system for illuminating, during the hours of darkness, the area around the vault, if the vault is visible from outside the banking office;

(2) Tamper-resistant locks on exterior doors and exterior windows designed to be opened;

(3) An alarm system or other appropriate device for promptly notifying the nearest responsible law enforcement officers of an attempted or perpetrated robbery or burglary; and

(4) Such other devices as the security officer, after seeking the advice of law enforcement officers, shall determine to be appropriate for discouraging robberies, burglaries, and larcenies and for assisting in the identification and apprehension of persons who commit such acts.

(b) *Considerations relevant to determining appropriateness.* For the purposes of subparagraph (4) of paragraph (a) of this section, considerations relevant to determining appropriateness include, but are not limited to—

(1) The incidence of crimes against the particular banking office and/or against financial institutions in the area in which the banking office is or will be located;

(2) The amount of currency or other valuables exposed to robbery, burglary, or larceny;

(3) The distance of the banking office from the nearest responsible law enforcement officers and the time required for such law enforcement officers ordinarily to arrive at the banking office;

(4) The cost of the security devices;

(5) Other security measures in effect at the banking office; and

(6) The physical characteristics of the banking office structure and its surroundings.

(c) *Implementation.* It is appropriate for banking offices in areas with a high incidence of crime to install many devices which would not be practicable because of costs for small banking offices in areas substantially free of crimes against financial institutions. Each insured State nonmember bank shall consider the appropriateness of installing, maintaining, and operating security devices which are expected to give a general level of bank protection at least equivalent to the standards described in Appendix A of this part. In any case in which (on the basis of the factors listed in paragraph (b) of this section or similar ones, the use of other measures, or the decision that technological change allows the use of other measures judged to give equivalent protection) it is decided not to install, maintain, and operate devices at least equivalent to these standards, the bank shall preserve in its records a statement of the reasons for such decision.

§ 326.4 Security procedures.

(a) *Development and administration.* On or before July 15, 1969, or within 30 days after the bank becomes a member of the Federal Deposit Insurance Corporation, each insured State nonmember bank shall develop and provide for the administration of a security program to protect each of its banking offices from robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts. The security program shall be reduced to writing, approved by the bank's board of directors, and retained by the bank in such form as will readily permit determination of its adequacy and effectiveness.

(b) *Contents of security programs.* Such security programs shall—

(1) Provide for establishing a schedule for the inspection, testing, and servicing of all security devices installed in each banking office; provide for designating the officer or other employee who shall be responsible for seeing that such devices are inspected, tested, serviced, and kept in good working order; and require such officer or other employee to keep a record of such inspections, testings, and servicings;

(2) Require that each banking office's currency be kept at a reasonable minimum and provide procedures for safely removing excess currency;

(3) Require that the currency at each teller's station or window be kept at a reasonable minimum and provide procedures for safely removing excess currency and other valuables to a locked safe, vault, or other protected place;

(4) Require that the currency at each teller's station or window include "bait" money, i.e., used Federal Reserve notes the denominations, banks of issue, serial numbers, and series years of which are recorded, verified by a second officer or employee, and kept in a safe place;

(5) Require that all currency, negotiable securities, and similar valuables be kept in a locked vault or safe during nonbusiness hours, that the vault or safe be opened at the latest time practicable before banking hours, and that the vault or safe be locked at the earliest time practicable after banking hours;

(6) Provide, where practicable, for designation of a person or persons to open each banking office and require him or them to inspect the premises, to ascertain that no unauthorized persons are present, and to signal other employees that the premises are safe before permitting them to enter;

(7) Provide for designation of a person or persons who will assure that all security devices are turned on and are operating during the periods in which such devices are intended to be used;

(8) Provide for designation of a person or persons to inspect, after the closing hour, all areas of each banking office where currency, negotiable securities, or similar valuables are normally handled or stored in order to assure that such currency, securities, and valuables have been put away, that no unauthorized persons are present in such areas, and that the vault or safe and all doors and windows are securely locked; and

(9) Provide for training, and periodic retraining, of employees in their responsibilities under the security program, including the proper use of security devices and proper employee conduct during and after a robbery, in accordance with the procedures listed in Appendix B of this part.

§ 326.5 Filing by insured State nonmember banks of reports with the Corporation.

(a) *Compliance reports.* As of the last business day in June of 1970, and as of the last business day in June of each calendar year thereafter, each insured State nonmember bank shall file with the Supervising Examiner of the Federal Deposit Insurance Corporation District in which its main office is located a statement certifying to its compliance with the requirements of this part. The statement shall be dated and signed by the president, or cashier, or other managing officer of the bank and may be in a form substantially as follows:

I hereby certify, to the best of my knowledge and belief, that this bank has developed and administers a security program that equals or exceeds the standards prescribed by § 326.4 of the rules and regulations of the Federal Deposit Insurance Corporation; that such security program has been reduced to writing, approved by the bank's board of directors, and retained by the bank in such form as will readily permit determination of its adequacy and effectiveness; and that the bank security officer, after seeking the advice of law enforcement officers, has provided for the installation, maintenance, and operation of appropriate security devices, as prescribed by § 326.3 of the rules and regulations of the Federal Deposit Insurance Corporation, in each of the bank's banking offices.

(b) *Records of consultation.* The bank's files shall contain a readily available record showing the name(s) and title(s) of the law enforcement officer(s) whose advice the security officer sought prior to the installation, maintenance, and operation of appropriate security devices.

(c) *Reports on security devices.* On or before March 15, 1969, and upon such other occasions as the Board of Directors may specify, each insured State nonmember bank shall file with the Supervising Examiner of the Federal Deposit Insurance Corporation District in which it is located a report on Form P-1 (in duplicate) for each of its offices that is subject to this part.

(d) *External crime reports.* Each time a robbery, burglary, or nonbank employee larceny is perpetrated or attempted at a banking office operated by an insured State nonmember bank, the bank shall, within a reasonable time, file a report in conformity with the requirements of Form P-2. One copy of such report shall be filed with the appropriate State supervisory authority and three copies of such report shall be filed with the Supervising Examiner of the Federal Deposit Insurance Corporation District in which the main office of the reporting bank is located.

(e) *Special reports.* Each insured State nonmember bank shall file such other reports as the Board of Directors or its designee may require.

§ 326.6 Corrective action.

Whenever the Board of Directors or its designee determines that the security devices or procedures used by an insured State nonmember bank are deficient in meeting the requirements of this part, or that the requirements of this part should

be varied in the circumstances of a particular banking office, it may take or require the bank to take necessary corrective action. If the Board of Directors or its designee determines that such corrective action is appropriate or necessary, the bank will be so notified and will be furnished a statement of what the bank must do to comply with the requirements of this part.

§ 326.7 Penalty provision.

Pursuant to section 5 of the Bank Protection Act of 1968 (82 Stat. 295), an insured State nonmember bank that violates any provision of this part shall be subject to a civil penalty not to exceed $100 for each day of the violation.

Dated this 13th day of January 1969.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

APPENDIX A

MINIMUM STANDARDS FOR SECURITY DEVICES

(1) *Surveillance systems*—(i) *General.* Surveillance systems should be:

(A) Equipped with one or more photographic, recording, monitoring, or like devices capable of reproducing images of persons in the banking office with sufficient clarity to facilitate (through photographs capable of being enlarged to produce a 1 inch vertical head-size of persons whose images have been reproduced) the identification and apprehension of robbers or other suspicious persons;

(B) Reasonably silent in operation; and

(C) So designed and constructed that necessary services, repairs, or inspections can readily be made.

Any camera used in such a system should be capable of taking at least one picture every 2 seconds and, if it uses film, should contain enough unexposed film at all times to be capable of operating for not less than 3 minutes, and the film should be at least 16 mm.

(ii) *Installation, maintenance, and operation of surveillance systems providing surveillance of other than walkup or drive-in teller's stations or windows.* Surveillance devices for other than walkup or drive-in teller's stations or windows should be:

(A) Located so as to reproduce identifiable images of persons either leaving the banking office or in a position to transact business at each such station or window; and

(B) Capable of activation by initiating devices located at each teller's station or window.

(iii) *Installation, maintenance, and operation of surveillance systems providing surveillance of walkup or drive-in teller's stations or windows.* Surveillance devices for walkup and drive-in teller's stations or windows should be located in such a manner as to reproduce identifiable images of persons in a position to transact business at each such station or window and areas of such station or window that are vulnerable to robbery or larceny. Such devices should be capable of activation by one or more initiating devices located within or in close proximity to such station or window. Such devices could be omitted in the case of a walkup or drive-in teller's station or window in which the teller is effectively protected by a bullet-resistant barrier from persons outside the station or window, but if the teller is vulnerable to larceny or robbery by members of the public who enter the banking office, the teller should have access to a device to activate a surveillance system that covers the area of vulnerability or the exits to the banking office.

(2) *Robbery alarm systems.* A robbery alarm should be provided for each banking office at which the police ordinarily can arrive within five minutes after an alarm is activated. Robbery alarm systems should be:

(i) Designed to transmit to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that a crime against the banking office has occurred or is in progress;

(ii) Capable of activation by initiating devices located at each teller's station or window (except walkup or drive-in teller's stations or windows in which the teller is effectively protected by a bullet-resistant barrier and effectively isolated from persons, other than fellow employees, inside a banking office of which such station or window may be a part);

(iii) Safeguarded against accidental transmission of an alarm;

(iv) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(v) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 24 hours in the event of failure of the usual source of power.

(3) *Burglar alarm systems.* Burglar alarm systems should be:

(i) Capable of detecting promptly an attack on the outer door, walls, floor, or ceiling of each vault, and each safe not stored in a vault, in which currency, negotiable securities, or similar valuables are stored when the office is closed, and any attempt to move any such safe;

(ii) Designed to transmit to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that any such attempt is in progress; and in the case of a banking office at which the police ordinarily cannot arrive within 5 minutes after an alarm is activated, designed to activate a loud sounding bell or other device that is audible inside the banking office and for a distance of approximately 500 feet outside the banking office;

(iii) Safeguarded against accidental transmission of an alarm;

(iv) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(v) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 80 hours in the event of failure of the usual source of power.

(4) *Walkup and drive-in teller's stations or windows.* Walkup and drive-in teller's stations or windows contracted for after February 15, 1969, should be constructed in such a manner that tellers are effectively protected by bullet-resistant barriers from robbery or larceny by persons outside such stations or windows. Such barriers should be of glass at least 1 3/16 inches thick,[1] or of material of at least equivalent bullet-resistance. Pass-through devices should be designed and constructed so as not to afford a person outside the station or window a direct line of fire at a person inside the station or window.

(5) *Vaults, safes, and night depositories.* Vaults and safes (if not to be stored in a vault) in which currency, negotiable securities, or similar valuables are to be stored when the office is closed, and night depositories, contracted for after February 15, 1969, should meet or exceed the following standards:

(A) *Vaults.* Vault walls, roof, and floor contracted for after February 15, 1969, should be made of steel-reinforced concrete, at least 18 inches thick; vault doors should be made of steel or other drill and torch-resistant material, at least 3½ inches thick, and be equipped with a dial combination lock and a time lock and a substantial, lockable daygate; or vaults and vault doors should be constructed of materials that afford at least equivalent burglary-resistance.

(B) *Safes.* Safes contracted for after February 15, 1969, should weigh at least 750 pounds empty or be securely anchored to the premises where located. The door should be equipped with a combination lock and with a relocking device that will effectively lock the door if the combination lock is punched. The body should consist of steel, at least 1 inch in thickness, with an ultimate tensile strength of 50,000 pounds per square inch, either cast or fabricated, and be fastened in a manner equal to a continuous ¼-inch penetration weld having an ultimate tensile strength of 50,000 pounds per square inch. One hole not exceeding 3/16-inch diameter may be provided in the body to permit insertion of electrical conductors but should be located so as not to permit a direct view of the door or locking mechanism. The door should be made of steel that is at least 1½ inches thick and at least equivalent in strength to that specified for the body; or safes should be constructed of materials that afford at least equivalent burglary-resistance.

(C) *Night depositories.* Night depositories (excluding envelope drops not used to receive substantial amounts of currency) contracted for after February 15, 1969, should consist of a receptacle chest having cast, or welded, steel walls, top and bottom, at least 1 inch thick; a combination locked steel door at least 1½ inches thick; and a chute, made of steel that is at least 1 inch thick, securely bolted or welded to the receptacle and to a depository entrance of strength similar to the chute; or night depositories should be constructed of materials that afford at least equivalent burglary-resistance. The depository entrance should be equipped with a lock. Night depositories should be equipped with a burglar alarm and be designed to protect against the "fishing" of a deposit from the deposit receptacle and to protect against the "trapping" of a deposit for extraction.

Each device mentioned in this appendix should be installed and regularly inspected, tested, and serviced by competent persons so as to assure realization of its maximum performance capabilities. Activating devices for surveillance systems and robbery alarms should be operable with the least risk of detection by unauthorized persons that can be practicably achieved.

APPENDIX B

PROPER EMPLOYEE CONDUCT DURING AND AFTER A ROBBERY

With respect to proper employee conduct during and after a robbery, employees should be instructed—

(1) To avoid actions that might increase danger to themselves or others;

(2) To activate the robbery alarm system and the surveillance system during the robbery, if it appears that such activation can be accomplished safely;

(3) To observe the robber's physical features, voice, accent, mannerisms, dress, the kind of weapon he has, and any other characteristics that would be useful for identification purposes;

(4) That if the robber leaves evidence (such as a note) to try to put it aside and out of sight, if it appears that this can be done safely; retain the evidence, do not handle it unnecessarily, and give it to the police when they arrive; and refrain from

[1] It should be emphasized that this thickness is merely bullet-resistant and not bulletproof.

touching, and assist in preventing others from touching, articles or places the robber may have touched or evidence he may have left, in order that fingerprints of the robber may be obtained;

(5) To give the robber no more money than the amount he demands and include "bait" money in the amount given;

(6) That if it can be done safely, to observe the direction of the robber's escape and the description and license plate number of the vehicle used, if any;

(7) To telephone the local police, if they have not arrived, and the nearest office of the Federal Bureau of Investigation, or inform a designated officer or other employee who has this responsibility that a robbery has been committed;

(8) That if the robber leaves before the police arrive, to assure that a designated officer or other employee waits outside the office, if it is safe to do so, to inform the police when they arrive that the robber has left;

(9) To attempt to determine the names and addresses of other persons who witnessed the robbery or the escape and request them to record their observations or to assist a designated officer or other employee in recording their observations; and

(10) To refrain from discussing the details of the robbery with others before recording the observations respecting the robber's physical features and other characteristics as hereinabove described and the direction of escape and description of vehicle used, if any.

[F.R. Doc. 69-560; Filed, Jan. 15, 1969; 8:50 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 22,509]

PART 563a—MINIMUM SECURITY DEVICES AND PROCEDURES

JANUARY 10, 1969.

Resolved that, notice and public procedure having been duly afforded (33 F.R. 16457) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend the Rules and Regulations for Insurance of Accounts to implement the provisions of sections 2, 3, and 5 of the Bank Protection Act of 1968 (Public Law 90-389, 90th Congress, approved July 7, 1968) for the purpose of providing regulations governing the prescribed standards for minimum security devices and procedures for insured institutions.

Resolved further that, for such purpose, the Federal Home Loan Bank Board hereby amends the Rules and Regulations for Insurance of Accounts by adding a new Part 563a to read as follows, effective February 15, 1969:

Sec.
563a.1 Scope of part and definitions.
563a.2 Designation of security officer.
563a.3 Security devices.
563a.4 Security procedures.
563a.5 Filing of reports.
563a.6 Corrective action.
563a.7 Penalty provision.
Appendix A—Minimum Standards for Security Devices.
Appendix B—Proper Employee Conduct During and After a Robbery.

AUTHORITY: The provisions of the Part 563a issued under Public Law 90-389, 90th Congress, approved July 7, 1968, 82 Stat. 294.

§ 563a.1 Scope of part and definitions.

This part establishes minimum standards with which insured institutions shall comply with respect to the installation, maintenance, and operation of security devices and procedures to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts; sets time limits within which insured institutions shall comply with the standards; and provides for the submission of reports with respect to compliance. For the purposes of this part:

(a) The term "Chief Examiner" means the Chief Examiner of the Office of Examinations and Supervision of the Federal Home Loan Bank Board who is responsible for the conduct of such Office's examinations of insured institutions in the District of the Federal Home Loan Bank in which an insured institution is located.

(b) The term "business hours" means the time during which an office is open for the normal transaction of business with the public.

(c) The term "office" includes the principal office of an insured institution and any branch thereof.

(d) The term "branch" includes any branch business quarters, agency, additional office, mobile facility, or any branch place of business located in any State or territory of the United States or in the District of Columbia at which investments in insured accounts are received or payments on loans are received.

(e) The term "teller's station or window" means a location in an office at which the institution's customers routinely conduct transactions with the institution which involves the exchange of funds, including a walkup or drive-in teller's station or window.

§ 563a.2 Designation of security officer.

On or before March 17, 1969 (or within 30 days after the effective date of insurance of accounts, whichever is later), the board of directors of each insured institution shall designate an officer or other employee of the institution who shall be charged, subject to supervision by the institution's board of directors, with responsibility for the installation, maintenance, and operation of security devices and for the development and administration of a security program which equal or exceed the standards prescribed by this part.

§ 563a.3 Security devices.

(a) *Installation, maintenance, and operation of appropriate security devices.* Before January 1, 1970 (or within 30 days after the effective date of insurance of accounts, whichever is later), the security officer of each insured institution, under such directions as shall be given him by the institution's board of directors, shall survey the need for security devices in each of the institution's offices and shall provide for the installation, maintenance, and operation, in each such office, of

(1) A lighting system for illuminating, during the hours of darkness, the area around the vault, if the vault is visible from outside the office;

(2) Tamper-resistant locks on exterior doors and exterior windows designed to be opened;

(3) An alarm system or other appropriate device for promptly notifying the nearest responsible law enforcement officers of an attempted or perpetrated robbery or burglary; and

(4) Such other devices as the security officer, after seeking the advice of law enforcement officers, shall determine to be appropriate for discouraging robberies, burglaries, and larcenies and for assisting in the identification and apprehension of persons who commit such acts.

(b) *Considerations relevant to determining appropriateness.* For the purpose of subparagraph (4) of paragraph (a) of this section, considerations relevant to determining appropriateness include, but are not limited to

(1) The incidence of crime against the particular office and/or against financial institutions in the area in which the office is or will be located;

(2) The amount of currency or other valuables exposed to robbery, burglary, or larceny;

(3) The distance of the office from the nearest responsible law enforcement officers and the time required for such law enforcement officers ordinarily to arrive at the office;

(4) The cost of the security devices;

(5) Other security measures in effect at the office; and

(6) The physical characteristics of the office structure and its surroundings.

(c) *Implementation.* It is appropriate for offices of insured institutions in areas with a high incidence of crime to install many devices which would not be practicable because of costs for small offices in areas substantially free of crimes against financial institutions. Each institution shall consider the appropriateness of installing, maintaining, and operating security devices which are expected to give a general level of protection at least equivalent to the standards described in Appendix A of this part. In any case in which (on the basis of the factors listed in paragraph (b) of this section or similar ones, the use of other measures, or the decision that technological change allows the use of other measures judged to give equivalent protection) it is decided not to install, maintain, and operate devices at least equivalent to these standards, the institution shall preserve in its records a statement of the reasons for such decision and forward a copy of that statement to the Chief Examiner.

§ 563a.4 Security procedures.

(a) *Development and administration.* On or before July 15, 1969 (or within 30

days after the effective date of insurance of accounts, whichever is later), each insured institution shall develop and provide for the administration of a security program to protect each of its offices from robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts. The security program shall be reduced to writing, approved by the institution's board of directors, and retained by the institution in such form as will readily permit determination of its adequacy and effectiveness, and a copy shall be filed with the Chief Examiner.

(b) *Contents of security programs.* Such security programs shall

(1) Provide for establishing a schedule for the inspection, testing, and servicing of all security devices installed in each office; provide for designating the officer or other employee who shall be responsible for seeing that such devices are inspected, tested, serviced, and kept in good working order; and require such officer or other employee to keep a record of such inspections, testings, and servicings;

(2) Require that each office's currency be kept at a reasonable minimum and provide procedures for safely removing excess currency;

(3) Require that the currency at each teller's station or window be kept at a reasonable minimum and provide procedures for safely removing excess currency and negotiable securities to a locked safe, vault, or other protected place;

(4) Require that the currency at each teller's station or window include "bait" money, i.e., used Federal Reserve notes, the denominations, banks of issue, serial numbers, and series years of which are recorded, verified by a second officer or employee, and kept in a safe place;

(5) Require that all currency and negotiable securities be placed in a vault or safe at the earliest time practicable after business hours, that the vault or safe be locked at the earliest time practicable after business hours, and that the vault or safe be opened at the latest time practicable before business hours;

(6) Provide, where practicable, for designation of a person or persons to open each office and require him or them to inspect the premises, to ascertain that no unauthorized persons are present, and to signal other employees that the premises are safe before permitting them to enter;

(7) Provide for designation of a person or persons who will assure that all security devices are turned on and are operating during the periods in which such devices are intended to be used;

(8) Provide, where practicable, designation of a person or persons to inspect, after the closing hour, all areas of each office where currency and negotiable securities are normally handled or stored in order to assure that such currency and negotiable securities have been put away, that no unauthorized persons are present in such areas, and that the vault or safe and all doors and windows are securely locked; and

(9) Provide for training, and periodic retraining, of employees in their responsibilities under the security program including the proper use of security devices and proper employee conduct during and after a robbery, in accordance with the procedures listed in Appendix B of this part.

§ 563a.5 Filing of reports.

(a) *Compliance reports.* As of the last business day in June of 1970, and in connection with each periodic supervisory examination thereafter, each insured institution shall file with the Chief Examiner a statement certifying to its compliance with the requirements of this part. The statement shall be dated and signed by the president or other managing officer of the institution and may be in a form substantially as follows:

I hereby certify, to the best of my knowledge and belief, that this institution has developed and administers a security program that equals or exceeds the standards prescribed by § 563a.4 of the Rules and Regulations for Insurance of Accounts; that such security program has been reduced to writing, approved by this institution's board of directors, and retained by this institution in such form as will readily permit determination of its adequacy and effectiveness; and that this institution's security officer, after seeking the advice of law enforcement officers, has provided for the installation, maintenance, and operation of appropriate security devices, as prescribed by § 563a.3 of the Rules and Regulations for Insurance of Accounts, in each of this institution's offices.

(b) *Reports on security devices.* On or before April 17, 1969 (or within 30 days after the effective date of insurance of accounts, whichever is later), and upon such other occasions as the Corporation may specify, each insured institution shall file with the Chief Examiner a report on Form P-1 (in duplicate) for each of its offices that is subject to this part.

(c) *External crime reports.* Each time a robbery, burglary, or nonemployee larceny is perpetrated or attempted at an office operated by an insured institution, the institution shall, within a reasonable time, file a report in conformity with the requirements of Form P-2. State-chartered insured institutions shall file one copy of such report with the appropriate State supervisory authority. Three copies of such report shall be filed by each insured institution with the Chief Examiner.

(d) *Special reports.* Each insured institution shall file such other reports as the Corporation may require.

§ 563a.6 Corrective action.

Whenever the Corporation determines that the security devices or procedures used by an insured institution are deficient in meeting the requirements of this part, or that the requirements of this part should be varied in the circumstances of a particular office, it may take or require the institution to take necessary corrective action. If the Corporation determines that such corrective action is appropriate or necessary, the institution will be so notified and will be furnished a statement of what the institution must do to comply with the requirements of this part.

§ 563a.7 Penalty provision.

Pursuant to section 5 of the Bank Protection Act of 1968, an insured institution that violates any provision of this part shall be subject to a civil penalty not to exceed $100 for each day of the violation.

(Public Law 90-389, 90th Congress, approved July 7, 1968, 82 Stat. 294)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

APPENDIX A

MINIMUM STANDARDS FOR SECURITY DEVICES

1. *Surveillance systems*—(a) *General.* Surveillance systems should be:

(1) Equipped with one or more photographic, recording, monitoring, or like devices capable of reproducing images of persons in the office with sufficient clarity to facilitate (through photographs capable of being enlarged to produce a 1 inch vertical head-size of persons whose images have been reproduced) the identification and apprehension of robbers or other suspicious persons;

(2) Reasonably silent in operation;

(3) So designed and constructed that necessary services, repairs, or inspections can readily be made.

Any camera used in such a system should be capable of taking at least one picture every 2 seconds and, if it uses film, should contain enough unexposed film at all times to be capable of operating for not less than 3 minutes, and the film should be at least 16 mm.

(b) *Installation, maintenance, and operation of surveillance systems providing surveillance of other than walkup or drive-in teller's stations or windows.* Surveillance devices for other than walkup or drive-in windows should be:

(1) Located so as to reproduce identifiable images of persons either leaving the office or in a position to transact business at each such station or window; and

(2) Capable of activation by initiating devices located at each teller's station or window.

(c) *Installation, maintenance, and operation of surveillance systems providing surveillance of walkup or drive-in teller's stations or windows.* Surveillance devices for walkup and drive-in teller's stations or windows should be located in such a manner as to reproduce identifiable images of persons in a position to transact business at each such station or window and areas of such station or window that are vulnerable to robbery or larceny. Such devices should be capable of activation by one or more initiating devices located within or in close proximity to such station or window. Such devices could be omitted in the case of walkup or drive-in teller's station or window in which the teller is effectively protected by a bullet-resistant barrier from persons outside the station or window, but if the teller is vulnerable to larceny or robbery by members of the public who enter the office, the teller should have access to a device to activate a surveillance system that covers the area of vulnerability or the exits to the office.

2. *Robbery alarm systems.* A robbery alarm should be provided for each office at which

the police ordinarily can arrive within 5 minutes after an alarm is activated. Robbery alarm systems should be:

(a) Designed to transmit to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that a crime against the office has occurred or is in progress;

(b) Capable of activation by initiating devices located at each teller's station or window (except walkup or drive-in teller's stations or windows in which the teller is effectively protected by a bullet-resistant barrier and effectively isolated from persons, other than fellow employees, inside an office of which such station or window may be a part);

(c) Safeguarded against accidental transmission of an alarm;

(d) Equipped with a visual and audible signal capable of indicating improper functioning of or tampering with the system; and

(e) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 24 hours in the event of failure of the usual source of power.

3. *Burglar alarm systems.* Burglar alarm systems should be:

(a) Capable of detecting promptly an attack on the outer door, walls, floor or ceiling of each vault, and each safe not stored in a vault, in which currency or negotiable securities are stored when the office is closed, and any attempt to move any such safe;

(b) Designed to transmit, to the police, either directly or through an intermediary, a signal (not detectable by unauthorized persons) indicating that any such attempt is in progress; and in the case of an office at which the police ordinarily cannot arrive within 5 minutes after an alarm is activated, designed to activate a loud sounding bell or other device that is audible inside the office and for a distance of approximately 500 feet outside the office;

(c) Safeguard against accidental transmission of an alarm;

(d) Equipped with a visual and audible signal, capable of indicating improper functioning of or tampering with the system; and

(e) Equipped with an independent source of power (such as a battery) sufficient to assure continuously reliable operation of the system for at least 80 hours in the event of failure of the usual source of power.

4. *Walkup and drive-in teller's stations or windows.* Walkup and drive-in teller's stations or windows contracted for after February 15, 1969, should be constructed in such a manner that tellers are effectively protected by bullet-resistant barriers from robbery or larceny by persons outside such stations or windows. Such barriers should be of glass at least 1 3/16 inches thick, or of materials of at least equivalent bullet-resistance. It should be emphasized that this thickness is merely bullet-resistant and not bullet-proof. Pass-through devices should be designed and constructed as not to afford a person outside the station or window a direct line of fire at a person inside the station or window.

5. *Vaults, safes, and night depositories.* Vaults and safes (if not to be stored in a vault) in which currency or negotiable securities are to be stored when the office is closed, and night depositories, contracted for after February 15, 1969, should meet or exceed the following standards:

(a) *Vaults.* Vault walls, roof, and floor contracted for after February 15, 1969, should be made of steel-reinforced concrete, at least 18 inches thick, vault doors should be made of steel or other drill and torch-resistant material, at least 3½ inches thick, and be equipped with a dial combination lock and a time lock and a substantial, lockable daygate; or vaults and vault doors should be constructed of materials that afford at least equivalent burglary-resistance.

(b) *Safes.* Safes contracted for after February 15, 1969, should weigh at least 750 pounds empty, or be securely anchored to the premises where located. The door should be equipped with a combination lock, and with a relocking device that will effectively lock the door if the combination lock is punched. The body should consist of steel, at least 1 inch in thickness, with an ultimate tensile strength of 50,000 pounds per square inch, either cast or fabricated, and be fastened in a manner equal to a continuous ¼-inch penetration weld having an ultimate tensile strength of 50,000 pounds per square inch. One hole not exceeding 3/16-inch diameter may be provided in the body to permit insertion of electrical conductors, but should be located so as not to permit a direct view of the door or locking mechanism. The door should be made of steel that is at least 1½ inches thick, and at least equivalent in strength to that specified for the body; or safes should be constructed of materials that afford at least equivalent burglary-resistance.

(c) *Night depositories.* Night depositories (excluding envelope drops not used to receive substantial amounts of currency) contracted for after February 15, 1969, should consist of a receptacle chest having cast, or welded, steel walls, top and bottom, at least 1 inch thick; a combination locked steel door at least 1½ inches thick; and a chute, made of steel that is at least 1 inch thick, securely bolted or welded to the receptacle and to a depository entrance of strength similar to the chute; or night depositories should be constructed of materials that afford at least equivalent burglary-resistance. The depository entrance should be equipped with a lock. Night depositories should be equipped with a burglary alarm and be designed to protect against the "fishing" of a deposit from the deposit receptacle, and to protect against the "trapping" of a deosit for extraction.

Each device mentioned in this appendix should be installed and regularly inspected, tested, and serviced by competent persons, so as to assure realization of its maximum performance capabilities. Activating devices for surveillance systems and robbery alarms should be operable with the least risk of detection by unauthorized persons that can be practicably achieved.

APPENDIX B

PROPER EMPLOYEE CONDUCT DURING AND AFTER A ROBBERY

With respect to proper employee conduct during and after a robbery, employees should be instructed:

1. To avoid actions that might increase danger to themselves or others;

2. To activate the robbery alarm system and the surveillance system during the robbery, if it appears that such activation can be accomplished safely;

3. To observe the robber's physical features, voice, accent, mannerisms, dress, the kind of weapon he has, and any other characteristics that would be useful for identification purposes;

4. That if the robber leaves evidence (such as a note) try to put it aside and out of sight, if it appears that this can be done safely; retain the evidence, do not handle it unnecessarily, and give it to the police when they arrive; and refrain from touching, and assist in preventing others from touching, articles or places the robber may have touched or evidence he may have left, in order that fingerprints of the robber may be obtained;

5. To give the robber no more money than the amount he demands, and include "bait" money in the amount given;

6. That if it can be done safely, observe the direction of the robber's escape and the description and license plate number of the vehicle used, if any;

7. To telephone the local police, if they have not arrived, and the nearest office of the Federal Bureau of Investigation, or inform a designated officer or other employee who has this responsibility, that a robbery has been committed;

8. That if the robber leaves before the police arrive, assure that a designated officer or other employee waits outside the office, if it is safe to do so, to inform the police when they arrive that the robber has left;

9. To attempt to determine the names and addresses of other persons who witnessed the robbery or the escape, and request them to record their observations or to assist a designated officer or other employee in so doing;

10. To refrain from discussing the details of the robbery with others before recording the observations respecting the robber's physical features and other characteristics as hereinabove described and the direction of escape and description of vehicle used, if any.

[F.R. Doc. 69-566; Filed, Jan. 15, 1969; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

YELLOWSTONE NATIONAL PARK

Oversnow Vehicle Use

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 3), and the Act of May 7, 1894 (28 Stat. 73, as amended, 16 U.S.C. 26), 245 DM-I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255) as amended, Regional Director, Midwest Region Order No. 4 (31 F.R. 5769), as amended, it is proposed to amend § 7.13 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to include the oversnow vehicle in the classification of a motor vehicle as defined in Part 4 of the regulations. Because of past confusion as to the classification of oversnow motor vehicles it is essential they be specified for necessary control of operation within the boundaries of Yellowstone National Park. The purpose of requiring a person to register or obtain a permit before attempting any oversnow travel within the boundaries of Yellowstone National Park is for the protection and safety of the winter traveler and to advise him of existing rules and regulations pertaining to this particular activity.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Yellowstone National Park, Wyo. 83020, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 28 Stat. 73; 16 U.S.C. 26)

Section 7.13(m) of Title 36 of the Code of Federal Regulations is amended to read as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(m) *Skiing, sledding, tobogganing, snowshoeing, and oversnow vehicle use.* (1) Definitions: A motorized oversnow vehicle is defined as a motor vehicle that operates on skis, pontoons, tracks, rollers, wheels, air cushion or any other device which is designed for travel in, on, or over snow.

(2) The following activities are prohibited in the Park:

(i) Skiing, sledding, tobogganing, snowshoeing and the operation of motorized oversnow vehicles upon Park roads and parking areas, when such roads and parking areas are open to automobiles, trucks, tractors, bicycles, or motorcycles.

(ii) Skiing, sledding, tobogganing, snowshoeing and the operation of motorized oversnow vehicles within areas closed by the posting of signs or designated as closed on a map located in the Superintendent's Office.

(iii) The towing of persons on skis, sleds, or other sliding devices behind automobiles, trucks, tractors, bicycles, and motorcycles.

(3) All appropriate restrictions set forth in Part 4 of this chapter will apply to the operation of motorized oversnow vehicles.

(4) The Superintendent may, by the posting of appropriate signs, require persons to register or to obtain a permit before attempting any oversnow travel within Yellowstone National Park. The Superintendent shall issue a permit upon ascertaining that suitable winter survival supplies and equipment are available for human use in the event of mechanical failure. Where a permit is required it must be carried on the person, or within the oversnow vehicle, and shall be exhibited upon request of any authorized person.

* * * * *

JACK K. ANDERSON,
Superintendent,
Yellowstone National Park, Wyo.

[F.R. Doc. 69-538; Filed, Jan. 15, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CFR Part 150]

[Hearing Docket CE-P 14]

EGGS

Limits on Position and Daily Trading for Future Delivery

The Commodity Exchange Commission has issued an order under § 150.5 of the orders of the Commodity Exchange Commission (issued Aug. 13, 1951, 16 F.R. 8106; amended Dec. 20, 1962, 27 F.R. 12366) establishing maximum limits on position and daily trading in eggs for future delivery at 150 carlots in one future or in all futures combined, except that a sliding scale was applied to certain futures, namely, 100 carlots in the October future, 75 carlots in the November future, 50 carlots in the December future, and 50 carlots in the January future.

Notice is hereby given that it is proposed by the Commodity Exchange Authority that the Commodity Exchange Commission amend the limits on position and daily trading in eggs for future delivery by removing the sliding scale applicable to the October, November, December, and January egg futures, and that the position and daily trading limits be established at 150 carlots in any one future or in all futures combined.

The limits established by the Commodity Exchange Commission in 1951 were based on futures trading contracts specifying delivery of refrigerator (storage) eggs. Storage eggs are accumulated in the flush period of production in the spring months and are marketed during the deficit period in the fall and winter months. Because storage egg stocks are steadily reduced during the deficit period of September-January, with stocks exhausted by January of each season, a descending sliding scale of limits for the fall and winter delivery months was established for eggs in 1951.

Futures trading is no longer conducted on the basis of storage eggs. Futures trading contracts now specify delivery of fresh eggs with storage eggs deliverable only at a wide discount, or futures trading contracts specify delivery of only fresh eggs. The reason for the change in contract specifications is that the quantity of stored eggs has been declining in recent years and presently is a negligible proportion of total egg production. Fresh eggs now flow more evenly to market throughout the year. Because the 1951 limits were based on marketing characteristics of storage eggs and futures contracts were based primarily on storage eggs, and in light of the present marketing pattern of fresh eggs, the sliding scale of speculative limits is obsolete.

If any interested person desires an oral hearing with reference to the proposed amendment of the order on limits on position and daily trading in eggs, and notifies the Administrator of the Commodity Exchange Authority to that effect, as directed below, on or before February 12, 1969, a hearing will be held in Washington, D.C., at a time and place to be announced, and all interested persons will be given an opportunity to express their views at such hearing. Requests for an oral hearing should be addressed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250. No oral hearing will be held in the absence of such a request received on or before February 12, 1969.

Written statements with reference to the subject matter of this proposal may be submitted by any interested person irrespective of whether an oral hearing is held, and may be in addition to or in lieu of testimony at an oral hearing. Such statements should be mailed to the Administrator of the Commodity Exchange Authority prior to February 12, 1969.

The transcript of the proceedings at any hearing which may be held and all written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Issued this 13th day of January 1969.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[F.R. Doc. 69-584; Filed, Jan. 15, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-CE-117]

FEDERAL AIRWAYS AND TRANSITION AREA

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would realign V-100 from the Medicine Bow, Wyo., VORTAC, 1,200 feet AGL Scottsbluff, Nebr., VORTAC; 1,200 feet AGL Alliance, Nebr., VOR; 1,200 feet AGL Ainsworth, Nebr., VOR (lat. 42°34'-40" N., Long. 99°59'33" W.); 1,200 feet AGL O'Neill, Nebr. It is also proposed to revoke V-168 from Scottsbluff to O'Neill and to redescribe the southern boundary of the Douglas, Wyo., transition area as V-100 in lieu of V-524.

The most recent FAA IFR peak day airway traffic survey shows no aircraft movements on V-100 between Medicine Bow and O'Neill. Accordingly, it can no longer be justified as an assignment of airspace. The proposed realignment of V-100 would provide airway continuity between Medicine Bow and O'Neill and reduce the minimum en route altitude between Scottsbluff and O'Neill by approximately 7,000 feet. V-168 between Scottsbluff and O'Neill would be a dual designation of airspace with V-100 and could be revoked. The alignment of V-100 between Medicine Bow and Scottsbluff would bisect the Douglas transition area just north of V-524. Accordingly, for aeronautical chart legibility, it is proposed to substitute V-100 for V-524 as the southern boundary of this transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C. on January 8, 1969.

LOUIS H. MCCAUGHEY,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69-547; Filed, Jan. 15, 1969; 8:46 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 68-WE-98]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would extend the time of designation of the Camp Roberts, Calif., Restricted Area R-2504.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration has been requested by the Department of the Army to change the time of use of R-2504 from "0600 to 2400 P.s.t., Monday through Friday" to "0600 to 2400 P.s.t., daily".

The Army has stated that in order to provide more realistic training coincidental with Army Reserve and National Guard availability during weekend training assemblies, an extension in time of designation for R-2504 to include Saturday and Sunday would be required. The Army further states the attainment and maintenance of a high degree of proficiency in the use of infantry weapons requires practice with live ammunition and R-2504 is capable of supplying this training by use of the expanded weekday schedules.

If the proposed action is taken the time of designation of R-2504 would be changed from "0600 to 2400 P.s.t., Monday through Friday" to "0600 to 2400 P.s.t., daily".

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

Issued in Washington, D.C., on January 8, 1969.

LOUIS H. MCCAUGHEY,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69-548; Filed, Jan. 15, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 302, 389]

[Docket No. 20649]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS AND FEES AND CHARGES FOR SPECIAL SERVICES

Dismissal of Application Following Denial of Motion To Consolidate

JANUARY 13, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposd amendments to Part 302 of the Board's rules of practice and Part 389, Fees and Charges, which would permit dismissal under certain conditions of an application filed under section 401 of the Federal Aviation Act where a petition for consolidation has been denied, and refund of filing fees.

The principal features of the proposed amendments are further described in the Explanatory Statement, and the proposed amendments are set forth in the proposed rule. This regulation is proposed under the authority of sections 204(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 743; 49 U.S.C. 1324), and Title V of Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before February 17, 1969, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal

Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

Explanatory statement. Rule 12(d) of Part 302 of the Board's procedural regulations now provides for dismissal of remaining portions of section 401 applications partially designated for hearing or consolidated hearing. There is no provision in the rule, however, for dismissal of an application where consolidation is denied in all respects. Frequently, carriers file applications for the specific purpose of seeking to have them consolidated into existing proceedings. Where consolidation is denied, there may be little likelihood of a separate proceeding on the application within the near future. The proposed rule would provide for dismissal where the application is filed after a Board order of investigation or notice of hearing on a separate application, and the motion to consolidate is denied. Dismissal would, of course, be without prejudice. The effect of the proposed amendment will be to assist in clearing the Board's docket of stale cases, without adversely affecting any applicant's rights.

Part 389 of the Organization Regulations provides for a filing fee of $200 for an application under section 401 of the Act, and for refund if the application is dismissed as stale. The proposed amendment will similarly provide for refund of the filing fee on dismissal under the proposed rule.

Proposed rules. It is proposed to amend § 302.12 (14 CFR Part 302) by adding a new paragraph (e) and amend § 389.25 (a) (14 CFR Part 389) to read as follows:

Amend § 302.12 by adding a new paragraph (e):

§ 302.12 Consolidation of proceedings.

* * * * *

(e) *Dismissal of applications denied consolidation.* When the Board denies, in its entirety, consolidation of an application filed under section 401 of the Act, the Board will dismiss without prejudice such application if the application was filed after commencement of the proceeding into which the application was sought to be consolidated. For purposes of this paragraph, a proceeding shall be deemed to commence upon the issuance of a Board order of investigation, or an order or notice setting an application for hearing.

* * * * *

Amend § 389.25(a)(1) to read as follows:

§ 389.25 Schedule of filing and license fees.

(a) *Certificates of public convenience and necessity.* (1) The filing fee for an application, under section 401 of the Act, (i) for a certificate of public convenience and necessity to engage in air transportation, or (ii) to amend, modify, renew, or transfer a certificate or to abandon a route or a part thereof, is $200. The fee will be refunded if the application is withdrawn prior to hearing, or is dismissed under the stale application rule of § 302.911 of this chapter, or is dismissed pursuant to the denial of consolidation rule of § 302.12(e) of this chapter.

* * * * *

[F.R. Doc. 69-575; Filed, Jan. 15, 1969; 8:48 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice 1258]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JANUARY 10, 1969.

The following applications are governed by Special Rule 1.247[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 § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247 (d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 531 (Sub-No. 246), filed December 20, 1968. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Houghes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic plastics*, in bulk, in tank vehicles, from Meredosia, Ill., to Albuquerque, N. Mex. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 2202 (Sub-No. 362), filed December 9, 1968. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 20001 Massachusetts Avenue NW., Washington, D.C. 20036, also Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission commodities in bulk and those requiring special equipment), (1) between Nashville, Tenn., and Evansville, Ind., from Nashville over U.S. Highway 41A to Hopkinsville, Ky., thence over U.S. Highway 41 to Evansville, and return over the same route as an alternate route, serving no intermediate points and serving Evansville, Ind., for joinder purposes only; and (2) between junction U.S. Highway 41 and Indiana Highway 63 and Hillsdale, Ind., from junction U.S. Highway 41 and Indiana Highway 63, over Indiana Highway 63 to Hillsdale, and return over the same route as an alternate route, serving no intermediate points, and serving Hillsdale for joinder purposes only. NOTE: Applicant states that it presently holds authority similar to that sought in (1) above. It further states that one purpose of his instant application, is to remove the restriction at the top of page 23 of its lead certificate. Should this application be wholly approved, applicant agrees to cancellation of its present alternate route authority between Evansville, Ind., and Nashville, Tenn. Applicant further states that (2) of this application, combined with (1), will enable it to serve its Peoria and Decatur, Ill., terminals from Atlanta, Ga., over combined routes of 621 miles as opposed to existing routes of 697 miles. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 18738 (Sub-No. 37), filed December 23, 1968. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Riverdale, Ill. 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: *Laminated panels* faced with stone, marble, granite, or slate, from points in Delaware, Illinois, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 25869 (Sub-No. 87), filed December 26, 1968. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, Nebr. 68107. Applicant's representative: Daonal L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp. located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85; and (2) *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in the United States on and east of U.S. Highway 85, to the plant or warehouse sites of Continental Steel Corp. located in Howard County, Ind. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 29988 (Sub-No. 117), filed December 20, 1968. Applicant: DC INTERNATIONAL, INC., 45th Avenue at Jackson Street, Denver, Colo. 80216. Applicant's representative: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Explosives and/or component parts*, (1) between

Denver, Colo., and Bangor, Wash. (Naval Ammunition Depot, Bangor), from Denver over Interstate Highway 25 to junction Colorado Highway 14, thence over Colorado Highway 14 to junction U.S. Highway 287, thence over U.S. Highway 287 to junction U.S. Highway 30 (Interstate Highway 80), at or near Laramie, Wyo., thence over U.S. Highway 30 (Interstate Highway 80) to junction U.S. Highway 30N at or near Little America, Wyo., thence over U.S. Highway 30N through McCammon, Idaho, to Burley, Idaho, thence over U.S. Highway 30 through Pendleton, Oreg., to Portland, Oreg., thence over Interstate Highway 5 to Tacoma, Wash., thence over Washington Highway 16 to junction Washington Highway 3, thence over Washington Highway 3 to Bangor and return over the same routes; (2) between Denver, Colo., and Chicago, Ill., and Kansas City and St. Louis, Mo., (a) from Denver over Interstate Highway 80S to junction Interstate Highway 80 at or near Big Springs, Nebr., thence over Interstate Highway 80 to junction Interstate Highway 55 at or near Joliet, Ill., thence over Interstate Highway 55 to Chicago, Ill., and return over the same routes to Denver; (b) from Denver over Interstate Highway 70 through Kansas City and St. Louis, Mo., to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago and return over the same routes to Denver; (3) authority is sought to and from the off-route points of Cornhusker Ordnance Plant near Grand Island, Nebr., and Joliet Arsenal, Ill. Applicant also seeks authority to serve Rockdale and Seneca, Ill., and Kansas City and St. Louis, Mo., for the purpose of interlining. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30837 (Sub-No. 360), filed December 19, 1968. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. 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, in truckaway service, from Holland, Rose City, and Chelsey, Mich., to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 46280 (Sub-No. 69), filed January 2, 1969. Applicant: DARLING FREIGHT, INC., 15 Andre Street SE., Grand Rapids, Mich. 49507. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and/or storage facilities used by Green Giant Co., at or near Belvidere, Ill., to points in Indiana, Kentucky, Michigan, and Ohio; said authority to be restricted against tacking. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52460 (Sub-No. 97), filed December 11, 1968. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, Okla. 74107. Applicant's representative: James W. Warpe, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicular parts* and *accessories, materials*, and *supplies* used in the repair, servicing, and maintenance of motor vehicles, *equipment, tools, materials* and *supplies* used in the operation of motor vehicular service stations, *fertilizer* in containers, and *advertising matter*, from Ponca City, Okla., from that part of Enid, Okla., within 100 miles of Tulsa, Okla., and from Beaumont, Tex., to points in Arkansas on U.S. Highway 64 between Fort Smith and Conway, Ark., those on U.S. Highway 65 between Conway and Little Rock, Ark., and those on U.S. Highway 70 between Little Rock, Ark., and the Arkansas-Tennessee State line. Restriction: The service authorized herein above is subject to the following conditions: (a) The operations authorized above are restricted to the transportation of mixed loads of one or more of the commodities authorized hereinabove and of petroleum products in containers authorized hereinbelow on the same vehicle and on the same bill of lading. (b) The authority granted hereinabove shall not be severable for purposes of sale or lease thereof from the authority to transport petroleum products in containers authorized hereinbelow. (2) *Petroleum products*, in containers, minimum 10,000 pounds, between points in that part of Kansas and Oklahoma within 100 miles of Tulsa, Okla., including Tulsa, on the one hand, and, on the other, points in Arkansas on U.S. Highway 64 between Fort Smith and Conway, Ark., those on U.S. Highway 65 between Conway and Little Rock, Ark., and U.S. Highway 70 between Little Rock and the Arkansas-Tennessee State line. (3) *Petroleum products*, in containers, from Beaumont, Tex., to points in Arkansas on U.S. Highway 64 between Fort Smith and Conway, Ark., those on U.S. Highway 65 between Conway and Little Rock, Ark., and those on U.S. Highway 70 between Little Rock and the Arkansas-Tennessee State line, and (4) *empty petroleum products containers*, between Tulsa, Okla., and points in Kansas and Oklahoma within 100 miles of Tulsa, on the one hand, and, on the other, points in Arkansas on U.S. Highway 64 between Fort Smith and Conway, Ark., those on U.S. Highway 65 between Conway and Little Rock, Ark., and those on U.S. Highway 70 between Little Rock and the Arkansas-Tennessee State line. Any duplication of authority granted herein or to extent that such authority duplicates any heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. NOTE: Applicant states that the purpose of the instant application is to remove certain restrictions that appear in its Sub 2 certificate, relative to serving intermediate points in Arkansas. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.; Dallas, Tex., or Little Rock, Ark.

No. MC 56679 (Sub-No. 29), filed December 13, 1968. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., 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: *Dairy products and dairy byproducts; viz, butter, cheese, eggs, poultry, and milk powder*, from points in Minnesota and Wisconsin to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 64932 (Sub-No. 460) (correction), filed November 25, 1968, published FEDERAL REGISTER, issue of December 19, 1968, corrected and republished as corrected, this issue. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from St. Joseph, Mo., to points in Iowa, Kansas, and Nebraska. NOTE: Applicant states it does not intend to tack. The purpose of this republication is to include Kansas and Nebraska as destination States, which were inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 73688 (Sub-No. 29), filed December 20, 1968. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Missouri on and east of Missouri Highway 51 (southeast Missouri) on the one hand, and, on the other, points in Missouri and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or St. Louis, Mo.

No. MC 75872 (Sub-No. 24), filed December 2, 1968. Applicant: BOSTON & MAINE TRANSPORTATION COMPANY, a corporation, 1 Monsignor O'Brien Highway, Cambridge, Mass. 02141. Applicant's representative: C. A. Prior, 150 Causeway Street, Boston, Mass. 02114. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious to or contaminating to

other lading), serving terminal facilities of carriers located in that portion of Braintree, Mass., located within 5 miles of Boston, Mass., as off-route points in connection with applicant's regular route operations, restricted in interchange of freight having prior or subsequent movement by carriers referred to above. NOTE: Applicant states that in order to serve Strickland Shawmut it may be necessary for the applicant to operate over a section of the highway which is outside the 5-mile limit from Boston, Mass. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 95876 (Sub-No. 90), filed December 30, 1968. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 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: *Doors*, including *millwork and accessories*, and *wood pallets and wood dividers*, from New London, Wis., to points in Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 97699 (Sub-No. 27), filed November 25, 1968. Applicant: BARBER TRANSPORTATION CO., 321 Sixth Street, Rapid City, S. Dak. 57701. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Omaha, Nebr., and Rapid City, S. Dak., between Omaha and junction U.S. Highways 20 and 281 over presently authorized routes, thence over U.S. Highway 281 to junction U.S. Highway 18, thence over U.S. Highway 18 to Winner, S. Dak., thence over presently authorized routes over U.S. Highway 18, U.S. Highway 183, U.S. Highway 16, and Interstate Highway 90 to Rapid City, and return over the same routes; (b) also, from Omaha, as above described, to junction U.S. Highways 18 and 183, thence over U.S. Highway 18 to junction U.S. Highway 83, thence over U.S. Highway 83 and U.S. Highway 16 to Rapid City, as presently authorized, and return over the same routes; (c) also, from Omaha, as above described, to junction U.S. Highways 18 and 83, as previously described, thence over U.S. Highway 18 to junction South Dakota Highway 73, thence over South Dakota Highway 73 to junction U.S. Highway 16, and thence over U.S. Highway 16 to Rapid City, as presently authorized, and return over the same routes; (d) also, from Omaha to the junction U.S. Highways 20 and 281, over presently authorized routes, thence over U.S. Highway 20, as presently authorized, to Valentine, Nebr., thence over U.S. Highway 20 to junction Nebraska Highway 27, thence over Nebraska Highway 27 to the Nebraska-South Dakota State Line, thence over South Dakota Highway 75 to junction U.S. Highway 18, thence over U.S. Highway 18 to junction U.S. Highway 385, thence over U.S. Highway 385 to junction South Dakota Highway 79, thence over South Dakota Highway 79 to Rapid City, and return over the same routes;

(e) Also, between Omaha and junction U.S. Highway 20 and Nebraska Highway 27, as previously described, thence over U.S. Highway 20 to junction Nebraska Highway 87 at Rushville, Nebr., thence over Nebraska Highway 87 to Pine Ridge, S. Dak., thence to Rapid City, as previously described, and return over the same routes; (2) between Omaha, Nebr., and Rapid City, S. Dak., from Omaha over Interstate Highway 29 to junction Interstate Highway 90, thence over segments of Interstate Highway 90, as completed, and U.S. Highway 16 to Rapid City, and return over the same route, serving no intermediate points as an alternate route for operating convenience only in connection with (A) above. (B) *General commodities* (except those of unusual value, classes A and B explosives, household foods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Minneapolis-St. Paul, Minn., and Rapid City, S. Dak., from Minneapolis-St. Paul over Interstate Highway 35W to junction Minnesota Highway 101, thence over Minnesota Highway 101 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction Minnesota Highway 60, thence over Minnesota Highway 60 to junction U.S. Highway 16, thence over U.S. Highway 16 and segments of Interstate Highway 90, as completed, to Rapid City, and return over the same route, serving no intermediate points as an alternate route for operating convenience only. NOTE: Applicant states that the above requested alternate routes are slightly longer than applicant's presently authorized routes, and are for the purpose of using when Frost Law Restriction in the States of South Dakota and Minnesota limit the weight which can ordinarily be transported. These restrictions are frequently in effect over 30 days, making emergency deviations unusable. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 98749 (Sub-No. 25) (Amendment), filed October 17, 1968, published in the FEDERAL REGISTER issues of November 7, 1968, and December 12, 1968, and republished, as amended, this issue. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, Post Office Box 2362, Longview, Tex. 75601. Applicant's representative: Joe T. Lanham, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer blends* thereof, in bulk, from El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas, restricted to the plantsite or storage facilities of the Monsanto Co. at or near El Dorado, Ark., and further restricted against tacking or interlining. NOTE: The purpose of this republication is to reflect a change in the commodity description as fertilizer and fertilizer blends thereof in lieu of dry chemicals. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 99149 (Sub-No. 6), filed November 27, 1968. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 822 East Sixth Street, Little Rock, Ark. 72201. Applicant's representative: Charles J. Lincoln, 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Little Rock, Ark., and Texarkana, Tex. From Little Rock over U.S. Highway 67 to Texarkana, Tex., and return over the same route with service authorized at Curtis, Ark., and intermediate points between Curtis and Texarkana, Tex. Service is authorized at Arkadelphia, Ark., for purpose of joinder only. (2) Between Little Rock, and Kirby, Ark. From Little Rock over U.S. Highway 70 to Kirby and return over same route, serving intermediate points between Hot Springs and Kirby (including Hot Springs). Restriction: No service may be provided between Little Rock and Hot Springs except for the purpose of joinder at Hot Springs. (3) Between Mount Ida, and Pencil Bluff, Ark. From Mount Ida over U.S. Highway 270 to Pencil Bluff and return, serving all intermediate points. (4) Between Mena and Arkadelphia, Ark. From Mena to Arkadelphia over Arkansas State Highway 8 and return over the same route, serving all intermediate points between Mena and Amity. (5) From Kirby, Ark., and the junction of Arkansas State Highway 27 and to the junction of Arkansas State Highway 27 and U.S. Highway 71, serving all intermediate points. (6) Between Kirby and De Queen, Ark. From Kirby over U.S. Highway 70 to De Queen and return over the same route, serving all intermediate points. (7) Between Norman, and Mount Ida, Ark. From Norman over Arkansas State Highway 27 to Mount Ida and return over same route, serving all intermediate points. (8) Between Murfreesboro and Delight, Ark. From Murfreesboro over Arkansas State Highway 26 to Delight and return over same route, serving all intermediate points.

(9) Between Pencil Bluff and Mena, Ark. From Pencil Bluff over Arkansas State Highway 88 to Mena and return over same route, serving all intermediate points. (10) Between Nashville and De Queen, Ark. From Nashville over State Highway 24 to Horatio; thence over Arkansas State Highway 41 to De Queen and return over same route, serving all intermediate points. (11) Between Hope and Dierks, Ark. From Hope over Arkansas State Highway 4 to Dierks and return over same route, serving all intermediate points. (12) Between Mineral Springs and Fulton, Ark. From Mineral Springs over Arkansas State Highway 355 to Fulton and return over same route, serving all intermediate points. (13) Between Murfreesboro, and Narrows Dam Site, Ark. From Murfreesboro over Arkansas State Highway 19 to Narrows Dam Site and return over same route. (14) Between Center Point and Briar, Ark. From Center Point, Howard County, over Arkansas State Highway 26 to junction with Arkansas State Highway 369; thence over Arkansas State Highway 369 to junction with unnumbered road; thence over unnumbered road to Briar and return over same route, serving all intermediate points. (15) Between Lockesburg and Ashdown, Ark. From Lockesburg over U.S. Highway 71 to Ashdown and return over same route, serving all intermediate points. (16) Between Saratoga and Ashdown, Ark. From Saratoga over State Highway 32 to Ashdown and return over same route, serving all intermediate points. Duplicating routes shall convey only one authority. NOTE: By this instant application, applicant seeks to "convert" its certificate of registration into a certificate of public convenience and necessity, and encloses a request for revocation of its certificate of registration MC 99149. If a hearing is deemed necessary, applicant requests it be held at Texarkana, Tex., and Little Rock, Ark.

No. MC 100666 (Sub-No. 129), filed December 26, 1968. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, valves, fittings, compounds, joint sealer, bonding cement, primer, coating thinner, and accessories* used in the installation of such products, from Mantua, Ohio, and Clinton, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 102295 (Sub-No. 16), filed December 18, 1968. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, Pa. 19438. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed ingredients*, from points in Franconia Township, Montgomery County, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Rhode Island, Virginia, Vermont, and West Virginia; and (2) *feed ingredients*, from points in Hilltown Township, Bucks County, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Virginia, Vermont, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 103051 (Sub-No. 223), filed December 23, 1968. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Davidson County, Tenn., to points in Kentucky. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn.

No. MC 105007 (Sub-No. 21) (Correction), filed Desember 16, 1968, published in the FEDERAL REGISTER issue of January 3, 1969, and republished as corrected, this issue. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, Minn. 56007. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, lumber, related articles and accessories therefor*, from Weyerhaeuser Co. plants and facilities in Minnesota, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. The purpose of this republication is to include the State of West Virginia as a destination point which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105063 (Sub-No. 4), filed December 13, 1968. Applicant: W. H. TAYLOR, 2301 Southwest Hazel Road, Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone*, in bulk, (1) between points in Cowlitz, Grays Harbor, Klickitat, Lewis, Pacific, Skamania, Wahkiakum, and Clark Counties, Wash., restricted to traffic having a prior or subsequent out-of-State movement, and (2) from Lake Oswego, Oreg., to points in Klickitat and Lewis Counties, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 106580 (Sub-No. 3), filed December 16, 1968. Applicants: M. F. BUTLER, JR., AND M. F. BUTLER, SR., doing business as OSWEGO LIME DELIVERY CO., Post Office Box 174, Lake Oswego, Oreg. 97034. Applicant's representative: M. F. Butler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone* in bulk or sacks, from Lake Oswego, Oreg., to points in Mason, Thurston, Pierce, Lewis, King, and Klickitat Counties, Wash., restricted to agricultural use. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 107515 (Sub-No. 632), filed December 16, 1968. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned* preserved foodstuffs, not coldpack or frozen, from Red Creek, Waterloo, Rushville, Egypt, Penn Yan, Fairport, Newark, and Syracuse, N.Y., and West Chester, Pa., to points in North Carolina, South Carolina, Alabama, Georgia, Mississippi, Tennessee, Florida, Arkansas, Oklahoma, and Texas, restricted to shipments originating at the plantsites and storage facilities of Comstock-Greenwood Division, the Borden Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 107757 (Sub-No. 30), filed December 18, 1968. Applicant: M. C. SLATER, INC., Post Office Box 369, Granite City, Ill. 62041. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85; and (2) *materials, equipment, and supplies*, used in the manufacture and processing of iron and steel articles, on return, restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and restricted against the transportation of commodities in bulk. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108068 (Sub-No. 73), filed December 20, 1968. Applicant: U.S.A.C. TRANSPORT, INC., Post Office Box G, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft ground support equipment*, between points in the United States, restricted to shipments originating at or destined to airports, airbases or airport or airbase maintenance facilities or depots. NOTE: If

a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 109028 (Sub-No. 7), filed December 19, 1968. Applicant: S & W TRANSFER, INC., 2505 North Mayfair Road, Milwaukee, Wis. 53226. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. 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, between Melrose Park, Ill., on the one hand, and, on the other, points within the territory bounded by a line beginning at Dubuque, Iowa, and extending in a northwesterly direction along the west bank of the Mississippi River, through Winona, Minn., to the confluence of the Mississippi and St. Croix Rivers, thence along the west bank of the St. Croix River to Stillwater, Minn., thence in a northeasterly direction across the river and through Hayward, Wis., to Ashland, Wis., thence in a northeasterly direction along the shore of Lake Superior to Calumet, Mich., thence in a southeasterly direction through Laurium, Mich., and along Lake Superior to Munising, Mich., thence across the Upper Peninsula of Michigan to Manistique, Mich., thence in a southwesterly direction to Gladstone, Mich., thence south along the shore of Lake Michigan and through Sturgeon Bay, Wis., to Winthrop Harbor, Ill., and thence west through Rockford and Galena, Ill., to Dubuque, including the points named. Restriction: The transportation authorized would be limited to service performed under a continuing contract, or contracts with Jewel Cos., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 111401 (Sub-No. 270), filed December 16, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* (except dairy products, animal fats, greases, and blends thereof), and commodities in bulk; (1) from Dodge City, Kans., to points in Missouri; (2) from Wichita, Kans., and York, Nebr., to points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and the District of Columbia; and (3) from points in Illinois, Iowa, Minnesota, Missouri, Nebraska, and South Dakota to Wichita, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 111456 (Sub-No. 2), filed December 18, 1968. Applicant: GLENN D. CREECH, doing business as ALL AMERICAN MOVING & STORAGE CO., 1004 New Circle Road NW., Lexington, Ky. 40508. Applicant's representative: Ben M. Combs, 310 Citizens Union Bank Building, Lexington, Ky. 40507. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Boone, Bracken, Campbell, Grant, Kenton, Pendleton, Carroll, Henry, Gallatin, Oldham, Owen, Trimble, Anderson, Franklin, Scott, Shelby, Woodford, Boyle, Garrard, Lincoln, Mercer, Washington, Breathitt, Jackson, Lee, Owsley, Wolfe, Clay, Knox, Floyd, Letcher, Pike, Johnson, Martin, Bourbon, Harrison, Mason, Nicholas, Robertson, Boyd, Carter, Greenup, Lawrence, Lewis, Bath, Fleming, Menifee, Montgomery, Rowan, Clark, Estill, Fayette, Madison, Powell, Jessamine, Laurel, McCreary, Pulaski, Rockcastle, Whitley, Bell, Harlan, Leslie, Knott, Perry, Elliot, Magoffin, and Morgan Counties, Ky. NOTE: Applicant states the authority sought in the instant application would be tacked with its presently held authority at points in Harlan and Fayette Counties, Ky., and also at points within 25 miles of Lexington, Ky., to provide through service to points in Indiana, Ohio, Tennessee, West Virginia, Michigan, and Virginia. If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky., or Cincinnati, Ohio.

No. MC 111545 (Sub-No. 112) (Amendment), filed October 7, 1968, published in the FEDERAL REGISTER issue of October 31, 1968, amended December 16, 1968, and republished as amended this issue. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from points in Escambia County, Fla., to points in Alabama, Arkansas, Arizona, Georgia, Kentucky, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Michigan, Missouri, Minnesota, North Carolina, New Mexico, New York, Ohio Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Jacksonville, Fla., and (2) from Palatka, Fla., and Pine Bluff, Ark., to points in Alabama, Arkansas, Arizona, Connecticut, Delaware, the District of Columbia, Georgia, Kentucky, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, Nebraska, New Jersey, North Carolina, New Mexico, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Jacksonville, Fla. NOTE: The purpose of this republication is to reflect change in origin point in (1) above and to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Pensacola or Jacksonville, Fla.

No. MC 112801 (Sub-No. 87), filed December 16, 1968. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, grain neutral spirits, and alcoholic liquors*, in bulk, in tank vehicles, from Peoria, Ill.; ports of entry on the international boundary between the United States and Canada located at Detroit and Port Huron, Mich.; and points in New York, New Jersey, Pennsylvania, and Maryland to Burlingame, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112989 (Sub-No. 12) (Correction), filed November 14, 1968, published in FEDERAL REGISTER issue of December 19, 1968, and republished as corrected this issue. Applicant: JOHNSON TRUCK SERVICE, INC., Post Office Box 668, Coos Bay, Oreg. 97420. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber mill products*, from points in Curry, Josephine, Jackson, Linn, Marion, Washington, Columbia, Benton, Wasco, Jefferson, Pols, Yamhill, Clackamas, Multnomah, Hood River, and Deschutes Counties, Oreg., to points in Astoria, Newport, Coos Bay, and Portland, Oreg., and Clark and Cowlitz Counties, Wash. NOTE: Applicant intends to tack in Clatsop, Douglas, Lane, Lincoln, and Tillamook Counties to serve Oregon counties requested to be served in this application. The purpose of this republication is to include the counties of Polk, Yamhill, Clackamas, Multnomah, Hood River, Deschutes, Oreg., to the Oregon territory, inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 113495 (Sub-No. 38), filed December 23, 1968. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. Applicant's representative: Wilmer B. Hill, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slabs*, building and roofing, concrete made of portland cement with wood fiber or chip aggregate, without metal reinforcement, from Richmond, Va., to points in Alabama, Arkansas, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Tennessee, Wisconsin, and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 124813 (Sub-No. 65), filed December 24, 1968. Applicant: UMTHUN

TRUCKING CO., a corporation, 910 South Jackson, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients* (except liquids, in bulk in tank vehicles), from Joliet, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. NOTE: Applicant holds contract authority under MC-118468 and Subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126428 (Sub-No. 3) (Amendment), filed October 24, 1968, published FEDERAL REGISTER issue of November 7, 1968, amended December 26, 1968, and republished as amended this issue. Applicant: ZIBERT TRANSPORT CO., a corporation, 2828 Market Street, Peru, Ill. 61354. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic pellets, granules and cubes*, in bulk, in tank and/or hopper-type vehicles, from Henry, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Ohio, Michigan, Minnesota, Missouri, Pennsylvania, Nebraska, Tennessee, Wisconsin, New York, Massachusetts, New Jersey, Maine, Rhode Island, Connecticut, and Vermont. NOTE: The purpose of this republication is to broaden the destination territory. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126709 (Sub-No. 3) (Correction), filed December 6, 1968, published in the FEDERAL REGISTER issue of January 3, 1969, and republished as corrected this issue. Applicant: SABER, INC., 514 South Floyd Boulevard, Sioux City, Iowa 51107. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: (1) *Nonedible tallow*, in bulk, in tank vehicles, from Sioux City, Iowa, to points in Nebraska, South Dakota, and those in that part of Minnesota on and south of a line beginning at the South Dakota and Minnesota States' line at or near Marietta, Minn., extending each along U.S. Highway 212 to junction Minnesota Highway 15, thence south along Minnesota Highway 15 to junction U.S. Highway 14 at or near New Ulm, Minn., thence southeast along U.S. Highway 14 to junction U.S. Highway 218 at or near Owatonna, Minn., thence south along U.S. Highway 218 to the Minnesota-Iowa State line at or near Lyle, Minn., and (2) *liquid animal feed supplements*, except molasses, in bulk, in tank vehicles, from Sioux City, Iowa, to points in Nebraska, South Dakota, North Dakota, and Minnesota. NOTE: The purpose of this republication is to more clearly set forth the commodity description in (1) above. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 126904 (Sub-No. 9), filed December 12, 1968. Applicant: H. C. PARRISH TRUCK SERVICE, INC., R.F.D. No. 2, Freeburg, Ill. Applicant's representative: B. W. LaTourette, Jr., 611 Olive Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* from the plantsites, shipping points, and warehouses of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85; and (2) *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from the above-named destinations to the plantsites, shipping points, and warehouses of Continental Steel Corp., located in Howard County, Ind., restricted to the transportation of traffic originating at or destined to the named origins and destinations and further restricted against the transportation of commodities in bulk. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127239 (Sub-No. 4), filed December 27, 1968. Applicant: UNIVERSAL BOW TRANSPORT INCORPORATED, Concord Industrial Park, Concord, N.H. 03301. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaging and paperboard cartons*, knocked-down, from Bow, N.H., to points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and the District of Columbia. Restriction: The operations described herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Universal Packaging Corp., Bow, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 127832 (Sub-No. 6), filed December 30, 1968. Applicant: C & S TRANSFER, INC., Post Office Box 5249, Macon, Ga. 31208. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slate*, cut to size, in boxes or crates, from Savannah, Ga., and Jacksonville, Fla., to Macon, Ga., under contract with Maco Supply Corp., Macon, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 128909 (Sub-No. 8) (amendment), filed October 24, 1968, published in the FEDERAL REGISTER issue of November 28, 1968, amended December 27, 1968, and republished as amended this issue. Applicant: COMMODORE CONTRACT CARRIERS, INC., 8712 West Dodge Road, Suite 4000, Omaha, Nebr. 68114. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *House trailers* designed to be drawn by passenger automobiles, *buildings in sections mounted on wheeled undercarriages with hitchball connectors, pickup and tent campers, and motor homes;* and (2) *unrelated parts, appliances, furniture, and accessories when moving in the commodities described in (1) above;* (a) between Carbon Hill, Ala., on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia; (b) between Corsicana, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and ports of entry on the United States-Canada boundary in Michigan, Minnesota, Montana, New York, North Dakota, and Washington; (c) between Thomasville, Ga., on the one hand, and, on the other, points in Alabama, Florida, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; (d) between Bellefonte, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (e) Between Fort Worth, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, and Tennessee; (f) between Fort Worth and Corsicana, Tex.; Bellefonte, Pa.; Thomasville, Ga.; Carbon Hill, Ala.; and Lebanon, Oreg.; (g) between the points listed in part (f) above, on the one hand, and, on the other, Falls City and North Bend, Nebr.; Arlington, Tenn.; Hamilton, Haleyville, and Red Bay, Ala.; Danville, Va.; and Roseburg, Oreg.; and (h) between Lebanon, Oreg., on the one hand, and, on the other, points in Washington, California, Nevada, Idaho, Montana, Wyoming, Colorado, Utah, Arizona, and New Mexico. Restriction: (1) All service hereunder shall be limited to traffic originating or terminating at the plantsites of the Commodore Corp., its subsidiaries or divisions. (2) All service shall be performed under continuing contracts with the Commodore Corp., its subsidiaries or divisions. NOTE: The purpose of this republication is to broaden the scope of authority sought as shown in (f) and (h) above. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133035 (Sub-No. 6), filed December 16, 1968. Applicant: DILTS

TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; (1) from the terminals located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co. located at or near Whiting, Early, and Garner, Iowa, and destined to points in the named destination States; and, (2) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming, restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co. located at or near Greenwood, Nebr., and destined to points in the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133156, filed August 14, 1968, Applicant: JOSEPH B. BOUCHARD, doing business as J. & B. REFRIGERATION COMPANY, 1104 Pleasant Street, Fall River, Mass. Applicant's representative: John T. Farrell, 57 North Main Street, Fall River, Mass. 02720. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, washers and dryers, ranges, dishwashers, air conditioners, television sets, radio sets, stereos, Hi-Fis, and other types of recorders*, between Fall River, New Bedford, Rehoboth, Swansea, Somerset, Assonet, Taunton, Acushnet, Westport, Adamsville, Hyannis, Framingham, and Seekonk, Mass., and Providence, East Providence, Cranston, Newport, Bristol, Warren, Little Compton, Tiverton, Portsmouth, and Central Falls, R.I.; under contract with Zayre's Department Stores. NOTE: If a hearing is deemed necessary applicant requests it be held at Fall River, Taunton, or New Bedford, Mass

No. MC 133238 (Sub-No. 1), filed December 27, 1968. Applicant: WOODY JAMES, 2335 Evergreen Avenue, Salt Lake City, Utah 84109. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, fixtures, appliances, equipment, and other articles* used in supplying, establishing, and maintaining a restaurant facility, (1) from Salt Lake City, Utah, to points in the continental United States; (2) from Parsons, Tenn., to points in the continental United States; (3) from Denver, Colo., to points in the continental United States; (4) from Chicago, Ill., to points in the continental United States; and (5) from Los Angeles, Calif., to points in the continental United States; under a continuing contract with S & F Supply Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133308, filed November 25, 1968. Applicant: AIRPORT DRAYAGE CO., a corporation, 7300 Northeast Alderwood Drive, Portland, Oreg. 97218. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), limited to the transportation of freight, express, and luggage having an immediately prior or subsequent movement by air, between those points in Multnomah, Clackamas, Columbia, Washington, Yamhill, and Marion Counties, Oreg., Cowlitz, Clark, and Skamania Counties, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 133322, filed November 29, 1968. Applicant: A. FRISELLA MOVING AND STORAGE COMPANY, INC., 2900 North Kingshighway Boulevard, St. Louis, Mo. 63115. Applicant's representative: William A. Boles, 408 Olive Street, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* moving on a through bill of lading issued by a freight forwarder of used household goods exempt under section 402(b)(2) of the Interstate Commerce Act and accessorial services with regard to such shipment, between points in the United States, including Alaska and Hawaii. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 133358, filed December 13, 1968. Applicant: HENLINE, INC., 1361 Etna Avenue, Huntington, Ind. 46750. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and replacement vehicles therefor*, between points in Wabash, Huntington, Wells, Grant, Allen, and Whitley Counties, Ind., on the one hand, and on the other, points in Michigan, Ohio, Illinois Kentucky, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 133361, filed December 19, 1968. Applicant: PLAINS BROKERAGE COMPANY, a corporation, 106 Broadway, Post Office Box 2187, Lubbock, Tex. 79408. Applicant's representative: W. D. Benson, Jr., 7012 Indiana Avenue, Post Office Box 6723, Lubbock, Tex. 79413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal, soy bean meal, and peanut meal*, between points in Texas and New Mexico, on the one hand, and, on the other, points in Arizona, California, Oregon, Washington, Idaho, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lubbock, Amarillo, or Dallas, Tex.

No. MC 133364 (Sub-No. 1), filed December 30, 1968. Applicant: JOHN F. HULBERT, doing business as HULBERT FORWARDING, Lewis Farm Road, Greene, R.I. 02827. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, wood shavings, wood sawdust*, in bulk, between Foster, R.I., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 133376, filed December 23, 1968. Applicant: THOMAS A. GARRETT doing business as GARRETT TRUCKING COMPANY, 1821 Margaret Avenue, Terre Haute, Ind. 47802. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bottle crowns (bottle caps)*, from Terre Haute, Ind., to Jacksonville, Orlando, Tampa, Fort Pierce, Cocoa, Daytona Beach, Gainesville, and Sarasota, Fla.; under contract with Sycamore Manufacturing Co., Inc., Terre Haute, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

MOTOR CARRIER OF PASSENGERS

No. MC 1934 (Sub-No. 29), filed December 16, 1968. Applicant: THE ARROW LINE, INC., 105 Cherry Street, East Hartford, Conn. 06108. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Hartford, Conn., and the John F. Kennedy International Airport, New York, N.Y., from Hartford over city streets to junction Interstate Highway 91, thence over Interstate Highway 91 to junction Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y., thence over city streets, boulevards, expressways, and avenues (all in Queens County, N.Y.) to John F. Kennedy International Airport, and return over the same route, serving the intermediate points of LaGuardia Airport, Flushing (Main Street), and Jamaica (Sutphin Boulevard) stations of the Long Island Railroad Co., New York, N.Y., and the off-route points of Rocky Hill and Meriden, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford or New Haven, Conn.

No. MC 108922 (Sub-No. 2), filed December 12, 1968. Applicant: TWO CITIES TRANSIT CO., LTD., a corporation, 485 Bay Street, Sault Ste. Marie, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment

Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special and charter operations, in round-trip sightseeing and pleasure tours, beginning and ending at ports of entry on the United States-Canada boundary line and extending to points in the United States, including Alaska but excluding Hawaii. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Mackinac Island, Mich.

APPLICATIONS FOR BROKERAGE LICENSE MOTOR CARRIERS OF PASSENGERS

No. MC 12605 (Sub-No. 1), filed December 18, 1968. Applicant: CLIFFORD W. BURDEN, doing business as BURDEN PARTY, 34 West Hyatt Avenue, Mount Kisco, N.Y. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C. 20006. For a license (BMC 5) to engage in operations as a *broker* at Mount Kisco, N.Y., in arranging for the transportation in interstate or foreign commerce, of *passengers and their baggage*, in round-trip tours, beginning and ending at points in New York, New Jersey, and Connecticut and extending to points in the United States.

APPLICATION OF WATER CARRIER

No. W-104 (Sub-No. 19) (Amendment), UNION BARGE LINE CORPORATION Extension—Tampa, Filed October 24, 1968, published in the FEDERAL REGISTER issue of November 7, 1968, and republished as amended this issue. Applicant: UNION BARGE LINE CORPORATION, 1 Oliver Plaza, Pittsburgh, Pa. 15222. Applicant's representative: Peter Greene, Commonwealth Building, 1625 K Street NW., Washington, D.C. 20006. Application of Union Barge Line Corp. filed October 24, 1968, for amended certificate authorizing extension of its operations as a common carrier by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, and by towing vessels in the performance of general towage, between ports and points along the Allegheny, Monongahela, and Ohio Rivers, the Licking River between Ryland Lakes, Ky., and the confluence of the Licking and the Ohio Rivers, and the Kanawha River on the one hand, and, on the other, Tampa, Fla. NOTE: The purpose of this republication is to change the territorial scope or the application.

APPLICATIONS OF FREIGHT FORWARDERS

No. FF-352 (Amendment) NORTH AMERICAN INTERNATIONAL, INC., Freight Forwarder Application, filed August 21, 1968, published in the FEDERAL REGISTER issue September 12, 1968, amended and republished as amended this issue. Applicant: NORTH AMERICAN INTERNATIONAL, INC., Post Office Box 201, New Haven, Ind. 46774. Applicant's representative: Martin A. Weissert, Post Office Box 988, Fort Wayne, Ind. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, through the use of facilities of common carriers by railroad, express, water carrier, air, and motor vehicle in the transportation of: (a) *Household goods*, as defined by the Commission in 17 M.C.C. 467; (b) *used automobiles*; and (c) *unaccompanied baggage*, between points in the United States, including Alaska and Hawaii. NOTE: The purpose of this republication is to more clearly set forth the commodity description.

No. FF-363 HC&D MOVING & STORAGE COMPANY, INC., Freight Forwarder Application, filed December 19, 1968. Applicant: HC&C MOVING & STORAGE COMPANY, INC., 911 Middle Street, Honolulu, Hawaii. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought under section 410, Part IV of the Interstate Commerce Act to continue operations as a freight forwarder in interstate or foreign commerce, in the forwarding of (a) *household goods* as defined by the Commission in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467; (b) *used automobiles*; and (c) *unaccompanied baggage*, between points in the United States, including Alaska and Hawaii.

No. FF-364 COMMERCIAL TRAFFIC SERVICE, INC., Freight Forwarder Application, filed January 2, 1969. Applicant: COMMERCIAL TRAFFIC SERVICE, INC., 2501 South Alameda Street, Los Angeles, Calif, 90058. Applicant's representative: Floyd C. Ellis, Suite 757, Roosevelt Building, 727 West Seventh Street, Los Angeles, Calif. 90017. Authority sought under section 410, Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, through the use of the facilities of common carriers by motor vehicle and railroad, in the transportation of *general commodities*, from points in Los Angeles, Orange, and San Francisco Counties, Calif., to points in the United States (except in the States of Arizona, California, Hawaii, and New Mexico).

No. W-557 (Sub-No. 19) C. G. WILLIS, INCORPORATED, Extension—New York Harbor, filed January 2, 1969. Applicant: C. G. WILLIS, INCORPORATED, Post Office Box 128, Paulsboro, N.J. 08066. Applicant's representative: L. Agnew Myers, Jr., Suite 1122, Warner Building, E at 13th Street NW., Washington, D.C. 20004. Authority sought under Part III of the Interstate Commerce Act, for a revised certificate to include operation as a *common carrier* by water, in interstate or foreign commerce, in the transportation of *general commodities* (1) by non-self-propelled barges with the use of separate towing vessels, between ports and points along the Atlantic Coast and tributary waterways, from the area defined in the order of March 16, 1941, in Ex Parte No. 140 (Determination of the Limits of New York Harbor and Harbors Contiguous Thereto), to Jacksonville and Palatka, Fla., inclusive; and (2) by self-propelled vessels (a) between ports and points along the Atlantic Coast and tributary waterways, from the area defined in the order of March 16, 1941, in Ex Parte No. 140 (Determination of the Limits of New York Harbor and Harbors Contiguous Thereto), to Jacksonville, Fla., inclusive, but not including service between points in the said New York Harbor area, those in the area defined in the order of July 14, 1941, in Ex Parte No. 145 (Determination of the Limits of Philadelphia Harbor and Harbors Contiguous Thereto), and Baltimore, Md., on the one hand, and, on the other, Jacksonville, Fla.; nor on the Hudson River above the New York Harbor Area; and (b) between points in the Philadelphia Harbor Area and Baltimore, on the one hand, and, on the other, Jacksonville, Fla., by way of the Atlantic Intracoastal Waterway and connecting inland waterways.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 33641 (Sub-No. 81), filed December 16, 1968. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Edward J. Hegarty, Shell Building, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock and those injurious or contaminating to other lading), between St. Louis, Mo., and the junction U.S. Highways 66 and 95, at or near Needles, Calif., from St. Louis, Mo., over Interstate Highway 44 (U.S. Highway 66) to Oklahoma City, Okla., thence over Interstate Highway 40 (U.S. Highway 66) to junction U.S. Highway 95 at or near Needles, and return over the same route, serving no intermediate points, and serving the junction of U.S. Highway 66 and 95 for purposes of joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between St. Louis, Mo., and Barstow, Calif. NOTE: Common control may be involved.

No. MC 60428 (Sub-No. 8), filed December 18, 1968. Applicant: FOLEY & SHELDON, INC., 24 North Hillside Avenue, Chatham, N.J. 07928. Applicant's representative: William J. Hanlon, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in tank vehicles, from Newark, N.J., to Kingston, N.Y. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Lloyd's Kingston Auto Service Center, Inc.

No. MC 114965 (Sub-No. 40), filed December 23, 1968. Applicant: CYRUS

TRUCK LINE, INC., Post Office Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, 104 South Washington, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients, feed and feed ingredients and industrial aqua ammonia;* (1) from the plantsite and/or storage facilities of Duesterhaus Fertilizer Co., Inc., at or near Palmyra, Mo.; and (2) from the facilities of Agriculture Chemicals, Inc., at or near Monroe, Mo., to points in Iowa, Illinois, Kansas, Nebraska, Minnesota, and Wisconsin.

No. MC 125946 (Sub-No. 2), filed December 23, 1968. Applicant: G. LEE MASSEY, doing business as MOUNTAIN TERRACE, Victor, W. Va. 25938. Applicant's representative: Larry Massey, c/o Mountain Terrace, Victor, W. Va. 25938. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Face brick, chimney block, and facing tile,* (1) from Charleston and Barboursville, W. Va., to points in Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Virginia, the District of Columbia, Ohio (except points in Scioto, Lawrence, Gallia, Meigs, Athens, Washington, Jackson, Adams, and Brown Counties), and Kentucky (except points in Lewis, Greenup, Boyd, Carter, Lawrence, Johnson, Martin, Floyd, Pike, Rowan, Mason, Fleming, Bracken, and Robertson Counties); and (2) from Darlington and Kittanning, Pa., and Pierpont, Va., to points in West Virginia; under contract with West Virginia Brick Co., Charleston, W. Va., and Barboursville Clay Manufacturing Co., Charleston, W. Va.

No. MC 133363 (Sub-No. 1), filed December 23, 1968. Applicant: WILLIAM T. HARRIS AND THEATRIS HARRIS, doing business as HARRIS BROS. CO., B Street (below Erie Avenue), Philadelphia, Pa. 19134. Applicant's representative: Morris J. Levin, Suite 917, 910 17th Street, NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigeration equipment, and parts, and replacements* for such equipment, between Philadelphia, Pa., and points in New Jersey, New York, and Maryland; under contract with Fogel Refrigeration Corp.

No. MC 113535 (Sub-No. 7), filed December 12, 1968. Applicant: A & W TRUCKING CO., INC., Rural Route 2, Box 370, Mosinee, Wis. 54455. Applicant's representative: Charles E. Mieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses,* as described in sections A, B, and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, to points in Polk, St. Croix, Pierce, Barron, Dunn, Pepin, Chippewa, Eau Claire, Clark, and Marathon Counties, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 113855 (Sub-No. 188), filed December 30, 1968. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Power sweepers, cleaners, flushers, brush chippers, stump removers, equipment* used in connection with foregoing, *parts and attachments* used for the foregoing items, from points in Los Angeles County, Calif., to points in the United States (except California, Arizona, New Mexico, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 114211 (Sub-No. 118), filed December 6, 1968. Applicant: WARREN TRANSPORT, INC., 305 Whitney Road, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors;* (2) *power mowers and hand mowers and* (3) *parts, attachments, and accessories* for the commodities named in (1) and (2), from South Bend, Ind., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states it could tack but the primary purpose of this application is to serve the shipper. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115826 (Sub-No. 187), filed December 26, 1968. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in the *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by Carter Packing Co., Inc., at or near Buhl, Idaho, to Gooding, Idaho, and points within 5 miles thereof, and points in Jefferson County, Idaho. NOTE: Applicant indicates tacking the authority sought herein with that held in its Subs (69), (106), (149), and sought in Sub (166) if and when granted, wherein applicant conducts operations at points in Arizona, California, Colorado, Florida, Georgia, Idaho, Iowa, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Montana, Missouri, Minnesota, Nevada, Nebraska, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Washington, Wisconsin, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Denver, Colo.

No. MC 116999 (Sub-No. 3) (Clarification), filed October 30, 1968, published FEDERAL REGISTER issue of December 12, 1968, clarified and republished as clarified this issue. Applicant: EPHRAIM FREIGHTWAYS, INC., 1385 Umatilla Street, Denver, Colo. 80204. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, in tank vehicles, commodities requiring special equipment, and those injurious or contaminating to other lading); (a) between Denver and Pueblo, Colo.: From Denver over U.S. Interstate Highway 25 or U.S. Highway 85 or 87 where they do not coincide with U.S. Interstate Highway 25 to Pueblo, and return over the same route, serving all intermediate points and the off-route point of Fort Carson, Colo.; (b) between Pueblo and Walsh, Colo.: From Pueblo over U.S. Highways 50 and 50A to Holly, Colo., thence over Colorado Highway 89 to junction U.S. Highway 160, thence over U.S. Highway 160 to Walsh, and return over the same route, serving all intermediate points and the off-route points of the Pueblo Army Depot, McClave, Wiley, and Two Buttes, Colo.; (c) between Pueblo, Colo., and the Colorado-New Mexico State line, over U.S. Interstate Highway 25, serving all intermediate points and the off-route point of Aguilar, Colo.; (2) *general commodities* (except those of unusual value, household goods as defined by the Commission and commodities in bulk, in tank vehicles);

(a) Between Denver and Springfield, Colo.: From Denver over U.S. Interstate Highway 25 or U.S. Highways 85 and 87 where they do not coincide with U.S. Interstate Highway 25 to Pueblo, thence over U.S. Highways 50 and 50A to Lamar, thence over U.S. Highway 287 to Springfield, and return over the same route, serving the intermediate points of Pueblo, Colo., and those between Denver and Pueblo, inclusive, and those between Lamar and Springfield, Colo., inclusive, unrestricted; those between Pueblo and Lamar, restricted to pickup and delivery of commodities other than livestock; (b) between Denver and Lamar, Colo.; over U.S. Interstate Highway 70, U.S. Interstate Business Loop Highway 70, and U.S. Highway 287, serving no intermediate points, as an alternate route for operating convenience only, restricted to the handling of traffic which has been or will be interlined or interchanged at Denver, Colo., which either originates at or is destined to points within Colorado.

NOTE: Applicant states it proposes to perform a local collection and distribution service within Colorado, handling interstate shipments to and from Denver, Colo. Applicant is willing to accept any description and restriction accomplishing this result which the Commission deems fit. Applicant admits conclusively that without such restriction the operations of existing motor carriers, potential protestants, would be materially, substantially, and adversely affected. Applicant states it seeks to tack (1) (a), (b), and (c), and (2) above, through the Pueblo, Colo., gateway, to provide through service between all points involved, consistent with the above-proposed restriction and note. The purpose of this republication is to clarify the restriction and note. If a hearing is deemed necessary, applicant requests it be held at Lamar, Pueblo, Walsenburg, Trinidad, Colorado Springs, and Denver, Colo.

No. MC 117820 (Sub-No. 5) (Clarification), filed December 9, 1968, published in the FEDERAL REGISTER issue of January 3, 1969, and republished as clarified this issue. Applicant: AURELIA TRUCKING CO., a corporation, 2136 Pine Grove Avenue, Port Huron, Mich. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish and shellfish*, and (2) *cheese, pickles, olives, candy, and preserved fruit*, in vehicles equipped with mechanical refrigeration, in mixed shipments, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehciles at the same time with (1) above, from Farmingdale, Jersey City, and Newark, N.J., New York, N.Y., and New Holland and Philadelphia, Pa., to Detroit, Mich., Cleveland, Toledo, and Salem, Ohio. NOTE: The instant application duplicates in part, the authority under MC 117820 (Sub-No. 3). Applicant hereby tenders it Sub 3 authority for cancellation if this application is granted. The purpose of this republication is to reflect the destination points. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich., or Washington, D.C.

No. MC 119531 (Sub-No. 102), filed December 30, 1968. Applicant: DIECK-BRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from North Tonawanda, N.Y., to points in Ohio, Pennsylvania, and West Virginia. NOTE: Applicant states possible tack would exist at Cleveland, Ohio, to serve points in Illinois, Indiana, and Michigan, under MC-119531, Sub 7. Applicant further states this possible extension not supported in this application. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., Cleveland, Ohio, or Chicago, Ill.

No. MC 119531 (Sub-No. 103), filed January 2, 1969. Applicant: DIECK-BRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper products*, from Anderson, Ind., to points in Minnesota and Wisconsin; and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of paper products, from points in Minnesota and Wisconsin, to Anderson, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119539 (Sub-No. 8), filed December 16, 1968. Applicant: BEVERAGE TRANSPORT, Inc., East Bloomfield, N.Y. 14443. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Merrimack, N.H., to points in Connecticut, Maine, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and *empty malt beverage containers*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 119642 (Sub-No. 3), filed December 26, 1968. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, a corporation, 1263 South Cherry Street, Janesville, Wis. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, chassis and buses* in initial movements, in truckaway and driveaway service, from Janesville, Wis., to points in Ohio, under contract with General Motors Corp. NOTE: Applicant states no duplication exists. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 119778 (Sub-No. 119), filed December 30, 1968. Applicant: RED-WING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. 35221. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from LeMoyne, Ala., to points in Alabama, Kansas, Kentucky, Missouri, Nebraska, Ohio, Tennessee, Texas, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119880 (Sub-No. 26), filed November 27, 1968. Applicant: DRUM TRANSPORT, INC., Post Office Box 2056, East Peoria, Ill. 61611. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles; (1) from Toledo, Ohio; Chicago, Ill.; New Orleans, La.; and Detroit, Mich., to Peoria and Pekin, Ill.; San Francisco, Burlingame, and Union City, Calif.; and Richmond, Va. and (2) from Pekin, Ill., to Richmond, Va., and Baltimore, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119895 (Sub-No. 16) (Amendment), filed November 18, 1968, published in FEDERAL REGISTER issue of December 12, 1968, and republished as amended this issue. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 commodities in bulk and except hides); (1) from Austin, Minn., to Milan, Ill., Lincoln, Nebr., and points in Iowa; (2) from Des Moines, Iowa, to Lincoln, Nebr., and Detroit, Mich.; (3) from Fort Dodge, Iowa, to Lincoln, Nebr., and points in Illinois, Iowa, and Missouri; and (4) between Omaha, Nebr., on the one hand, and, on the other, Fort Dodge, Iowa, and Austin and Owatonna, Minn. Restriction: Service in parts (1), (2), (3), and (4) above is restricted to traffic originating at plantsites and/or warehouse facilities of Geo. A. Hormel & Co., and I. D. Packing Co. and destined to the points and States specified. NOTE: The purpose of this republication is to serve points in Iowa, as an additional destination State in (3) above. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 123245 (Sub-No. 9), filed December 11, 1968. Applicant: LEESER & STAUFFER TRUCK SERVICE, INC., Taylor, Mo. 63471. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; (1) from points in Illinois to points in Indiana, Iowa, Michigan, Minnesota, Missouri, and Ohio; (2) from points in Indiana to points in Illinois, Michigan, Missouri, and Ohio; (3) from points in Iowa to points in Illinois, Indiana, Michigan, and Ohio; (4) from points in Kentucky to points in Illinois, Indiana, Michigan, and Ohio; (5) from points in Missouri to points in Illinois, Indiana, and Iowa; and (6) from points in Ohio to points in Illinois, Indiana, and Michigan. NOTE: Applicant has contract carrier authority in MC 113865 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 123383 (Sub-No. 38), filed December 30, 1968. Applicant: BOYLE BROTHERS, INC., 276 River Road,

Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials and composition boards, and articles used or useful in the installation thereof* (except commodities in bulk), from Edgewater and Carteret, N.J., Philadelphia, Pittston, and Sunbury, Pa., and New York, N.Y., to points in Tennessee, West Virginia, Kentucky, Mississippi, Alabama, Arkansas, Ohio, Indiana, Michigan, Illinois, and Louisiana; (2) *composition boards, and articles used or useful in the installation thereof* (except commodities in bulk), from Deposit, N.Y., to points in Indiana and Michigan; and (3) *returned shipments* of the commodities in (1) and (2) above, in the opposite direction. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124679 (Sub-No. 20), filed December 31, 1968. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cream and cream substitutes;* (2) *advertising, promotional, and display material* when moving at the same time and in the same vehicle with the commodities described in (1) above; (1) from Gustine, Calif., to Kansas City, Kans., Omaha, Nebr., points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina; (2) from Washington Court House, Ohio, to Kansas City, Kans., Omaha, Nebr., points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Michigan, Indiana, Ohio, Kentucky, West Virginia, Pennsylvania, Maryland, Virginia, Delaware, New Jersey, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, and the District of Columbia. NOTE: Applicant states that it intends to tack the sought authority at Washington Court House, Ohio, with that in No. MC 124679 (Sub-No. 8), whereas applicant currently holds authority to transport the same commodities from Gustine, Calif., to points in Michigan, West Virginia, Pennsylvania, New Hampshire, Indiana, Virginia, Rhode Island, Connecticut, Maine, Kentucky, Maryland, New Jersey, Massachusetts, Ohio, Delaware, New York, Vermont, and the District of Columbia. Applicant further states no duplicating authority has been sought. Applicant holds contract carrier authority under MC-128813 and Subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or San Francisco, Calif.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-521; Filed, Jan. 15, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 13, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41539—*Caustic soda (sodium hydroxide) to Franklin, Va.* Filed by O. W. South, Jr., agent (No. A6075), for interested rail carriers. Rates on sodium (soda), caustic, liquid, and sodium hydroxide, in solution, as described in the application, in tank carloads, from Charleston, Tenn., to Franklin, Va.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 220 to Southern Freight Association, agent, tariff ICC S-484.

FSA No. 41540—*Liquid caustic soda to Cincinnati, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2931), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Midland and Wyandotte, Mich., and Solvay and Syracuse, N.Y., to Cincinnati, Ohio.

Grounds for relief—Rate relationship.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-573; Filed, Jan. 15, 1969; 8:48 a.m.]

[Notice 276]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 13, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70793. By order of January 8, 1969, the Transfer Board approved the transfer to W. T. Marshall Trucking, Inc., Springfield, Ill., of the operating rights in corrected permit No. MC-125136 and permits Nos. MC-125136 (Sub-No. 1), MC-125136 (Sub-No. 2), MC-125136 (Sub-No. 5), and MC-125136 (Sub-No. 6) issued November 6, 1963, June 16, 1964, November 4, 1966, September 13, 1967, and July 29, 1968, respectively, to W. T. Marshall, Springfield, Ill., authorizing the transportation, over irregular routes of malt beverages from St. Louis, Mo., to specified points in Illinois, and new containers for malt beverages and new pallets used in transporting the commodities specified above, from Springfield, Rockford, and Freeport, Ill., to St. Louis, Mo., for named shippers. George B. Gillespie, 217 South Seventh Street, Springfield, Ill. 62701, attorney for applicants.

No. MC-FC-70933. By order of January 8, 1969, the Transfer Board approved the transfer to Alaska Auto Transport, Inc., Fairbanks, Alaska, of certificates Nos. MC-117137 and MC-117137 (Sub-No. 2), issued September 29, 1961, and October 30, 1964, respectively, to N. J. Matlock and L. E. Whiting, a partnership, doing business as Alaska Auto Transport, Fairbanks, Alaska, authorizing the transportation of: Automobiles and pickup trucks, in truckaway service, in secondary movements, between Seattle, Wash., and Fairbanks, Alaska, and motor vehicles, in secondary movements, in truckaway service, from Seward, Valdez, and Anchorage, Alaska, to Fairbanks, Alaska, restricted to shipments having prior movements by water. James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101; attorney for applicants.

No. MC-FC-70996. By order of January 8, 1969, the Transfer Board approved the transfer to Country Wide Van Lines, Inc., Brooklyn, N.Y., of certificate No. MC-39823, issued September 1940, to Home Storage & Warehouse Co., Inc., New York, N.Y., authorizing the transportation of household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, Massachusetts, and Pennsylvania, traversing Rhode Island for operating convenience only. Morris Honig, 150 Broadway, New York, N.Y. 10038; attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-574; Filed, Jan. 15, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AREA DIRECTORS ET AL.

Delegation of Authority

JANUARY 9, 1969.

1. The following material is a part of the Bureau of Indian Affairs Manual and the numbering is that of the Manual.

PART 10 BIAM 3-6—AUTHORITIES FROM THE COMMISSIONER

3. AUTHORITY OF AREA DIRECTORS

3.1 *Authorities from the Commissioner.* The authorities of the Secretary of the Interior delegated to the Commissioner in Secretary's Order 2508 (10 BIAM 2) are hereby redelegated to the Area Directors.

This redelegation also includes future authorities of the Secretary of the Interior to the Commissioner which:

A. Do not by their own terms disallow exercise by officials below the Commissioner;

B. Are not within the generally applicable exceptions in section 3.3 below; or

C. Are not expressly excluded, by additional provisions to this Chapter, from being exercised by officials below the Commissioner.

3.2 *Secretarial limitations.* The limitations carried in the Secretary's order also apply here.

3.3 *Exceptions.* The authorities redelegated in 3.1 above do not include the following:

A. *Funds and fiscal matters.* (1) The approval and transmittal to the General Accounting Office, of accounts between the United States and Indian Tribes under reimbursable appropriations, as required by the acts of April 4, 1910, and June 10, 1921, 25 U.S.C., section 145.

(2) The approval of expenditures or advances of Tribal funds for the respective tribes for the purpose set forth and as prescribed in acts of June 7, 1944, 58 Stat. 271; June 20, 1936, 49 Stat. 1543; June 24, 1946, 60 Stat. 3020; section 3, May 19, 1947, 61 Stat. 102; section 7, April 19, 1950, Public Law 474, 81st Congress, 2d session; including supplements or amendments thereto, and under all other acts which may authorize the expenditure or advance of tribal funds to tribes for like purposes.

(3) The designation of depositories of Indian moneys. 25 U.S.C. 151.

(4) The approval of requisitions for disbursing Tribal funds. 25 U.S.C. 151.

(5) The investment of restricted trust funds of individual Indians, and of group investment of funds held in the accounts of Indian Service Disbursing Agents, for individual Indians, Indian associations, and Indian tribes in any public-debt obligations of the United States and in bonds, notes, or other obligations which are unconditionally guaranteed as to both principal and interest by the United States, and the investment of funds of Osage Indians. The act of June 24, 1938, 52 Stat. 1037; 25 U.S.C. 162a.

(6) The authorizing of restoration to ownership or deposit in the general fund of the Treasury of unclaimed per capita and other individual payments of Indian tribal trust funds. The Act of September 22, 1961, 75 Stat. 584; 25 U.S.C. 164-165.

(7) The use or distribution of funds derived from judgments awarded as a result of tribal claims against the United States.

B. *Personnel management.* The approval of trade by Government employees with Indians pursuant to the provisions of 25 CFR § 251.5.

C. *Tribal government:* (1) Calling and conducting of elections or referendums for the adoption or amendment of constitutions and charters; authorization of Indian Reorganization Act and Oklahoma Indian Welfare Act elections for the adoption or amendment of constitutions or charters.

(2) The approval or disapproval of resolutions and ordinances pertaining to the regulation of law and order on a reservation, the regulation of domestic relations, and the regulation of trade with nonmembers of a tribe.

D. *Forestry.* (1) Designate any basis of volume determination pursuant to 25 CFR 141.14 other than Scribner Decimal C Log Rule, cubic volume, piece count, lineal foot, or weight.

(2) Issue special instructions as to deductions from timber sale receipts pursuant to 25 CFR 141.18.

(3) Issue advertisements and approve timber sale contracts on approved forms, involving an estimated stumpage volume in excess of 15 million feet, board measure; except in the Portland Area where the stumpage volume limit is set at 50 million feet, board measure, pursuant to 25 CFR 141.8, 141.9, and 141.13.

(4) Accept payment of damages in full in settlement of civil trespass cases pursuant to 25 CFR 141.22, when such settlement is in excess of $5,000. "Payment of damages in full" means payment of the maximum amount due under applicable law.

E. *Real property management.* (1) The approval of leases which provide for a duration in excess of 65 years, inclusive of any provisions for extensions or renewals thereof at the option of the lessee.

(2) The approval of leases of ceded or surplus lands unless title thereto has been restored to the tribe, or the leasing of such lands is authorized by a specific statute.

(3) The authority to approve royalty rates other than as authorized in 25 CFR for oil, gas, and other minerals, except sand, gravel, pumice, and building stone.

F. *General.* Approval or revision of forms prescribed by 25 CFR.

4. AUTHORITY OF SUPERINTENDENTS, CENTRAL OFFICE JURISDICTION

4.1 *Authorities.* The authorities of the Secretary of the Interior delegated to the Commissioner in Secretary's Order 2508 (10 BIAM 2) are hereby redelegated to the Superintendents at Cherokee, Miccosukee, and Seminole Agencies.

4.2 *General limitations.* The limitations carried in 10 BIAM 3 apply here also.

5. AUTHORITY OF CENTRAL OFFICE PERSONNEL

5.1 *Authority of Commissioner's Staff.* The Deputy Commissioner and those persons designated to act in his place during his absence may exercise any and all authority conferred upon the Commissioner of Indian Affairs by the Secretary of the Interior. The Assistant Commissioners, their Deputies, and those persons designated to act in their place during their absence may exercise, within the scope of their functional responsibilities, any and all authority conferred upon the Commissioner of Indian Affairs by the Secretary of the Interior.

5.2 *Buy Indian Act authority.* The Chief, Division of Property and Supply Management, the Headquarters Administrative Officer and the Chief, Division of Plant Design and Construction (located in Albuquerque, N. Mex.), or anyone acting in their stead, are authorized to exercise all authority under section 23 of the act of June 25, 1910 (Public Law 313, 61st Cong., 2d sess.; 36 Stat. 861, as amended, 25 U.S.C. 47), which relates to the employment of Indian Labor and for the purchase of the products of Indian industry in the open market, delegated to the Commissioner by the Secretary of the Interior, subject to the exceptions contained in the authority delegated by the Secretary to the Commissioner.

5.3 *Investment of tribal funds.* The Chief, Division of Financial Management, or anyone acting in his stead, is authorized to exercise the authority vested in the Secretary of the Interior under the Act of June 24, 1938 (52 Stat. 1037, 25 U.S.C. 162a), which relates to the investment of tribal and individual trust funds in banks, in public-debt obligations of the United States, and in bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States.

5.4 *Seneca Nation.* The Special Liaison Representative is authorized to approve leases of tribal lands to individual members of the Seneca Nation; to issue commitments of approval of mortgages and approve mortgages of leasehold interest of such members given as security for home purchase or home improvement loans without FHA or VA insurance when such loans are made by any of the following institutions:

A. Any National or State bank;

B. Any building and loan association operating under authority of the law of any State; or

C. Any insurance company authorized by law to engage in making such loans in the State of New York;

and to otherwise perform in behalf of the members of the Seneca Nation those functions of the Commissioner of Indian Affairs which are specifically outlined in memorandum of understanding between the Commissioner of Indian Affairs and the Commissioner, Federal Housing Administration, dated March 30, 1962.

6. CONTRACT AUTHORITY

6.1 *Delegation and Redelegation of contracting Authority—A. Delegation.* The Secretary has delegated to the Commissioner of Indian Affairs in 205 DM 11.1 (26 F.R. 11748, 26 F.R. 12306) has authority to enter into contracts and in 205 DM 11.4 (27 F.R. 9359) his authority to negotiate contracts with certain limitations. The kind of contracts that can be entered into and those that can be negotiated are set out in paragraph 6.3, below.

B. *Redelegation.* The authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior covered in 6.1A above, and more specifically set out in 6.3 below, is redelegated to the contracting officers and contracting officers' authorized representatives designated in 6.2, below, subject to the limitations stated in 6.4, below.

6.2 *Designation of Contracting Officers and Contracting Officers' authorized representatives*—A. *Contracting Officers.* The Officials occupying the positions listed in (1) and (2), below, or their duly appointed successors, or anyone authorized to act for them during their absence from office, are designated as contracting officers and as such are authorized to enter into contracts of the types listed in 6.3, below, and perform all necessary functions and take all required actions in the administration of those contracts, subject to the conditions set forth in 6.1, above, and 6.4, below.

(1) *Headquarters Office Officials.* (a) Deputy Commissioner.

(b) Assistant Commissioner for Administration.

(c) Chief, Division of Plant Design and Construction (located in Albuquerque, N. Mex.).

(d) Chief, Division of Property and Supply Management.

(e) Administrative Officer, Division of Plant Design and Construction (located in Albuquerque, N. Mex.).

(f) Chief, Plant Management Engineering Center, Division of Plant Management, Littleton, Colo.

(g) Chief, Contract Management Section, Plant Management Engineering Center, Division of Plant Management, Littleton, Colo.

(h) Engineering Contract Adviser, Office of the Assistant Commissioner for Administration.

(i) Executive Officer, Indian Affairs Data Center (located in Albuquerque, N. Mex.).

(j) Property and Supply Officer, Indian Affairs Data Center (located in Albuquerque, N. Mex.).

(k) Headquarters Administrative Officer, Central Services Staff.

(2) *Area Office Officials,* (a) Area Director.

(b) Assistant Area Director, Administration.

(c) Assistant Deputy Area Director or Administrative Officer (for those areas where position of Assistant Area Director, Administration, does not exist).

(d) Area Property and Supply Officer.

(e) Administrative Officer and Special Representative, Seattle.

(f) Contract Engineer Adviser (Portland Area).

B. *Contracting Officers' authorized representatives.* The officials occupying the positions listed in (1) and (2) below, or their duly appointed successors or anyone authorized to act for them during their absences from office, are designated as contracting officers' authorized representatives and as such are authorized to and may perform all necessary functions and take all required actions in connection with any contract executed by a contracting officer that the contracting officer could perform or take in the administration of the contract, except final actions relating to the termination of a contract and to disputes concerning questions of fact which are not disposed of by agreement.

(1) *Headquarters Office Officials.*[1] (a) Assistant Chief, Division of Plant Design and Construction.

(b) Chief, Contract Staff.[1]

(c) Chief, Architectural Section.[1]

(d) Chief, Operations Section.[1]

(e) Chief, Engineering Section.[1]

(f) Chief, Contract Construction Management Unit.

(g) Chief, Civil Engineering Unit.[1]

(h) Chief, Electrical Engineering Unit.[1]

(i) Chief, Mechanical Engineering Unit.[1]

(j) Chief, Sanitary Engineering Unit.[1]

(k) Chief, Contract Management Section.[2]

(l) Engineering Adviser, Office of the Assistant Commissioner for Engineering.

(m) Engineering Contract Adviser, Office of the Assistant Commissioner for Administration.

(2) *Area Office Officials.* (a) Contract Engineer Adviser (Portland Area).

C. *Exercise of authority.* The Contracting Officers and contracting officers' authorized representatives designated in (1) and (2) above are authorized, subject to the limitations stated in 6.1, above, and 6.4, below, to exercise the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (27 F.R. 9359) to negotiate the contracts enumerated in 6.3B when circumstances permitting negotiation, as prescribed in the Federal Procurement Regulations, are met.

6.3 *Contracts and methods of contracting*—A. *Contracts.* Contracts may be entered into for the following:

(1) Construction.

(2) Supplies and equipment.

(3) Services.

B. *Methods.* Contracts may be entered into, using any method including negotiation. Contracts that may be negotiated include the following in the Federal Property and Administrative Services Act of 1949, as amended under section 302(c):

(1) National emergency.

(2) Public exigency.

(3) Purchases not in excess of $2,500.

(4) Personal or professional services.

(5) Services of educational institutions.

(6) Purchases outside the United States.

(7) Medicines or medical supplies.

(8) Property purchased for authorized resale.

(9) Subsistence supplies.

(10) Impracticable to secure competition.

(11) Experimental, developmental or research work.

(12) Purchases not to be publicly disclosed.

(13) Technical equipment requiring standardization or interchangeability of parts.

(14) Negotiation after advertising.

6.4 *Negotiated contracts under 302 (c)(1), "National Emergency" of the Federal Property and Administrative Services Act of 1949, as amended*—A. *Labor surplus areas.* Contracts negotiated under the National Emergency category shall be set aside for negotiation exclusively with firms which will perform or cause to be performed a substantial portion of the production under contract within labor surplus areas, in accordance with the policies for assistance to labor surplus areas stated in OCDM Defense Manpower Policy 4, Revised June 6, 1960 (25 F.R. 5283).

B. *Approval by Secretary of the Interior.* Any contract negotiated under the National Emergency category in excess of $100,000 shall be submitted to the Secretary for approval before execution by a contracting officer.

C. *Contracts in excess of $25,000.* Any contract negotiated under the National Emergency category in excess of $25,000 must be executed by the Commissioner.

D. *Supplies and materials for use on construction projects.* Contracts negotiated under the National Emergency category for supplies and materials for use on construction projects shall be divided under partial set-aside procedures and at least 50 percent of the severed portion shall be obtained from contractors who will perform or cause to be performed substantial portion of the production within labor surplus areas.

E. *Single successful bidder.* Where a single successful bidder can be determined in accordance with preferences prescribed in Federal Procurement Regulations with respect to labor surplus areas and small business without the drawing by lot the authority to negotiate contracts under the National Emergency category shall not be exercised. However, no contracts shall be made based upon such preferences in those instances where similar or identical bids indicate collusive bidding, follow-the-leader pricing, rotated low bids, uniform estimating systems, refusal by bidder to classify the Government as other than a retail buyer regardless of the quantity purchased, or similar practices.

6.5 *Determinations, findings, and statements*—A. *Secretary of the Interior.* The Secretary of the Interior has made the determination required under section 302(c)(1)—National Emergency—of the Federal Property and Administrative Services Act of 1949, as amended (26 F.R. 5585).

B. *General.* The determinations, findings, and statements required under the various circumstances permitting negotiations of contracts in the Federal Procurement Regulations shall be made by

[1] All positions listed are in the Division of Plant Design and Construction located in Albuquerque, N. Mex.

[2] Located in the Plant Management Engineering Center, Division of Plant Management, Littleton, Colo.

the contracting officers designated in 6.2, above, except for the following:

(1) *Secretarial Officer's determinations and decisions prior to negotiation.* The determinations or decisions required to support negotiation of contracts under 302(c) (12) and (13) must be made by a Secretarial Officer of the Interior Department prior to negotiation of the contracts.

(2) *Determinations and decisions in support of contracts negotiated pursuant to section 302(c)(11).* The determinations and decisions required in support of contracts negotiated pursuant to section 302(c)(11) must be made by the Commissioner.

6.6 *Appeals.* An appeal from a finding of fact or decision of a contracting officer shall be made by notice of appeal in writing addressed to the Board of Contract Appeals, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, and shall be mailed to or filed with the contracting officer within the time allowed by the contract. The notice of appeal shall specify the portion of the findings of fact or decision from which the appeal is taken, and the reasons why the findings or decisions are deemed erroneous. Immediately upon receipt of the notice of appeal, the contracting officer shall inform the Board, by airmail, that the appeal has been received. Regulations governing appeals to the Board of Contract Appeals appear in 43 CFR Part 4.

2. Bureau Orders 551, 566, and 567, as amended, are hereby revoked.

T. W. TAYLOR,
Acting Commissioner.

[F.R. Doc. 69-537; Filed, Jan. 15, 1969; 8:46 a.m.]

Bureau of Land Management

[AR 035656]

ARIZONA

Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States under serial No. AR 035656:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 15 N., R. 18 W.,
Sec. 3, lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 7, lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 11;
Sec. 13;
Sec. 15;
Sec. 19, lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 21;
Sec. 23;
Sec. 25;
Sec. 27;
Sec. 29;
Sec. 33;
Sec. 35.

The areas described aggregate 8,295.56 acres.

2. The lands are located in Mohave County approximately 35 miles south of Kingman, Ariz. Topography is generally rolling, dissected by intermittent stream beds. Soils are sandy with rock outcrops; vegetation consists of creosote bush, palo verde, various southern desert cacti, and some perennial grasses. The lands are used for grazing livestock and are not suited to cultivation due to topography, soils, and meager rainfall.

3. Subject to valid existing rights, the provisions of the present multiple-use classification A 1360 published January 23, 1968 (33 F.R. 812), and the requirements of applicable law, effective upon this publication, the lands are open to all forms of appropriation under the public land laws except entry under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. 334) and sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). Mineral rights were not conveyed to the United States. All petition-applications that are filed for classification will be considered on their merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Inquiries concerning these lands should be addressed to U.S. Bureau of Land Management, Arizona Land Office, Room 3022, Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

JANUARY 10, 1969.

[F.R. Doc. 69-555; Filed, Jan. 15, 1969; 8:47 a.m.]

[S-2182—S-2185]

CALIFORNIA

Notice of Classification of Public Lands for Multiple Use Management; Correction

JANUARY 10, 1969.

1. The notice appearing in the FEDERAL REGISTER, Doc. 68-15279 on page 19202 of the issue of December 24, 1968, under paragraph 5, should read:

T. 33 N., R. 9 W., MD., Meridian
Sec. 32, N½, SE¼NE¼SW¼NE¼SW¼, E½SE¼SW¼NE¼SW¼, W½W½SW¼SW¼NE¼SW¼, E½W½SE¼SW¼NE¼SW¼, W½SE¼SW¼NW¼SW¼, SE¼SE¼SW¼NW¼SW¼, S½NE¼SE¼NW¼SW¼, S½SE¼NW¼SW¼, NE¼NW¼NW¼SW¼, NW¼SE¼NW¼NW¼SW¼, NE¼SE¼, NE¼NW¼SE¼, NW¼SW¼SE¼, E½SW¼SW¼SE¼, S½SE¼SW¼SE¼, E½NE¼SE¼SE¼, S½SE¼SE¼.

LESTER C. DUNN,
Acting State Director.

[F.R. Doc. 69-534; Filed, Jan. 15, 1969; 8:45 a.m.]

[I-2524]

IDAHO

Notice of Offer of Lands

JANUARY 9, 1969.

1. Pursuant to the provisions of the Act of May 31, 1962 (76 Stat. 89), the following lands, found upon survey to be omitted public lands of the United States, will be offered for sale:

BOISE MERIDIAN, IDAHO

T. 3 S., R. 34 E.,
Sec. 11, lot 4 and that portion of lot 5 described as beginning at the northwest corner of lot 5, thence south along the west lot line approximately 5 chains; thence easterly to the right bank of the Snake River; thence northerly along the right bank to the northeast corner of the lot; thence westerly along the original meander line to the point of beginning;
Sec. 13, that portion of lot 5 described as beginning at the northeast corner of lot 5, thence west along the north lot line to the left bank of the secondary channel; thence southerly along the left bank to its intersection with the original meander line; thence northeasterly along the meander line to the point of beginning; and those portions of lots 6 and 7 described as beginning at angle point 5 on the original meander line, thence due north along existing fence line for approximately 17 chains to the left bank of the secondary channel of the river; thence east along the left bank of this channel to its intersection with the original meander line; thence southwesterly along the meander line to the point of beginning;
Sec. 15, lot 5, that portion of lot 6 described as beginning at the northwest corner of lot 6, thence south along the west lot line approximately 8 chains; thence easterly for approximately 6 chains; thence northerly approximately 8 chains to the north lot line; thence westerly along the lot line to the point of beginning; and that portion of lot 7 described as beginning at the northeast corner of lot 7, thence south along the east lot line approximately 8 chains; thence west to the original meander line; thence northerly along the original meander line to the north lot line; thence east along the north lot line to the point of beginning;
Sec. 21, lot 13;
Sec. 23, lot 15;
Sec. 28, lots 11, 12, and 13;
Sec. 29, lot 13, SE¼NE¼, and that portion of lot 9 described as beginning at the southeast corner of lot 9, thence west along the south lot line approximately 5 chains; thence north to the left bank of the river; thence easterly along the left bank of the river to the northeast corner of lot 9; thence south along the east lot line to the point of beginning.

The areas described aggregate 288 acres more or less.

2. Plat of survey was filed in the Land Office, Boise, Idaho at 10 a.m. on January 26, 1959. (See 24 F.R. 743.)

3. Persons claiming a preference right in accordance with the provisions of the Act, must file with the Manager, Land Office, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702, before March 19, 1969, a notice of their intention to apply to purchase all or part of the lands as qualified preference right claimants.

4. The Act grants a preference right to purchase the above lands to any citizens of the United States (including corporations, partnership, firm, or other legal entity having authority to hold title to lands in the State of Idaho) who, in good faith, under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation, or occupied any of the lands so offered for

sale, or whose ancestors or predecessors in interest have taken such action.

5. The lands are determined to be suitable for sale and will be sold at their fair market value subject to:

(a) Qualified preference-right claims.

(b) A reservation to the United States of all the coal, oil, gas, shale, phosphate, potash, sodium, native asphalt, solid and semisolid bitumen and bitumen rock, including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried.

(c) A reservation of a right of access for the public, 100 feet along the banks of the rivers and channels, 50 feet on the west lot line of lot 15 between lots 15 and 17, sec. 23, and 30 feet along the east lot line of lot 5, sec. 15.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 69-535; Filed, Jan. 15, 1969; 8:45 a.m.]

[Serial No. I-1518]

IDAHO

Notice of Termination of Proposed Classification of Lands

JANUARY 10, 1969.

Notice of proposed classification of lands, Serial No. I-1518, published as F.R. Doc. 67-7626, on pages 9719-9721, of the issue for Tuesday, July 4, 1967, is hereby canceled so far as it affects the hereinafter described lands. The segregative effect thereof will terminate upon publication of this notice in the FEDERAL REGISTER, as provided by the regulations in 43 CFR 2411.2e(2) (ii):

BOISE MERIDIAN, IDAHO

BUTTE COUNTY

T. 5 N., R. 26 E.,
Sec. 29, E½, E½NW¼;
Sec. 32, E½E½.

The area described is patented land, and this action is to clear the record.

JOE T. FALLINI,
State Director.

[F.R. Doc. 69-585; Filed, Jan. 15, 1969; 8:49 a.m.]

[Serial No. I-1518]

IDAHO

Notice of Classification of Public Lands for Multiple-Use Management; Correction

JANUARY 10, 1969.

In F.R. Doc. 67-12931, filed November 1, 1967, appearing on page 15187, of the issue for Thursday, November 2, 1967, the following correction should be made in the line in the first column under T. 5 N., R. 26 E., "Secs. 23 to 36 inclusive;":

Secs. 23 to 26 inclusive;

JOE T. FALLINI,
State Director.

[F.R. Doc. 69-586; Filed, Jan. 15, 1969; 8:49 a.m.]

Geological Survey

[New Mexico 101]

NEW MEXICO

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

COAL LANDS

T. 24 N., R. 1 E.,
Sec. 4, W½SW¼;
Secs. 5 to 8, inclusive;
Sec. 9, W½NW¼, SW¼;
Sec. 16, W½;
Secs. 17 to 20 inclusive;
Sec. 21, SW¼NE¼, W½, NW¼SE¼;
Sec. 28, NW¼NW¼;
Sec. 29, NE¼, E½NW¼, SW¼NW¼, SW¼, W½SE¼;
Sec. 30, E½SE¼, SW¼SE¼;
Sec. 31, lots 2, 3, and 4, NE¼, E½NW¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 32, N½NW¼, SW¼NW¼.

T. 25 N., R. 1 E.,
Sec. 3, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, NW¼SE¼;
Sec. 4, lots 1 and 2, S½NE¼, SE¼;
Sec. 9;
Sec. 10, NW¼, W½SW¼;
Sec. 15, NW¼NW¼;
Sec. 16;
Sec. 17, SE¼;
Sec. 20;
Sec. 21, W½NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 28, W½W½;
Sec. 29;
Sec. 31;
Sec. 32;
Sec. 33, W½NW¼.

T. 26 N., R. 1 E.,
Sec. 4, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, SW¼SE¼;
Sec. 5;
Sec. 6, lots 1 and 2, S½NE¼, SE¼;
Sec. 7, E½;
Sec. 8;
Sec. 9;
Sec. 10, W½NW¼, SW¼;
Sec. 15, W½, SW¼SE¼;
Sec. 16;
Sec. 17, N½, N½SW¼, SE¼;
Sec. 18, NE¼, N½SE¼;
Sec. 20, NE¼;
Sec. 21;
Sec. 22;
Sec. 23, SW¼NW¼, W½SW¼;
Sec. 26, W½W½;
Sec. 27;
Sec. 28, E½;
Sec. 33, E½;
Sec. 34, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 35, NW¼NW¼.

T. 31 N., R. 1 E.,
Sec. 4, lot 4, SW¼NW¼, SW¼, SW¼SE¼;
Sec. 5;
Sec. 6;
Sec. 7, lots 1, 2, 3, and 4, NE¼, E½NW¼, E½SE¼, SW¼SE¼;
Sec. 8;
Sec. 9;
Sec. 10, lots 12 and 13;
Sec. 15, lot 7;
Sec. 16, N½, N½SW¼, NW¼SE¼;
Sec. 17, N½, N½SW¼, SE¼SW¼, NW¼, SE¼, S½SE¼;
Sec. 18, lots 1, 5 and 6, NE¼NE¼, S½NE¼, E½NW¼, N½SE¼;
Sec. 19, lots 2, 3, and 4, SE¼NW¼, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 20, E½, E½W½, SW¼SW¼;
Sec. 21, S½NE¼, NW¼, S½;
Sec. 22, lots 8, 11, 12, 13, 14, 15, and 16;
Secs. 27 to 34, inclusive.

T. 23 N., R. 1 W.,
Sec. 1, lots 1, 2, and 3, S½N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 2, E½SE¼, SW¼SE¼;
Sec. 4, lots 3 and 4, S½NW¼;
Sec. 5, lots 1, 2, 3, and 4, S½N½, SW¼;
Sec. 6;
Sec. 7;
Sec. 8, W½;
Sec. 11, E½, E½NW¼, SW¼NW¼, SW¼;
Sec. 12, N½NW¼, SW¼NW¼;
Sec. 14, W½NE¼, W½;
Sec. 15, E½E½;
Sec. 17, N½NW¼;
Sec. 18, lots 1, 2, 3, and 4, N½NE, E½W½;
Sec. 22, E½E½;
Sec. 23, lots 1, 2, 3, and 4, E½NW¼;
Sec. 26, lots 1, 2, 5, 6, 7, and 8, E½NW¼SW¼, E½SW¼SW¼, SE¼SW¼;
Sec. 27, E½E½;
Sec. 34, E½E½;
Sec. 35, W½.

T. 24 N., R. 1 W.,
Sec. 24, SE¼;
Sec. 36, E½SE¼, SW¼SE¼.

T. 31 N., R. 1 W.,
Secs. 1 to 7, inclusive;
Sec. 8, N½NE¼, SW¼NE¼, W½, SE¼;
Sec. 9;
Sec. 10;
Sec. 11, NE¼, W½, W½SE¼;
Sec. 12, E½, N½NW¼, SE¼NW¼, NE¼SW¼;
Sec. 13, NE¼NE¼, W½SW¼, SE¼SW¼;
Sec. 14, lots 1 to 6, inclusive, SW¼NE¼, W½SW¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Secs. 15 to 18, inclusive.

NONCOAL LANDS

T. 24 N., R. 1 E.,
Sec. 4, lots 3 and 4, S½NW¼, E½SW¼;
Sec. 9, E½NW¼;
Sec. 16, W½SE¼;
Sec. 21, NW¼NE¼, SW¼SE¼;
Sec. 28, NE¼NW¼, S½NW¼, W½SW¼;
Sec. 29, NW¼NW¼, E½SE¼;
Sec. 30, lots 1, 2, 3, and 4, NE¼, E½NW¼, E½SW¼, NW¼SE¼;
Sec. 31, lot 1, SE¼SE¼;
Sec. 32, NW¼NE¼, SE¼NW¼.

T. 25 N., R. 1 E.,
Sec. 3, lot 1, SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 4, lots 3 and 4, S½NW¼, SW¼;
Secs. 5 to 8, inclusive;
Sec. 10, W½E½, E½SW¼;
Sec. 15, E½NW¼, SW¼NW¼, SW¼;
Sec. 17, W½, SW¼;
Sec. 18;
Sec. 19;
Sec. 21, E½NE¼, W½SE¼, SE¼SW¼;
Sec. 28, W½E½, E½W½;
Sec. 30;
Sec. 33, E½NW¼, SW¼.

T. 26 N., R. 1 E.,
Sec. 3;
Sec. 4, lots 5 and 6, SE¼NE¼, N½SE¼, SE¼SE¼;
Sec. 6, lots 3, 4, 5, 6, and 7, SE¼NW¼, E½SW¼;
Sec. 7, lots 1, 2, 3, and 4, E½W½;
Sec. 10, E½, E½NW¼;
Sec. 14, W½W½;
Sec. 15, NE¼, N½SE¼, SE¼SE¼;
Sec. 17, S½SW¼;
Sec. 18, lots 1, 2, 3, and 4, E½W½, S½SE¼;
Sec. 19, unsurveyed;
Sec. 20, NW¼, S½;
Sec. 23, N½NW¼, SE¼NW¼, E½SW¼, W½SE¼;

Sec. 26, W½E½, E½W½;
Sec. 28, W½;
Secs. 29 to 32, inclusive, partly unsurveyed;
Sec. 33, W½;
Sec. 34, SE¼SE¼;
Sec. 35, E½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼.
T. 31 N., R. 1 E.,
Sec. 15, lot 8;
Sec. 16, SW¼SW¼, NE¼SE¼;
Sec. 17, SW¼SW¼, NE¼SE¼;
Sec. 18, NE¼SW¼, SE¼SE¼;
Sec. 19, NE¼SE¼;
Sec. 20, NW¼NW¼, NW¼SW¼.
T. 23 N., R. 1 W.,
Sec. 1, lot 4, SE¼SE¼;
Sec. 2, lots 1, 2, 3, and 4, S½N½, SW¼, NW¼SE¼;
Sec. 3;
Sec. 4, lots 1 and 2, S½NE¼, S½;
Sec. 5, SE¼;
Sec. 8, E½;
Sec. 9;
Sec. 10;
Sec. 11, NW¼NW¼;
Sec. 12, NE¼, SE¼NW¼, S½;
Sec. 13;
Sec. 14, E½NE¼, SE¼;
Sec. 15, W½E½, W½;
Sec. 16;
Sec. 17, E½, S½NW¼, SW¼;
Sec. 18, S½NE¼, SE¼;
Secs. 19 to 21, inclusive;
Sec. 22, W½E½, W½;
Sec. 23, E½, E½SW¼;
Sec. 24;
Sec. 25;
Sec. 26, E½, E½NW¼, NE¼SW¼;
Sec. 27, W½E½, W½;
Secs. 28 to 33, inclusive;
Sec. 34, E½W½, W½;
Sec. 35, E½;
Sec. 36.
T. 24 N., R. 1 W.,
Sec. 25;
Sec. 26, E½, SW¼;
Sec. 27, S½;
Sec. 33, SE¼;
Sec. 34;
Sec. 35;
Sec. 36, N½, SW¼, NW¼SE¼.
T. 31 N., R. 1 W.,
Sec. 13, SW¼NW¼, NE¼SW¼, SW¼SE¼;
Sec. 14, SE¼NE¼.

The area described totals about 87,002 acres of which about 49,755 acres are classified coal lands and about 37,247 acres are classified noncoal lands.

ARTHUR A. BAKER,
Acting Director.

JANUARY 9, 1969.

[F.R. Doc. 69-536; Filed, Jan. 15, 1969; 8:46 a.m.]

National Park Service

OLYMPIC NATIONAL PARK, WASH.

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to issue a concession permit to Henry A. Brown authorizing him to provide concession facilities and services for the public at Olympic National Park, Wash., through April 15, 1971.

The foregoing concessioner has performed his obligations under the expiring permit to the satisfaction of the National Park Service, and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Olympic National Park, 600 East Park Avenue, Port Angeles, Wash. 98363 for information as to the requirements of the proposed permit.

Dated: January 9, 1969.

R. B. MOORE,
Assistant Director,
National Park Service.

[F.R. Doc. 69-539; Filed, Jan. 15, 1969; 8:46 a.m.]

Office of the Secretary

ARIZONA AND UTAH

Establishment of Paria Canyon Primitive Area, Vermillion Cliffs Natural Area and Aravaipa Canyon Primitive Area

1. By virtue of the authority vested in the Secretary of the Interior under the Classification and Multiple Use Act of September 19, 1964 (74 Stat. 986, 43 U.S.C. 1411), and R.S. 2478 (43 U.S.C. 1201), and pursuant to the provisions of 43 CFR Subpart 1727, I hereby designate the public lands in the following described area as indicated below:

PARIA CANYON PRIMITIVE AREA

GILA AND SALT RIVER MERIDIAN, ARIZONA

Coconino County

T. 41 N., R. 5 E.,
Sec. 1, N½ (unsurveyed);
Sec. 2, N½ (unsurveyed);
Sec. 3, N½, N½S½, and N½S½SW¼ (N½ unsurveyed);
Sec. 4, NE¼ and NE¼SE¼ (unsurveyed).
T. 42 N., R. 5 E.,
Sec. 33, S½NE¼, SE¼NW¼, E½E½SW¼, and SE¼;
Secs. 34, 35 and 36.
T. 41., N., R. 6 E. (unsurveyed),
Sec. 5, W½, W½E½, and SE¼SE¼;
Sec. 6, E½NE¼, W½NW¼, and SE¼;
Sec. 7, E½E½;
Sec. 8;
Sec. 9, SW¼NE¼, NW¼, and S½;
Sec. 10, SW¼ and SW¼SE¼;
Secs. 13, 14, and 15;
Sec. 16, N½, NE¼SW¼, and SE¼;
Sec. 17, NE¼NE¼;
Sec. 18, NE¼NE¼;
Sec. 22, N½N½;
Sec. 23, N½, NE¼SW¼, and SE¼;
Sec. 24, N½, W½SW¼, and SE¼.
T. 42 N., R. 6 E.,
Sec. 31.
T. 40 N., R. 7 E.,
Sec. 1, lots 3 and 4, S½NW¼, SW¼, SW¼NE¼, and W½SE¼;
Sec. 3;
Sec. 4, lots 1 to 4, inclusive, S½N½, SE¼, and E½SW¼;
Sec. 5, lots 1, 2, and 3, S½NE¼, and SE¼NW¼.
T. 41 N., R. 7 E.,
Sec. 7, SE¼;
Sec. 8, SW¼SW¼;
Sec. 17, NW¼SE¼, S½SE¼, and W½;
Sec. 18, lots 2, 3, and 4, E½W½, and E½;
Secs. 19 and 20;
Sec. 21, W½SE¼, SW¼, and SW¼NW¼;
Sec. 26, SW¼SW¼;
Sec. 27, S½, S½NW¼, NW¼NW¼, and SW¼NE¼;
Secs. 28 and 29;
Sec. 30, E½, E½NW¼, and NE¼SW¼;
Sec. 31, NE¼NE¼;
Sec. 32, N½, SE¼, and NE¼SW¼;
Secs. 33 and 34;
Sec. 35, SE¼SE¼, W½SE¼, and W½.

SALT LAKE MERIDIAN, UTAH

Kane County

T. 44 S., R. 1 E.,
Sec. 6, lots 1, 2, E½NW¼;
Sec. 7, lots 3 and 4.
T. 43 S., R. 1 W.,
Sec. 23, NW¼NE¼, S½NE¼, E½NW¼, NW¼NW¼, SE¼;
Sec. 25, W½;
Sec. 26, E½;
Sec. 31, lot 4, NE¼SE¼, SE¼SW¼, S½SE¼;
Sec. 32, S½N½, N½SW¼;
Sec. 33, SW¼NE¼, S½NW¼, N½SW¼, SE¼;
Secs. 35 and 36.
T. 43 S., R. 2 W.,
Sec. 27;
Sec. 33, SE¼SE¼;
Sec. 34;
Sec. 36, S½SE¼.
T. 44 S., R. 1 W.,
Sec. 1, N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 2;
Sec. 3, S½N½, N½S½;
Sec. 4, NE¼;
Sec. 6, lot 1, NW¼NE¼, NE¼NW¼;
Sec. 11, lots 3 and 4, NE¼NE¼;
Sec. 12.
T. 44 S., R. 2 W.,
Sec. 1, N½NE¼, NW¼, NW¼SW¼;
Sec. 2, N½S½, S½SW¼, SW¼SE¼;
Sec. 3;
Sec. 4, E½;
Sec. 9, lots 3 and 4, N½NE¼;
Sec. 10, lots 1 and 2, N½NW¼.

The areas described aggregate approximately 27,515.17 acres.

VERMILLION CLIFFS NATURAL AREA

GILA AND SALT RIVER MERIDIAN, ARIZONA

Coconino County

T. 38 N., R. 3 E.,
Sec. 1, N½ north of U.S. Highway 89A.
T. 39 N., R. 3 E.,
Sec. 13, SW¼;
Sec. 14, SE¼;
Sec. 23, E½;
Sec. 24, S½NE¼, W½, and SE¼;
Sec. 25;
Sec. 26, E½;
Sec. 35, NE¼;
Sec. 36, NW¼ and S½.
T. 38 N., R. 4 E.,
Secs. 1, 3, and 4;
Secs. 5 and 6, north of U.S. Highway 89A;
Sec. 8, N½NE¼ north of U.S. Highway 89A;
Sec. 9, N½ north of U.S. Highway 89A;
Sec. 10, N½ and N½S½ north of U.S. Highway 89A;
Sec. 11, north of U.S. Highway 89A;
Sec. 12;
Sec. 13, N½N½ north of U.S. Highway 89A.

T. 39 N., R. 4 E.,
Sec. 19, lots 3 and 4, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 20, S½S½;
Sec. 21, S½;
Sec. 22, S½;
Sec. 23, S½SW¼, and S½SW¼SE¼;
Sec. 25, SW¼NE¼, S½NW¼NW¼, S½NW¼, and S½;
Secs. 26 to 36, inclusive.

T. 38 N., R. 5 E.,
Sec. 1, lots 1, 2, and 3, S½N½, and S½;
Sec. 4, S½SW¼NW¼, W½SE¼, SW¼, SE¼SE¼;
Sec. 5, lots 1 to 8, inclusive, S½NE¼, SE¼NW½, W½SW¼, N½SE¼, and SE¼SE¼;
Sec. 6, lots 3 to 8, inclusive, SE¼NW¼, SE¼SW¼, and SE¼;
Sec. 7;
Sec. 8, lot 1, W½NE¼, NW¼, and S½;
Sec. 9, lots 1 and 2, NE¼, E½NW¼, and S½;
Secs. 10, 11, and 12;
Sec. 13, N½ and N½SW¼ north of U.S. Highway 89A;
Sec. 14, north of U.S. Highway 89A;
Sec. 15;
Sec. 17, N½ and N½S½ north of U.S. Highway 89A;
Sec. 18, N½ and N½SE¼ north of U.S. Highway 89A;
Sec. 21, N½NE¼ north of U.S. Highway 89A;
Sec. 22, N½N½ north of U.S. Highway 89A;
Sec. 23, N½NW¼NW¼ north of U.S. Highway 89A.

T. 39 N., R. 5 E.,
Sec. 25, SE¼SE¼;
Sec. 30, lots 3 and 4 and E½SW¼;
Sec. 31, lots 1 to 4, inclusive, W½NE¼, SE¼NE¼, E½W½, and SE¼;
Sec. 32, SW¼ and SW¼SE¼;
Sec. 36, S½NE¼NE¼NE¼ and W½SE¼.

T. 38 N., R. 6 E.,
Sec. 4, NW¼ north of U.S. Highway 89A;
Sec. 5, north of U.S. Highway 89A;
Sec. 6;
Sec. 7, north of U.S. Highway 89A;
Sec. 8, NW¼ and NW¼SW¼ north of U.S. Highway 89A;
Sec. 18, NW¼NW¼ north of U.S. Highway 89A.

T. 39 N., R. 6 E.,
Sec. 1;
Sec. 2, lot 2, S½NE¼, and NE¼SE¼;
Sec. 3, SE¼SE¼;
Sec. 9, E½E½;
Secs. 10, 11, and 12;
Sec. 13, north of U.S. Highway 89A;
Secs. 14 and 15;
Sec. 16, SW¼, W½SE¼, and SE¼SE¼;
Sec. 17, NW¼NE¼, S½NE¼, E½SW¼, SW¼SW¼, and SE¼;
Sec. 19, E½;
Secs. 20, 21, 22, and 23;
Sec. 24, N½ and W½SW¼ north of U.S. Highway 89A;
Sec. 26, N½ and N½SW¼ north of U.S. Highway 89A;
Sec. 27, N½ and N½S½ north of U.S. Highway 89A;
Sec. 28, N½NW¼, SE¼NW¼, NE¼, and NW¼SE¼;
Sec. 29;
Sec. 30, lots 3 and 4, E½, SE¼NW¼, and E½SW¼;
Sec. 31;
Sec. 33, S½N½, and S½ north of U.S. Highway 89A.

T. 40 N., R. 6 E.,
Sec. 25, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 35, S½.

T. 39 N., R. 7 E.,
Sec. 4, N½ north of U.S. Highway 89A;
Sec. 5, north of U.S. Highway 89A;
Sec. 6;
Sec. 7, north of U.S. Highway 89A;
Sec. 18, S½NW¼ and NW¼SW¼ north of U.S. Highway 89A.

T. 40 N., R. 7 E.,
Sec. 9, NE¼, SE¼NW¼, and S½;
Sec. 10;
Sec. 11, W½;
Sec. 14, W½;
Sec. 15;
Sec. 17, E½SE¼ and SW¼SE¼;
Sec. 19, E½E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 20, NE¼, E½NW¼, SW¼NW¼, and S½;
Sec. 21;
Sec. 22, N½ and SW¼;
Secs. 28, 29, 30, 31, and 32;
Sec. 33, N½, SW¼, N½SE¼, and SW¼SE¼.

The areas described include approximately 50,135.87 acres of public lands.

ARAVAIPA CANYON PRIMITIVE AREA

GILA AND SALT RIVER MERIDIAN, ARIZONA

Pinal County

T. 6 S., R. 17 E.,
Sec. 13, lots 1 to 8, inclusive.

T. 6 S., R. 18 E.,
Sec. 7, SE¼SE¼;
Sec. 13, SW¼ and S½SE¼;
Sec. 14, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼, and S½SE¼;
Sec. 15, NE¼ and N½S½;
Sec. 16, N½, NW¼SW¼, and NE¼SE¼;
Sec. 17, N½, NW¼ SW¼, and NE¼SE¼;
Sec. 18;
Sec. 23, N½NE¼, SE¼NE¼, and NE¼NW¼;
Sec. 24, N½, SW¼, and N½SE¼.

Graham County

T. 6 S., R. 19 E.,
Sec. 19, lots 1, 2, and 3, and SE¼;
Sec. 30, lot 1, SE¼NE¼ and E½SE¼.

The lands described aggregate approximately 3,957.29 acres.

2. The Paria Canyon Primitive Area is a Class V primitive area under the Bureau of Outdoor Recreation system of classification.

3. The Vermillion Cliffs Natural Area is a Class III natural environment area under the Bureau of Outdoor Recreation system of classification.

4. The Aravaipa Canyon Primitive Area is a Class V primitive area under the Bureau of Outdoor Recreation system of classification.

5. Subject to valid existing rights, these areas will be managed in a manner that will protect the outstanding scenic, recreational, and archaeological values, and/or wilderness characteristics of the area.

6. The Bureau of Land Management in cooperation with interested individuals and groups will develop and keep current management plans for each area. The management plan will coordinate the recreation, grazing, and other public uses in a manner that will protect the public values.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 10, 1969.

[F.R. Doc. 69-541; Filed, Jan. 15, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

January Sales List

The first sentence of the ninth paragraph of the Notice to Buyer section of the CCC Monthly Sales List for January 1969 (34 F.R. 266) is amended to read as follows: "Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-4) for January 1969 are 6¼ percent for U.S. bank obligations and 7¼ percent for foreign bank obligations."

Signed at Washington, D.C., on January 10, 1969.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-559; Filed, Jan. 15, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONALLY RECOGNIZED ACCREDITING AGENCIES AND ASSOCIATIONS

Criteria and List

Preamble. For the purposes of determining eligibility for Federal assistance, pursuant to Public Law 82-550 and subsequent legislation, the U.S. Commissioner of Education is required to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authority as to the quality of training offered by educational institutions.

The Commissioner will recognize any and all agencies only for the geographic area(s) and program field(s) specifically designated in each case.

Accrediting is the voluntary process whereby an association or agency grants public recognition to a school, institute, college, university, or specialized program of study which meets certain established qualifications and educational standards as determined through initial and periodic evaluations. Accrediting also implies stimulation toward quality improvement beyond the minimum standards specified by the accrediting body.

CRITERIA

The following are the criteria which the Commissioner of Education will utilize in determining whether a nationally recognized accrediting agency or association is reliable authority as to the quality of training offered by educational institutions.

The agency or association:

1. Is regional or national in the scope of its operations. (Regional as here used means several States);

2. Serves a definite need for accreditation in the field in which it operates;

3. Performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational program or institution;

4. Makes publicly available (a) current information concerning its criteria or standards for accreditation, (b) reports of its operations, (c) lists of institutions or educational programs which it has accredited;

5. Encourages and gives staff guidance for institutional or program self-study prior to accreditation;

6. Secures sufficient and pertinent data concerning the qualitative aspects of an institution or educational program, and accredits only those institutions or programs which after on-site examination are found to meet the published criteria for accreditation;

7. Has an adequate organization and effective procedures to maintain its operations on a professional basis. Among the factors to be considered in this connection are that the agency or association:

(a) Clearly sets forth the scope of its accrediting activities, both as to geographical area and nature and type of institutions or program fields covered;

(b) Has financial resources as shown by its audited financial statements necessary to maintain accrediting operations in accordance with published policies and procedures;

(c) Has clear, written definitions of and procedures for (1) the accrediting of institutions or programs, (2) placing them on a probationary status, (3) revoking accredited status, and (4) reinstating the accredited status of an institution or program;

(d) Charges only reasonable fees;

(e) Uses experienced and qualified examiners to visit institutions, to examine educational objectives, to inspect courses, programs, administrative practices, services, and facilities, and to prepare written reports and recommendations for evaluation by the agency or association—and causes such examination to be conducted under conditions that assure an impartial and objective judgment;

(f) Evaluates an institution or program only with the specific authorization of the chief executive officer of the institution;

(g) Provides for adequate consultation during the visit between the team of visitors and the faculty, administrative staff, and students;

(h) As a result of the accreditation visit, furnishes a written report to the chief executive officer of the institution with comments on the institution's areas of strength, on the areas needing improvement, and on suggested means of improvement;

(i) Provides the chief executive officer with an opportunity to comment upon the factual elements of the report of the visiting team before the agency or association takes action on it;

(j) Evaluates the report of the team in the presence of a member of the team, preferably the chairman;

(k) Provides a regular means whereby the institution may appeal to the final authority in the agency or association;

(l) Reevaluates at reasonable intervals its accredited institutions, and educational programs;

8. If an agency has developed a preaccreditation status, it shall have adequate procedures and requirements for the award of such status, comparable to those employed for the award of accredited status;

9. Reviews at regular intervals the criteria by which it evaluates institutions or educational programs, in order that the criteria shall both support constructive analysis and emphasize factors of critical importance;

10. Has demonstrated not less than 2 years' experience as an accrediting agency;

11. Has gained acceptance of its criteria, methods of evaluation, and decisions, by educational institutions, practitioners, licensing bodies and employers throughout the United States;

12. Has demonstrated its capability and willingness to enforce ethical practices among the institutions, and educational programs accredited by it.

In view of the criteria set forth above, it is unlikely that more than one association or agency will qualify for recognition (a) in a defined geographical area of jurisdiction or (b) in a defined field of program specialization within postsecondary or collegiate education.

These criteria supersede the criteria previously promulgated by the Commissioner of Education on October 4, 1952, 17 F.R. 8929–8930.

LIST

The following list of nationally recognized accrediting agencies and associations includes organizations which have been determined by the Commissioner of Education to be reliable authority as to the quality of training offered by educational institutions either in a geographical area or in a specialized field. This list is published as required by the pertinent legislation and is based on information currently available.

Any other agency or association which desires to be included in the list should request inclusion in writing. Each agency or association listed will be reevaluated by the Commissioner at his discretion but at least once every 4 years.

For initial recognition and for renewal of recognition, the agency or association will be requested to furnish information establishing its compliance wtih the stated criteria. This information may be supplemented by personal interviews or investigation of the agency's facilities, records, personnel qualifications, and administrative procedures. No adverse decision will become final without affording opportunity for a hearing.

REGIONAL ACCREDITING ASSOCIATIONS AND AGENCIES

Middle States Association of Colleges and Secondary Schools.
New England Association of Colleges and Secondary School.
North Central Association of Colleges and Secondary Schools.
Northwest Association of Secondary and Higher Schools.
Southern Association of Colleges and Schools.
Western Association of Schools and Colleges.

NATIONAL SPECIALIZED ACCREDITING ASSOCIATIONS AND AGENCIES

Accrediting Association of Bible Colleges.
Accrediting Commission for Business Schools.
The American Association of Collegiate Schools of Business.
American Association of Nurse Anesthetists.
The American Association of Theological Schools.
American Bar Association.
American Chemical Society.
American Council on Education for Journalism.
American Council on Pharmaceutical Education.
American Dental Association.
American Library Association.
American Optometric Association.
American Osteopathic Association.
American Podiatry Association.
The American Public Health Association, Inc.
American Speech and Hearing Association.
American Veterinary Medical Association.
Council on Medical Education of the American Medical Association.
Council on Social Work Education.
Engineers' Council for Professional Development.
Liaison Committee on Medical Education.
National Architectural Accrediting Board.
National Association for Practical Nurse Education and Services, Inc.
National Association of Schools of Art.
National Association of Schools of Music.
National Association of Trade and Technical Schools.
National Council for Accreditation of Teacher Education.
National Home Study Council.
National League for Nursing, Inc.
Society of American Foresters.

OTHER

New York Board of Regents.

Dated: December 31, 1968.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

[F.R. Doc. 69-553; Filed, Jan. 15, 1969; 8:47 a.m.]

RECOGNITION OF STATE AGENCIES FOR APPROVAL OF NURSE EDUCATION

Criteria

Preamble. The U.S. Commissioner of Education is required under the Nurse Training Act, as amended (42 U.S.C. 298(b)), to publish a list of recognized accrediting bodies, and of State agencies, which he determines to be reliable authority as to the quality of training offered.

The following criteria, which have been evolved after consultation with an advisory committee of educators, will be utilized by the Commissioner in determining whether a State agency is reliable authority as to the quality of training offered by schools of nursing. They are presently effective but may be modified as necessary or appropriate.

CRITERIA

The State agency:

1. Is statewide in the scope of its operations and is legally authorized to accredit schools of nursing.

2. Makes publicly available:

a. Current information covering its criteria or standards for accreditation;

b. Reports of its operations;

c. Lists of schools of nursing which it has accredited.

3. Has an adequate organization and effective procedures, administered by a qualified board and staff, to maintain its operations on a professional basis. Among the factors to be considered in this connection are that the agency:

a. Uses experienced and qualified examiners to visit schools of nursing to examine educational objectives, to inspect courses, programs, administrative practices, services and facilities and to prepare written reports and recommendations for the use of the reviewing body—and causes such examination to be conducted under conditions that assure an impartial and objective judgment;

b. Secures sufficient and pertinent data concerning the qualitative aspects of the school's educational program;

c. Requires each school of nursing accredited to follow clearly defined refund policies governing all fees and tuition paid by students;

d. Enforces a well defined set of standards regarding a school's ethical practices, including recruitment and advertising;

e. Requires each school of nursing accredited to submit a comprehensive annual report, including current data on:

(1) Progress toward achievement of its stated objectives in nursing education;

(2) Qualifications and major responsibilities of the dean or director and of each faculty member;

(3) Policies used for selection, promotion, and graduation of students;

(4) Practices followed in safeguarding the health and well-being of students;

(5) Current enrollment by class and student-teacher ratios;

(6) Number of admissions to school per year for past 5 years;

(7) Number of graduations from school per year for past 5 years;

(8) Performance of students on state board examinations for past 5 years;

(9) Curriculum plan;

(10) Brief course descriptions;

(11) Descriptions of resources and facilities, clinical areas, and contractual arrangements which reflect upon the academic program.

f. Regularly, but at least every two years, obtains from each accredited school of nursing:

(1) A copy of its audited fiscal report, including a statement of income and expenditures;

(2) A current catalog.

g. Makes initial and periodic on-site inspections of each school of nursing accredited.

4. Has clear, written procedures for (a) the accreditation of a school of nursing or institution, (b) placing it on a probationary status, (c) revoking the accreditation, and (d) reinstating accreditation.

The list of recognized accrediting bodies, and of State agencies, will include organizations which have been determined by the Commissioner of Education to be reliable authority as to the quality of training offered by schools of nursing. For purposes of institutional and program accreditation, as provided for in the Nurse Training Act, those appropriate accrediting associations designated by the Commissioner as "Nationally Recognized Accrediting Agencies and Associations" (the six regional accrediting associations and the National League for Nursing, Inc.) will be listed.

Any other association or State agency which desires to be included on the list should request inclusion in writing. Each association or State agency listed may be reevaluated from time to time by the Commissioner.

For initial recognition and for extension of recognition (in connection with reevaluation), the association or State agency will be requested to furnish information establishing its compliance with the stated criteria. This information may be supplemented by personal interviews or investigation of the association's or agency's facilities, records, personnel qualifications, and administrative procedures. No adverse decision will be finalized without affording opportunity for a hearing.

Dated: December 31, 1969.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

[F.R. Doc. 69-554; Filed, Jan. 15, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

URANIUM PROCUREMENT CONTRACTS

Notice of Invitation for Proposals for Reduction in Deliveries

1. The U.S. Atomic Energy Commission hereby invites companies having uranium sales contracts with the AEC to submit proposals to effect a limited reduction in deliveries of uranium concentrate to AEC. Present contracts, all of which expire by December 31, 1970, call for delivery of approximately 14,000 tons of U_3O_8 in concentrate during the remainder of their terms. The AEC will consider reductions, not to exceed 3,000 to 4,000 tons of U_3O_8, in total commitments for delivery during 1969 and 1970.

2. Proposals must be submitted to the Director of Raw Materials, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before March 17, 1969.

3. Proposals must include:

a. The amount of the proposed reduction in U_3O_8 sales to AEC in 1969–70.

b. The effect of the proposed reduction on existing delivery schedules.

c. The proposed financial conditions upon which the reduction in deliveries is predicated, including specifically the effect of the proposal on AEC expenditures.

Proposals should provide for reductions in deliveries beginning no later than July 1, 1969, but may provide for reductions beginning at an earlier date.

4. AEC will evaluate proposals submitted in response to this invitation primarily on the basis of the most advantageous financial benefits to the Government: i.e., the largest reduction in Government expenditures per pound reduction in U_3O_8 deliveries. However, AEC may also consider other factors including, but not limited to, the effect of the reduction on the commercial uranium industry as a whole.

5. The proposals accepted will serve as a basis for negotiation of appropriate modifications to existing contracts.

6. The AEC reserves the right, as may be in the best interests of the Government, to reject any or all proposals and may reject without evaluation any proposal received after March 17, 1969. Each company submitting a proposal will be notified of the AEC action on its proposal as soon as feasible after submission.

7. Contractors may make proposals for reductions in deliveries of the whole contract commitment or any part thereof. Alternative proposals involving different quantities and financial considerations may be submitted, and contractors may propose reductions in incremental amounts with differing financial terms applying to each increment.

8. This offer is not intended in any way to affect the announced program for procurement of U_3O_8 from small independent properties as set forth in paragraph 13 of the FEDERAL REGISTER notice of November 20, 1962 (27 F.R. 11435).

Dated at Germantown, Md., this 13th day of January 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary to the Commission.

[F.R. Doc. 69-608; Filed, Jan. 15, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[Docket No. HM-12; Notice No. 68-9]

ROCKETDYNE, NORTH AMERICAN ROCKWELL CORP.

Petition for Special Permit

The Department receives scores of requests for special permits each month. Most of the requested permits fall into three categories:

(1) Permits for one-of-a-kind, emergency, or military shipments.

(2) Experimental or developmental permits, which develop information for future regulatory action.

(3) General interest permits, which are based on existing knowledge.

A special permit is a special regulation, a waiver or exemption from some provision of the general regulations. A petition for a special permit is usually evaluated on the basis of information submitted with the petition (49 CFR 170.13) without the benefit of public comment. The Department issues a special permit when it appears that the waiver or exemption will be in the public interest and will result in an appropriate level of safety.

Special permits can be issued more quickly than the regulations can be amended under normal procedures. As a result, applicants have come to petition for special permits, rather than for amendments to the regulations. Further, industry has come to expect the Department to give priority treatment of petitions for special permits, at the expense of the general regulatory program.

A special permit is usually issued to a single company, giving that company the right to do something which the regulations prevent other companies from doing. If the permit is of general interest, it may give the holder a competitive advantage over similarly situated companies. As competing companies find out about the special permit, they individually petition for the same waiver or exemption. Once the first petition has been evaluated and the permit issued, the Department routinely issues general interest permits to similarly situated companies.

Regulation by special permit gives the first petitioner quicker service than he could get through a change in the regulations. But competing companies do not fare as well. By the time they find out about the special permit and get special permits of their own, usually more time

has passed than would have been required to amend the regulation in the first place.

A general interest permit, when issued to all similarly situated companies, is really a disguised amendment to the regulations. This method of regulation has these disadvantages:

1. Safety standards are changed without an opportunity for public comment on the change.

2. Changes in safety standards, issued to individual companies, are not codified and published as a part of the regulations.

3. The procedure wastes industry and government time and manpower.

The Department believes that the disadvantages of regulation by special permit outweigh the advantages. Accordingly, the Department proposes to treat as requests for rule making those petitions for special permits which are clearly within the general interest class. If a petition is without merit, the Department will deny it. If a petition appears to have merit, the Department will issue a notice of proposed rule making, usually with a 30-day comment period, and then, after evaluating the comments, either amend the regulations or deny the petition.

Special permits for experimental, developmental, one-of-a-kind, emergency, and military shipments, would continue to be issued under present procedures. Special permits for radioactive materials and for cryogenic compressed gases would also be handled under the present procedures for the time being.

This is the first such notice under this procedure. Commentors should address themselves to the procedure itself as well as to the merits of this individual proposal.

This notice requests public comment on a proposal by Rocketdyne, a division of North American Rockwell Corp., 6633 Canoga Avenue, Canoga Park, Calif. 91304, to ship anhydrous hydrazine and hydrazine solution in DOT Specification 42D aluminum drums.

Interested persons are invited to give their views on whether the Specification 42D aluminum drum (Hazardous Materials Regulations—Title 49 CFR 178.109) is satisfactory for carriage of anhydrous hydrazine and hydrazine solution. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before February 18, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section 902 (h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on January 13, 1969.

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

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

LOWELL K. BRIDWELL,
Administrator,
Federal Highway Administration.

A. SCHEFFER LANG,
Administrator,
Federal Railroad Administration.

[F.R. Doc. 69-562; Filed, Jan. 15, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 20465, 20467]

ALASKA AIRLINES, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 28, 1969, at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Hyman Goldberg.

Dated at Washington, D.C., January 13, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-576; Filed, Jan. 15, 1969; 8:48 a.m.]

[Dockets Nos. 20465, 20467; Order 69-1-47]

ALASKA AIRLINES, INC.

Order Setting Applications for Immediate Hearing Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of January 1969.

Alaska Airlines, Inc. (Alaska), has filed applications to delete from its certificates for the above-referenced routes the condition which limits (through incorporation by reference of various rate orders) the amount of total subsidy which the carrier can be paid.[1]

We have decided to set Alaska's applications for an immediate hearing to determine the single issue whether the public convenience and necessity requires the alteration, amendment, modification, or suspension of the subsidy limiting condition in its certificates of public convenience and necessity for Routes 124, 124–F, and 138. This investigation will be limited to the single issue as described, and will not be a proceeding to determine the subsidy rate which should be paid to Alaska.[2] We expect that the instant proceeding will be conducted with all reasonable dispatch by the examiner.

Accordingly, it is ordered, That:

1. Alaska Airlines' applications in Dockets 20465 and 20467, be and they hereby are set for hearing before an examiner of the Board at a time and place to be hereafter designated; and

2. The single issue to be determined in this proceeding shall be whether the public convenience and necessity requires the alteration, amendment, modification, or suspension of Condition 6 of Alaska's certificates for Routes 124 and 138, and Condition 7 of Alaska's certificate for Route 124–F.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-577; Filed, Jan. 15, 1969; 8:48 a.m.]

[Docket No. 18924]

AMERICAN AIRLINES PALM SPRINGS SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on January 29, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 13, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-578; Filed, Jan. 15, 1969; 8:48 a.m.]

[Docket No. 19255]

EAST COAST POINTS-EUROPE SERVICE INVESTIGATION

Notice of Reassignment of Prehearing Conference

The prehearing conference in the above-entitled proceeding previously scheduled for December 3, 1968, will be held on February 13, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

In order to facilitate the conduct of the conference, the Bureau of Operating

[1] Condition 6 of the certificates for Routes 124 and 138, and Condition 7 of the certificate for Route 124–F state that "the total subsidy to be paid to the holder for the transportation of mail over Routes 124, 124–F, and 138, and under any exemption authority held by the holder shall not exceed the maximum amounts payable under Orders E–20835, May 19, 1964, E–23290, Feb. 25, 1966, and E–25130, May 11, 1967."

[2] In a separate docket (20508) Alaska has submitted a petition to establish a final mail rate.

Rights is requested to submit to the Examiner and other parties on or before January 21, 1969; (1) proposed statement of issues; (2) proposed stipulation; (3) request for information; and (4) proposed procedural dates.

Interested parties are requested to submit to the Examiner and other parties by not later than February 3, 1969, any suggested changes they may have in the material to be submitted by the Bureau on January 21.

[SEAL] ROSS I. NEWMANN, *Hearing Examiner.*

JANUARY 10, 1969.

[F.R. Doc. 69-579; Filed, Jan. 15, 1969; 8:49 a.m.]

[Docket No. 19923; Order 69-1-39]

LIABILITY AND CLAIMS RULES AND PRACTICES

Order Regarding Carrier Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of January 1969.

By Order 68-8-18, dated August 6, 1968, the Board authorized until February 2, 1969, intercarrier and shipper-carrier discussions concerning freight liability and claim rules and practices. Pursuant thereto, a meeting of carriers and interested shippers was held on December 4-5, 1968. At the close of the meeting, a working group was appointed to review such shipper comments and to prepare recommendations for subsequent consideration on an industry basis. The working group met on December 12 and December 16, 1968, and developed several tentative recommendations, subject to and pending review of certain industry claim data which are being obtained by a written questionnaire.

By letter of December 30, 1968, the Air Transport Association (ATA), on behalf of the carriers, filed minutes covering the working group meetings, and requested confidential treatment of the minutes for a limited period. The ATA requested that such minutes not be made public at this time, as required by Order 68-8-18, supra, on the ground that the recommendations are but tentative and might be misunderstood, and that their premature disclosure could destroy the objectivity and effectiveness of the working group. The ATA asks that the confidentiality of such minutes be maintained until the working group submits its final recommendations.

Upon consideration of the ATA's request, the relief sought will be granted and the minutes of the working group meetings on December 12 and 16, 1968, will be maintained on a confidential basis until the working group makes its final report, or until February 21, 1969, whichever is earlier.

Under these circumstances it would appear that the disclosure of this information at this time would adversely affect the interests of the carriers and is not required in the interest of the public.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, 414, and 1104 thereof:

It is ordered, That:

Minutes of the carrier working group meetings on December 12 and 16, 1968, in this proceeding, will be maintained by the Board on a confidential basis and will not be circulated to the public until February 21, 1969, or until the working group makes its final report, whichever is earlier.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-580; Filed, Jan. 15, 1969; 8:49 a.m.]

[Docket No. 20540; Order 69-1-35]

U.S.-FLAG CARRIER AIR-FREIGHT FORWARDER DISCUSSIONS

Order Regarding Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of January 1969.

The Air Freight Forwarders Association (AFFA) has petitioned the Board for authorization to initiate and hold discussions with the U.S. carrier members of the International Air Transport Association (IATA) prior to cargo meetings to be held early in 1969. The meetings referred to are the Cargo Agency Committee meeting which is to convene on January 20 and the biennial Worldwide Cargo Traffic Conference which will convene on April 14.

In support of such discussions, AFFA comments that, among other things, the agency meeting will deal with matters of grave importance involving the relationship of forwarders and IATA agents to the IATA carriers and observers that the biennial Traffic Conference will formulate an agreement on rates and other matters which will govern the carriage of cargo for a 2-year period. In general, the comments reflect the belief that an exchange of views between the forwarders and carriers may enhance the rate of growth of international air cargo. No answers to the petition have been filed.

The Board believes that an exchange of views as proposed by AFFA may contribute to improved rules and practices and to the establishment of an improved cargo rate structure which, in turn, might accelerate the development of air cargo services. Under these circumstances, and subject to appropriate safeguards for the public interest, the Board will herein authorize discussions between the U.S.-flag carrier members of IATA and all Board-authorized international air freight forwarders.

The discussions will be authorized from the date of this order through March 31, 1969.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 414 thereof:

It is ordered, That:

1. All U.S.-flag carrier members of the International Air Transport Association, the Air Freight Forwarders Association, and all Board-authorized international air freight forwarders, are authorized to engage in discussions, between the date of this order and March 31, 1969, pertaining to relationships between forwarders and carriers, international cargo rates, traffic procedures and other related matters, insofar as the foregoing are involved in the Cargo Agency Committee meeting and the Cargo Traffic Conference, now scheduled to convene on January 20, and April 14, 1969, respectively;

2. A notice of any meeting called pursuant to this order shall be filed with the Board in this docket prior to such meetings;

3. The Civil Aeronautics Board Reserves the right to have one or more observers in attendance at these meetings;

4. Complete and accurate minutes shall be kept of all discussions by the carriers, and a true copy thereof filed with the Board not later than 15 days after the conclusion of each meeting; and

5. This order will be served upon all U.S.-flag carrier members of the International Air Transport Association, the Air Freight Forwarders Association, and all Board-authorized international air freight forwarders.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-581; Filed, Jan. 15, 1969; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

SILCO, INC.

Notice of Receipt of Application for Permission To Acquire Control of Sherman Savings and Loan Association

JANUARY 13, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Silco, Inc., Dallas, Tex., for permission to acquire control of the Sherman Savings and Loan Association, Sherman, Tex., under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)) and § 584.4 of the regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition of control is to be effected by the exchange of 88 percent of the outstanding capital stock of Sherman Savings and Loan Association for 176,583 shares of common stock of Silco, Inc. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20052, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER, *Secretary, Federal Home Loan Bank Board.*

[F.R. Doc. 69-567; Filed, Jan. 15, 1969; 8:48 a.m.]

UNITED FINANCIAL CORPORATION OF CALIFORNIA

Notice of Receipt of Application for Permission To Acquire Conejo Savings and Loan Association

JANUARY 13, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the United Financial Corporation of California, Los Angeles, Calif., to acquire the Conejo Savings and Loan Association, Thousand Oaks, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition would be effected by the exchange of stock of the United Financial Corporation of California for the assets of Conejo Savings and Loan Association, which assets will be transferred to United Savings and Loan Association of California, a subsidiary of United Financial Corporation of California. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-568; Filed, Jan. 15, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

ATLANTIC AND GULF/WEST COAST OF SOUTH AMERICA CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. D. Marshall, Chairman, Atlantic and Gulf/West Coast of South America Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 2744-30, between the member lines of the Atlantic and Gulf/West Coast of South America Conference modifies the basic agreement by (1) the addition of the following paragraph to Article 1(a):

> No provision of this Agreement shall be deemed to prohibit the Conference from agreeing to, and establishing, through rates by arrangement with other modes of transportation; or to prohibit the publication and filing of through rates by the Conference, in conformity with any such rate agreement; or to prohibit the issuance by the member lines of through bills of lading pursuant to a published Conference tariff embodying through rates or the adoption by the member lines of any uniform through bill of lading which may be agreed upon, and formally adopted, by the Conference. However, no member line, either individually or in concert with any other member line or lines, or any nonmember line or lines, may negotiate, establish, publish, file, or operate under any through intermodal transportation rates or issue any through bills of lading otherwise than pursuant to the formal action and authorization of the Conference.

and (2) the deletion of the words "between the ports" from Article 9 which refers to the conference fixing of schedules of tariff rates and charges.

Other changes are made in the conference rules and regulations in order to remove any inconsistencies with the above paragraph.

Dated: January 13, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-569; Filed, Jan. 15, 1969; 8:48 a.m.]

AUSTRALIA/U.S. ATLANTIC AND GULF CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify an approved dual rate contract filed by:

Mr. A. C. Thynne, Secretary, Australia/U.S. Atlantic and Gulf Conference, 23 Hamilton Street, Sydney, N.S.W., Australia.

The Australia/U.S. Atlantic and Gulf Conference (Agreement 9450, as amended) has filed with the Commission an application to modify its approved Dual Rate Merchant's Agreement. The proposed contract modification (1) renumbers the Articles of the Merchant's Agreement; (2) deletes references to "the Australian Shipper Body designated under part XA of the Trade Practices Act 1966"; (3) adds "currency devaluation by Governmental action" as a force majeure circumstance warranting suspension of the contract or an appropriate increase in rates; (4) excludes from the Agreement "lead and/or zinc consignments which exceed 3,000 tons in any one lifting; and (5) extends from 15 days to 30 days the time in which a shipper must cancel all forward bookings with a carrier no longer a Conference member.

Dated: January 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-570; Filed, Jan. 15, 1969; 8:48 a.m.]

SHOWA SHIPPING CO., LTD., AND CHUN KYUNG SHIPPING CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. M. Kishi, Chief, General Affairs Section, Liner Department, Showa Shipping Co., Ltd., Muromachi Building, 1, 4-Chome, Nihonbashi-Muromachi, Chuo-Ku, Tokyo, Japan.

Agreement No. 9784 between Showa Shipping Co., Ltd., and Chun Kyung

Shipping Co., Ltd., establishes a through billing arrangement from Korean ports of call of Chun Kyung Shipping Co., Ltd., to U.S. Pacific Coast ports of call of Showa Shipping Co., Ltd., with transshipment in Japan in accordance with the terms and conditions set forth in the agreement.

Dated: January 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-571; Filed, Jan. 15, 1969; 8:48 a.m.]

SHOWA SHIPPING CO., LTD., AND KOREA MARINE TRANSPORT CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. M. Kishi, Chief, General Affairs Section, Liner Department, Showa Shipping Co., Ltd., Muromachi Building, 1, 4-Chome, Nihonbashi-Muromachi, Chuo-Ku, Tokyo, Japan.

Agreement No. 9765 between Showa Shipping Co., Ltd., and Korea Marine Transport Co., Ltd., establishes a through billing arrangement from Korean ports of call of Korean Marine Transport Co., Ltd., to U.S. Pacific Coast ports of call of Showa Shipping Co., Ltd., with transshipment in Japan in accordance with the terms and conditions set forth in the agreement.

Dated: January 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-572; Filed, Jan. 15, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-216, etc.]

ATLANTIC RICHFIELD CO. AND PAN AMERICAN PETROLEUM CORP.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates

JANUARY 3, 1969.

Atlantic Richfield Co., Docket No. RI69-216, etc.; Pan American Petroleum Corp., Docket No. RI69-219.

In the order providing for hearings on and suspension of proposed changes in rates, issued November 20, 1968, 33 F.R. 17931, in Appendix A, page 3 (Opposite Rate Schedule Nos. 295 and 372) under column headed "Effective Date Unless Suspended" change "11-21-68 [2]" to read "1-1-69 [9]." Under column headed "Date Suspended Until" (Opposite the aforementioned rate schedules) change "4-21-69" to read "6-1-69."

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-529; Filed, Jan. 15, 1969; 8:45 a.m.]

[Docket No. IT-5024]

CIA. LUZ Y FUERZA MOTRIZ DE ACUNA, S.A., AND CENTRAL POWER AND LIGHT CO.

Notice of Application

JANUARY 9, 1969.

Take notice that on December 20, 1968, Cia. Luz y Fuerza Motriz de Acuna, S.A. (Mexican Company), incorporated under the laws of the Republic of Mexico, with its principal place of business at Ciudad Acuna, Coahuila, Mexico, filed an application in the above docket for a supplemental order, pursuant to section 202(e) of the Federal Power Act, modifying Mexican Company's current authorization to transmit electric energy from the United States to Mexico. Central Power and Light Co. (Central), incorporated under the laws of the State of Texas, with its principal place of business at Corpus Christi, Tex., filed a joinder in the subject application on December 20, 1968.

By Commission order issued March 16, 1959 (21 FPC 352), Mexican Company and Central were authorized to transmit electric energy from the United States to Mexico in an amount not in excess of 10,000,000 kilowatt-hours per year at a transmission rate not to exceed 2,500 kilowatts over certain facilities of Mexican Company covered by its Presidential Permit signed by the President of the United States on April 23, 1942, all in the above docket.

Mexican Company and Central now seek authorization to increase to 20,000,000 kilowatt-hours the maximum amount and to 4,000 kilowatts the maximum rate of transmission of electric energy which may be exported annually over the above-mentioned facilities from a point near Del Rio, Tex., to a point adjacent to the Rio Grande near Ciudad Acuna, Coahuila, Mexico, for use in meeting the increasing electric utility load of Mexican Company in said Ciudad Acuna and vicinity. Mexican Company will continue to be the transmitter and Central will continue to be the supplier of the exported energy.

The application represents that Central has adequate capacity to furnish the additional amount of electric energy at the increased rate of transmission as well as to furnish the needs of its present and prospective customers in that area of the United States from which the exportation is to be made.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-530; Filed, Jan. 15, 1969; 8:45 a.m.]

[Docket No. RI69-426 etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 9, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are

[1] Does not consolidate for hearing or dispose of the several matters herein.

suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedule filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 24, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-426	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	[2] 190	7	Kansas-Nebraska Natural Gas Co. (Bradshaw Area, Hamilton and Greeley Counties, Kans.).	$2,971	12-13-68	[3] 1-13-69	[4] 1-14-69	[7] 12.5	[5 6 7] 13.5	
RI69-427	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	505	2	Oklahoma Natural Gas Gathering Corp.[8] (Ringwood Field, Major County, Okla.) (Oklahoma "Other" Area).	600	12-16-68	[3 9] 12-16-68	[4] 12-17-68	11.0	[5 6] 12.0	
RI69-428	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	[2] 255	5	Colorado Interstate Gas Co. (Hugoton Field, Stanton and Hamilton Counties, Kans.).	80	12-13-68	[10] 1-13-69	[4] 1-14-69	[7 11] 13.5	[5 6 7 11] 14.5	RI63-1.
					(14)	----------	----------	----------	[12 13] 16.0	[5 6 12 13] 17.0	RI63-1.

[2] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1.
[3] The stated effective date is the effective date requested by Respondent.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.
[8] Oklahoma Natural is classified as a pipeline company in its Certificate (CI61-1408) for resale of gas to Cities Service Gas Co. at an initial rate of 17 cents. Oklahoma Natural's related increase to 18.5 cents has been approved. However, Oklahoma Natural must flow through any refunds made by its suppliers.
[9] Proposed rate increase is suspended for 1 day from the date of filing on Dec. 16, 1968.
[10] The stated effective date is the first day after expiration of the statutory notice.
[11] Rate applicable to gas above base of Chase Formation.
[12] Rate applicable to gas below base of Chase Formation.
[13] Subject to upward and downward B.t.u. adjustment.
[14] No production below base of Chase Formation.

Humble Oil & Refining Co. (Humble) requests that its proposed rate increase be permitted to become effective on January 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided by section 4(d) of the Natural Gas Act to permit an earlier effective date for Humble's rate filing and such request is denied.

Pan American Petroleum Corp. (Pan American) proposes a periodic rate increase from 11 cents to 12 cents per Mcf for a wellhead sale of natural gas to Oklahoma Natural Gas Gathering Corp. from the Ringwood Field, Major County, Okla. (Oklahoma "Other" Area). The area ceiling for increases is 11 cents per Mcf. The sale covered under a contract dated October 3, 1967, was authorized under a temporary certificate issued December 1, 1967, in Docket No. CI69-609 at a conditioned rate of 11 cents per Mcf.[15] Pan American was advised in the letter granting the temporary certificate that it could file a rate increase to the 12-cent contractual rate and request a shortened suspension period. Pan American has since received a permanent certificate for the sale. The proposed 12 cents per Mcf rate exceeds the area increased rate ceiling of 11 cents per Mcf for the Oklahoma "Other" Area as announced in the Commission's statement of general policy No. 61-1, as amended, and should be suspended. Although Pan American does not request a shortened suspension period, consistent with prior Commission action taken on similar filings in the Ringwood Area, we believe that it would be in the public interest to waive the 30 days notice requirement provided in section 4(d) of the Natural Gas Act to permit an effective date of December 16, 1968, the date of filing, and to limit to 1 day the suspension period ordered herein for such filing.

The contracts related to the rate filings proposed by Skelly Oil Co. (Skelly) and Humble were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of General policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Skelly and Humble's rate filings should be suspended for 1 day from January 13, 1969 (Skelly), the proposed effective date, and January 13, 1969 (Humble), the date of expiration of the statutory notice.

[F.R. Doc. 69-528; Filed, Jan. 15, 1969; 8:45 a.m.]

[15] By order issued Nov. 3, 1966, in Docket No. RP66-19, an increase by Oklahoma Natural from 17 cents to 18.5 cents per Mcf designed to compensate only for an increase in the cost of purchased gas was accepted for filing and allowed to become effective June 1, 1966, without obligation to refund, except that Oklahoma Natural is required to flow through any refunds received from its producer-suppliers and to reduce its rate to reflect any rate reductions of such suppliers.

[Docket No. CS69-21, etc.]

JAMES W. STAPLES ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JANUARY 9, 1969.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin and Southern Louisiana areas, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 30, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on 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 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.

GORDON M. GRANT, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS69-21 [1]	12- 3-68	James W. Staples, Post Office Box 76, Tuleta, Tex. 78162.
CS69-22 [1]	12- 6-68	Deane H. Stoltz, Post Office Box 1714, Room 226, Central Bldg., Midland, Tex. 79701.
CS69-23 [2]	12-20-68	Aladdin Production Co., Inc. (Operator) et al., 1651 National Bank of Commerce Bldg., New Orleans, La. 70112.

[1] Permian Basin area.
[2] Southern Louisiana area.

[F.R. Doc. 69-531; Filed, Jan. 15, 1969; 8:45 a.m.]

[Docket No. CP69-186]

UNITED GAS PIPE LINE CO.

Notice of Application

JANUARY 9, 1969.

Take notice that on January 2, 1969, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Sheveport, La., 71102, filed in Docket No. CP69-186 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the sale and delivery of natural gas to the city of Huxley, Shelby County, Tex., for resale and distribution by a city owned distribution system in the city of Huxley which has not previously received natural gas service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct two delivery points each consisting of approximately 60 feet of 2-inch pipeline, a sales metering station and appurtenant facilities. The estimated cost of the proposed facilities is $23,600.

The estimated third year peak day and annual natural gas requirements for the proposed service are 2,630 Mcf and 141,800 Mcf, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act § 157.10) on or before February 5, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-532; Filed, Jan. 15, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JANUARY 10, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 12, 1969, through January 21, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-542; Filed, Jan. 15, 1969; 8:46 a.m.]

[70-4708]

SOUTHERN CO. ET AL.

Notice of Proposed Issue and Sale of Common Stock by Holding Company at Competitive Bidding and Intrasystem Issues, Sales and Acquisitions of Common Stocks

JANUARY 10, 1969.

Notice is hereby given that The Southern Co. ("Southern"), 3390 Peachtree Road NE., Atlanta, Ga. 30326, a registered holding company, and three of its electric utility subsidiary companies, Georgia Power Co. ("Georgia"), 270 Peachtree Street, Atlanta, Ga. 30303, Alabama Power Co. ("Alabama"), 600 North 18th Street, Birmingham, Ala. 35202, and Gulf Power Co. ("Gulf"), Post Office Box 1151, Pensacola, Fla. 32502, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, such additional shares of its authorized but unissued common stock of the par value of $5 per share as may be necessary to result in aggregate cash proceeds to it of approximately $65 million. The precise number of shares to be issued and sold will be filed by amendment prior to the entry of an order herein. The proceeds from the sale of the additional shares of common stock, together with treasury funds to the extent required, will be used by Southern to pay outstanding short-term notes aggregating $30 million at December 31, 1968, and to make, from time to time during 1969, additional investments in the common stocks of its subsidiary companies as shown below:

Alabama	60,000 shares, no par value	$6,000,000
Georgia	305,000 shares, no par value	30,500,000
Gulf	25,000 shares, no par value	2,500,000
Total		39,000,000

The above subsidiary companies propose to issue and sell, and Southern proposes to acquire, such additional shares of common stock for the considerations shown. The subsidiary companies propose to use the proceeds from the sale of their common stocks to pay short-term notes and to finance, in part, their 1969 construction expenditures estimated, respectively, as follows:

	1969
Alabama	$86,222,000
Georgia	178,242,000
Gulf	28,555,000
Total	293,019,000

It is also stated that additional funds necessary to finance 1969 construction expenditures will be obtained by such subsidiary companies from (a) internal sources, (b) the sale of short-term promissory notes, and (c) the sale of first mortgage bonds and preferred stock.

The fees and expenses to be incurred by Southern in connection with the transactions proposed by it are to be supplied by amendment. The expenses to be incurred by the subsidiary companies in connection with their proposed transactions are estimated at $200 in the case of each subsidiary company.

It is also stated in the filing that the issue and sale of additional shares of common stock of Alabama, Georgia, and Gulf are subject to the jurisdiction of the Alabama Public Service Commission, the Georgia Public Service Commission and the Florida Railroad and Public Utilities Commission, respectively, and that appropriate orders of these commissions will be obtained and copies thereof filed by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 6, 1969, request in writing that a

hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. 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 addresses, 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 application-declaration, as filed or as it may be amended, may be granted and 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 (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-545; Filed, Jan. 15, 1969; 8:46 a.m.]

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

JANUARY 10, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. (a Utah corporation) and all other securities of Top Notch Uranium and Mining Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 13, 1969, through January 22, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-543; Filed, Jan. 15, 1969; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

JANUARY 10, 1969.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 12, 1969 through January 21, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-544; Filed, Jan. 15, 1969; 8:46 a.m.]

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PART II

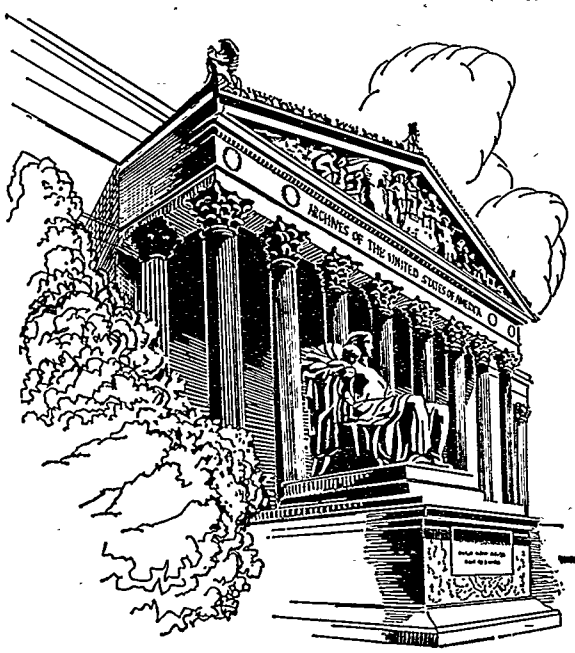
Department of the Interior

Bureau of Mines

Health and Safety Standards

Metal and Nonmetallic Open Pit and Underground Mines and Sand, Gravel and Crushed Stone Operations

Notice of Proposed Rule Making



DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 55]

HEALTH AND SAFETY STANDARDS

Metal and Nonmetallic Open Pit Mines

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 30 U.S.C. 721–740, Supp. III) to promulgate health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in metal and nonmetallic mines, it is proposed to add a new Part 55 to Title 30, Code of Federal Regulations, relating to open pit mines. The standards set forth in Part 55 have been developed in conjunction with the Open Pit Advisory Committee appointed pursuant to section 7 of the Act.

Scope. The standards set forth in Part 55 would be applicable to those metal and nonmetallic mines at which mining operations are conducted by surface-mining methods commonly designated as open pit, opencast, opencut, or strip mining. The regulations in Part 55 would not be applicable to the mining of sand and gravel and crushed stone or to the underground mining of metal and nonmetallic minerals; these mines would be covered by standards set forth in new Parts 56 and 57 of Title 30, Code of Federal Regulations.

Specific designation of mandatory standards. Each standard which would be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the section in which the standard is prescribed. If the Open Pit Advisory Committee has recommended that a standard be mandatory, the standard will be preceded by the word "Mandatory" and the letters "OPAC" in this manner—"Mandatory-OPAC."

In accordance with the provisions of section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) interested persons are hereby afforded a period of 60 days after the date of publication in the FEDERAL REGISTER of proposed Part 55 in which to submit written data, views, or arguments respecting the proposed standards contained in Part 55. Communications should be addressed to the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Subject to the provisions of subsection (e) of section 6 and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725(d)) on or before the last day of the 60-day period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard and which has not been recommended as a mandatory standard by the Open Pit Advisory Committee may file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the provisions of the Administrative Procedure Act) on such objections.

Pursuant to the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725(e)) proposed mandatory standards which have been recommended as mandatory by the Open Pit Advisory Committee are not subject to hearings. Only those proposed standards which have not been recommended by the Open Pit Advisory Committee as mandatory are subject to hearings.

The new proposed Part 55 is set forth below.

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§ 55.1 Purpose and scope.

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

§ 55.2 Definitions.

As used in this part:

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

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

"Berm" means a pile or mound of material capable of stopping a vehicle.

"Blasting agent" means any material or mixture of a fuel and oxidizer intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients is classified as an explosive (provided that the material or mixture cannot be detonated by a No. 8 test blasting cap under the conditions specified for the cap sensitivity test).

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

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

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

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

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

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

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

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

"Detonating fuse" means a round flexible cord containing a center core of high explosives.

"Detonator" means a device used for detonating an explosive, including, but not limited to, blasting caps, exploders, percussion caps, primers, electric detonators, and delay electric blasting caps.

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

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

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

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

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

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. Explosives include, but are not limited to black powder, dynamite, nitroglycerin, nitroglycerin compounds, fulminate, and ammonium nitrate when mixed with a hydrocarbon.

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

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

"Flammable liquid" means liquid having a flash point below 140° F. and having a vapor pressure not exceeding 40 psi (absolute) at 100° F.

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

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

"High potential" means more than 650 volts.

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

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

"Incline" means any inclined plane, whether above or beneath the surface.

"Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosives.

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

"Low potential" means 650 volts or less.

"Magazine" means a storage place for explosives or detonators.

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

"Manlift" means a power driven vertical belt having regularly spaced steps which can be boarded by men and used to travel from one elevation to another.

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

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

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

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

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

"Potable" means fit for drinking.

"Primer" means a package or cartridge of explosives with a detonator.

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

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

"Saftey can" means an approved container, of not over five gallons capacity, having a spring-closing lid and spout cover.

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

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

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

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

"Semiconductive hose" means hose having an electrical resistance of not less than 5,000 ohms per foot and not more than 2 megohms for its total length, used in pneumatic placement of blasting agents in boreholes.

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

"Sprung hole" means a blasting hole chambered or enlarged to take an increased charge of explosives.

"Stemming" means the inert material, and the placing of such material, on top of a charge of explosives.

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

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

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

"Threshold limit values" refers to airborne concentrations of substances and represent conditions under which it is believed that nearly all workers may be repeatedly exposed for a full shift, day after day, without adverse effect.

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

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

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

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

§ 55.3 Ground control.

55.3-1 *Mandatory-OPAC.* Standards acceptable to the Secretary for the safe control of pit walls, including the overall slope of the pit wall, shall be established and followed by the operator. Such standards shall be consistent with prudent engineering design, the nature of the ground and the kind of material and mineral mined, and the ensuring of safe working conditions according to the degree of slope. Mining methods shall be selected which will ensure wall and bank stability, including benching as necessary to obtain a safe overall slope.

55.3-2 *Mandatory-OPAC.* Loose unconsolidated material shall be stripped for a safe distance, but in no case less than 10 feet, from the top of pit or quarry walls, and the loose unconsolidated material shall be sloped to the angle of repose.

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

55.3-4 *Mandatory-OPAC.* Safe means for scaling pit banks shall be provided. Where power shovels are used for scaling, banks shall be limited to heights that can be scaled with the shovel buckets. Exposed bank areas shall be scaled before any other work is performed in the exposed bank area.

55.3-5 *Mandatory-OPAC.* Men shall not work near or under dangerous banks. Overhanging banks shall be taken down immediately and other unsafe ground conditions shall be corrected promptly, or the areas shall be barricaded and posted.

55.3-6 *Mandatory-OPAC.* Men shall approach loose rock and areas to be scaled from above and shall scale from a safe location.

55.3-7 Baffleboards, screens, cribbing, or other suitable means should be provided to prevent movement of material into cuts developed into steep hillsides.

55.3-8 *Mandatory-OPAC.* The supervisor, or a competent person designated by him, shall examine working areas and faces for unsafe conditions at least at the beginning of each shift and after blasting. Any unsafe condition found shall be corrected before any further work is performed at the immediate area or face at which the unsafe condition exists.

55.3-9 *Mandatory-OPAC.* Men shall examine their working places before starting work and frequently thereafter and any unsafe condition shall be corrected.

55.3-10 Banks, benches, and terrain sloping into the working areas should be examined after every rain, freeze, or thaw before men work in such areas.

55.3-11 Large boulders requiring secondary blasting should be in a safe location before they are drilled or broken.

55.3-12 *Mandatory-OPAC.* Men shall not work between equipment and the pit wall or bank where the equipment may hinder escape from falls or slides of the bank.

55.3-13 Rock-bolt installations, where used, should be in accordance with recommendations of the Bureau of Mines or other competent agency.

§ 55.4 Fire prevention and control.

55.4-1 *Mandatory-OPAC.* No person shall smoke or use an open flame where oil, grease, flammable solvents, liquids, fluids, or other flammable materials are stored, transported, handled, or used, nor within an unsafe distance of any area or place where such practices may cause a fire or explosion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55.4-18 *Mandatory-OPAC.* Oxygen cylinders shall not be stored near oil or grease.

55.4-19 *Mandatory-OPAC.* Gauges and regulators used with oxygen or acetylene cylinders shall be kept clean and free of oil and grease.

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

55.4-21 *Mandatory-OPAC.* Internal combustion engines, except diesels, shall be shut off and stopped before being fueled.

55.4-22 *Mandatory-OPAC.* Each mine shall have available or be provided with suitable firefighting equipment adequate for the size of the mine.

55.4-23 *Mandatory-OPAC.* Firefighting equipment shall be strategically located, readily accessible, plainly marked, properly maintained, and inspected periodically. Records shall be kept of such inspections.

55.4-24 Fire extinguishers should be:

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

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

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

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

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

55.4-25 Fire hydrants should be:

(a) Of a standard type to fit the hose equipment of local fire departments. Adapters should be provided if necessary.

(b) Provided with readily available wrenches or keys to open the valves.

55.4-26 Water pipes, valves, outlets, hydrants, and hoses designated for firefighting purposes should be inspected and tested every 3 months.

55.4-27 Suitable fire extinguishers should be provided on self-propelled mobile equipment with enclosed cabs.

55.4-28 Suitable fire extinguishers should be an integral part of portable cutting and welding equipment.

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

55.4-30 Employees should be trained in the use of firefighting equipment.

55.4-31 A firefighting organization should be established, equipped, and trained in firefighting; drills should be held at least twice a year.

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

55.4-33 Fire-alarm systems adequate to warn all employees should be provided and maintained in operating condition.

55.4-34 Two exits should be provided where men work or congregate.

55.4-35 *Mandatory-OPAC.* Valves on oxygen and acetylene tanks shall be kept closed when the contents are not being used.

55.4-36 Belt conveyors in locations where fire would create a hazard to personnel should be provided with safety switches to stop the drive pulley automatically in the event of excessive slippage.

§ 55.5 Air quality.

55.5-1 *Mandatory-OPAC.* Where airborne concentrations of dust, gas, mist and fumes are encountered which exceed threshold limit values adopted by the American Conference of Governmental Hygienists, and persons are exposed to such concentrations, control measures shall be adopted to maintain concentrations below such threshold limit values.

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

55.5-3 *Mandatory-OPAC.* Atmospheres where persons work (including equipment cabs) shall contain:

(a) At least 20 percent oxygen;

(b) Not more than 0.005 percent carbon monoxide, 0.5 percent carbon dioxide, and 5 parts per million nitrogen dioxide or other threshold limit values for these gases adopted by the American Conference of Governmental Industrial Hygienists;

(c) No harmful quantities of other gases, fumes, or mists as determined by threshold limit values established by the American Conference of Governmental Industrial Hygienists.

55.5-4 *Mandatory-OPAC.* Holes shall be collared and drilled wet, or other efficient dust control measures shall be used when drilling non-water-soluble materials. Efficient dust control measures shall be used when drilling water-soluble materials.

55.5-5 Muck piles, haulage roads, rock transfer points, crushers, and other points where dust is produced should be wet down at the beginning of the shift and thereafter as necessary, unless dust is controlled adequately by other methods.

55.5-6 *Mandatory-OPAC.* Bureau of Mines approved respirators shall be worn for protection against short-term exposures to concentrations of substances in excess of threshold limit values. Where a concentration of a substance is encountered for which a respirator has not been approved by the Bureau of Mines, respirators developed and tested by an agency or organization acceptable to the Bureau shall be used. Where an approved or acceptable respirator is not available, no person shall enter or be exposed to concentrations in excess of threshold limit values. Except as provided in this section, use of respirators shall not be substituted for regular control measures.

§ 55.6 Explosives.

Storage

55.6-1 *Mandatory-OPAC.* Detonators, explosives and blasting agents shall be stored in magazines.

55.6-2 *Mandatory-OPAC.* Separate magazines shall be provided for the storage of detonators and explosives.

55.6-3 *Mandatory-OPAC.* Detonators shall not be stored in the same magazine with explosives or blasting agents.

55.6-4 Blasting agents, safety fuse, or detonating fuse may be stored with explosives.

55.6-5 *Mandatory-OPAC.* Magazines shall be:

(a) Located in accordance with the current American table of distances for storage of explosives;

(b) Detached structures located away from power lines, fuel storage areas, and other possible sources of fire;

(c) Constructed substantially of noncombustible material or covered with fire-resistant material;

(d) Reasonably bullet-resistant;

(e) Electrically bonded and grounded if constructed of metal;

(f) Made of nonsparking materials on the inside, including floors;

(g) Provided with adequate and effectively screened ventilation openings near the floor and ceiling;

(h) Kept locked securely when unattended;

(i) Posted with suitable danger signs so located that a bullet passing through the face of a sign will not strike the magazine;

(j) Used exclusively for storage of blasting agents, explosives, or detonators and kept free of all extraneous materials;

(k) Kept clean and dry in the interior, and in good repair;

(l) Unheated, unless heated in a manner that does not create a fire or explosion hazard. Electrical heating devices shall not be used inside a magazine.

55.6-6 *Mandatory.* Only enclosed and gasketed fixtures and wiring in conduit shall be used inside magazines that are illuminated electrically.

55.6-7 *Mandatory-OPAC.* Electric switches shall be outside the magazines.

55.6-8 Areas surrounding magazines for not less than 25 feet in all directions should be kept free of rubbish and other combustibles.

55.6-9 *Mandatory-OPAC.* Smoking and open flames shall not be permitted within 25 feet of explosives and detonator-storage magazines.

55.6-10 Cases of explosives should be stored in such a manner to assure the use of the oldest stock first.

55.6-11 *Mandatory-OPAC.* Ammonium nitrate fuel-oil mixture shall be physically separated from dynamite stored in the same magazine and in such a manner that oil does not contaminate the dynamite.

55.6-12 Cases of explosives should not be stored on their ends or sides.

55.6-13 Cases of explosives should not be stacked more than 6 feet high.

Transportation

55.6-20 *Mandatory-OPAC.* Explosives and detonators shall be transported in separate vehicles unless separated by 4 inches of hard wood or the equivalent.

55.6-21 *Mandatory-OPAC.* When explosives and detonators are hauled by trolley

locomotive, covered electrically insulated cars shall be used.

55.6-22 *Mandatory-OPAC.* Self-propelled vehicles used to transport explosives or detonators shall be equipped with suitable fire extinguishers.

55.6-23 *Mandatory-OPAC.* Vehicles containing explosives or detonators shall be posted with proper warning signs.

55.6-24 *Mandatory-OPAC.* When vehicles containing explosives or detonators are parked, the brakes shall be set, the motive power shut off, and the vehicles shall be blocked securely against rolling.

55.6-25 *Mandatory-OPAC.* Vehicles containing explosives or detonators shall not be left unattended except in blasting areas where loading or charging is in progress.

55.6-26 Vehicles containing explosives or detonators should not be taken to a repair garage or shop for any purpose.

55.6-27 *Mandatory-OPAC.* Vehicles containing explosives or detonators shall be maintained in good condition and shall be operated at a safe speed and in accordance with all safe operating practices.

55.6-28 *Mandatory-OPAC.* Vehicles used to transport explosives other than anfo mixtures, shall have substantially constructed bodies, no sparking metal exposed in the cargo space, and shall be equipped with suitable sides and tail gates; explosives shall not be piled higher than the side or end enclosures.

55.6-29 Explosives should be transported at times and over routes that expose a minimum number of persons.

55.6-30 Explosives or detonators in open-bodied vehicles should be covered with fire and water retardant materials.

55.6-31 *Mandatory-OPAC.* Other materials or supplies shall not be placed on or in the cargo space of a conveyance containing explosives or detonators.

55.6-32 *Mandatory-OPAC.* Explosives or detonators shall not be transported on locomotives.

55.6-33 *Mandatory-OPAC.* No person shall smoke while transporting or handling explosives or detonators.

55.6-34 *Mandatory-OPAC.* Only the necessary attendants shall ride on or in vehicles containing explosives or detonators.

55.6-35 *Mandatory-OPAC.* Explosives or detonators shall not be transported on man trips.

55.6-36 Explosives should be transported promptly without undue delays in transit.

55.6-37 *Mandatory-OPAC.* Non-conductive containers with tight-fitting covers shall be used to transport or carry capped fuses and electric detonators to blasting sites.

55.6-38 *Mandatory-OPAC.* Substantial nonconductive closed containers shall be used to carry explosives to blasting sites.

USE

55.6-45 *Mandatory-OPAC.* Persons who use explosives, blasting agents, or detonators shall be experienced men who understand the hazards involved; trainees shall do such work only under the supervision of and in the immediate presence of experienced men.

55.6-46 Blasting operations should be under the direct control of authorized persons.

55.6-47 *Mandatory-OPAC.* Damaged or deteriorated explosives, blasting agents, and detonators shall be destroyed in a safe manner.

55.6-48 *Mandatory.* Explosives or detonators shall not be taken to the face or the immediate vicinity of the blasting site until all other work has been completed.

55.6-49 *Mandatory.* Holes to be blasted shall be charged as near to blasting time as practical and such holes shall be blasted as soon as possible after charging has been completed. In no case shall the time elapsing between the completion of charging to the time of blasting exceed 72 hours unless prior approval has been obtained from the Bureau of Mines.

55.6-50 *Mandatory-OPAC.* No person shall smoke within 25 feet of explosives, blasting agents, or detonators.

55.6-51 *Mandatory-OPAC.* Explosives and blasting agents shall be kept separated from detonators until charging is started.

55.6-52 *Mandatory-OPAC.* Primers shall be made up at the time of charging and as close to the blasting site as conditions allow.

55.6-53 Primers should be prepared so that the detonator is contained securely along the centerline of the explosives cartridge.

55.6-54 *Mandatory-OPAC.* Only wooden or other nonsparking implements shall be used to punch holes in explosives cartridges.

55.6-55 *Mandatory-OPAC.* Tamping poles shall be blunt and squared at one end and made of wood, nonsparking material, or of special plastic acceptable to the Bureau of Mines.

55.6-56 No tamping should be done directly on primer cartridges.

55.6-57 *Mandatory-OPAC.* Unused explosives and detonators shall be moved to a safe location as soon as charging operations are completed.

55.6-58 *Mandatory-OPAC.* Areas in which charged holes are awaiting firing shall be guarded, or barricaded and posted, or flagged, against unauthorized entry.

55.6-59 *Mandatory.* Ample warning shall be given before blasts are fired. All persons shall be cleared and removed from areas endangered by the blast.

55.6-60 *Mandatory.* Sufficient blasting shelters shall be provided to protect all men endangered by fly rock from blasting.

55.6-61 *Mandatory-OPAC.* When safety fuse has been used, men shall not return to misfired holes for at least 30 minutes.

55.6-62 *Mandatory.* When electric blasting caps have been used, men shall not return to misfired holes for at least 15 minutes.

55.6-63 Faces and muckpiles should be examined for undetonated explosives after each blast and undetonated explosives found should be disposed of safely.

55.6-64 *Mandatory-OPAC.* Misfires shall be reported to the proper supervisor and shall be disposed of safety before any other work is performed in that blasting area.

55.6-65 Blast holes in "hot-hole" areas and holes that have been sprung should not be charged before tests have been made to ensure that the heat has been dissipated to a safe extent.

55.6-66 If explosives are suspected of burning in a hole, all persons in the endangered area should move to a safe location until the danger has passed.

55.6-67 *Mandatory-OPAC.* Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

55.6-68 *Mandatory-OPAC.* Fuse and igniters shall be stored in a cool, dry place away from oils or grease.

55.6-69 Fuse should not be kinked, bent sharply, or handled roughly.

55.6-70 *Mandatory-OPAC.* Fuses shall be cut and capped in safe, dry locations posted with "No Smoking" signs.

55.6-71 *Mandatory-OPAC.* Blasting caps shall be crimped to fuses only with implements designed for that specific purpose.

55.6-72 *Mandatory-OPAC.* The burning rate of the fuse shall be posted in the fuse-capping station in a conspicuous location such that the burning rate will be brought to the attention of all men concerned with blasting.

55.6-73 *Mandatory-OPAC.* Fuse less than 48 inches long shall not be used.

55.6-74 *Mandatory-OPAC.* At least two men shall be present when lighting fuses, and no man shall light more than 15 individual fuses. If more than 15 holes per man are to be fired, igniter cord and connectors or electric blasting shall be used.

55.6-75 A safe interval of time should be allowed to light a round and evacuate the blasting area.

55.6-76 *Mandatory-OPAC.* Fuse shall be ignited with hot-wire lighters, lead spitters, igniter cord, or other such devices designed for this purpose.

55.6-77 *Mandatory-OPAC.* Fuse shall not be ignited before the primer and the entire charge are securely in place.

55.6-78 Timing should be such that the fuse in the last hole to fire is burning within the hole before the first hole fires.

55.6-79 Electric detonators of different brands should not be used in the same round.

55.6-80 *Mandatory-OPAC.* Electric detonators shall remains shunted until they are being wired into the blasting circuit. Lead lines and wired rounds shall be kept shunted until immediately before blasting.

55.6-81 Completely wired rounds should be tested with a blasting galvanometer before connections are made to the blasting line.

55.6-82 *Mandatory-OPAC.* Lead wires and blasting lines shall not be strung across power conductors, pipelines, railroad tracks, or within 20 feet of bare powerlines. They shall be protected from sources of static or other electrical contact.

55.6-83 *Mandatory-OPAC.* Permanent blasting lines shall be properly supported, insulated, and kept in good repair.

55.6-84 *Mandatory-OPAC.* Charging shall be stopped immediately when the presence of static electricity or stray current is detected; the condition shall be remedied before charging is resumed.

55.6-85 *Mandatory-OPAC.* Charging shall be suspended in surface mining, shaft sinking, and tunneling and men withdrawn to a safe location upon the approach of an electrical storm.

55.6-86 *Mandatory-OPAC.* If branch circuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast areas shall be provided in addition to the main blasting switch.

55.6-87 *Mandatory-OPAC.* Safety switches and blasting switches shall be labeled, encased in boxes, and arranged so that the covers of the boxes cannot be closed with the switches in closed position.

55.6-88 *Mandatory-OPAC.* Blasting switches shall be locked in the open position, except when closed to fire the blast. Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.

55.6-89 *Mandatory-OPAC.* The key to a blasting switch shall be entrusted only to the person designated to fire blasts.

55.6-90 *Mandatory-OPAC.* Electric circuits from the blasting switches to the blast area shall not be grounded.

55.6-91 At least a 5-foot air gap should be provided between the blasting circuit and the power circuit.

55.6-92 *Mandatory-OPAC.* Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted shall be deenergized before explosives are brought into the area; the power shall not be turned on again until after the shots are fired.

55.6-93 Power sources should be suitable for the number of electric detonators to be fired and for the type of circuits used.

55.6-94 *Mandatory.* The double trunkline or loop system shall be used in detonating-cord blasting.

55.6–95 *Mandatory-OPAC.* The trunkline, in multiple row blasts, shall make one or more complete loops, with crossties between loops at intervals of not over 200 feet.

55.6–96 *Mandatory.* All detonating-cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

55.6–97 Delay connectors for firing detonating cord should be treated and handled with the same safety precautions as blasting caps and electric detonators.

55.6–98 Detonating cord should not be kinked, bent, or otherwise handled in such a manner that the train of detonation may be interrupted.

SENSITIZED AMMONIUM NITRATE BLASTING AGENTS

55.6–110 If sensitized ammonium nitrate blasting agents are not purchased premixed, all procedures concerning storage of components and the final product, mixing, and transportation should be in accordance with Bureau of Mines Information Circular 8179, "Safety Recommendations for Sensitized Ammonium Nitrate Blasting Agents," or subsequent revisions.

55.6–111 *Mandatory.* In the use of sensitized ammonium nitrate mixtures and blasting agents the same precautions shall be taken as for high explosives.

55.6–112 Adequate priming should be employed to guard against misfires, increased toxic fumes, and poor performance.

55.6–113 *Mandatory-OPAC.* Where pneumatic loading is employed, before any type of blasting operation using blasting agents is put into effect, an evaluation of the potential hazard of static electricity shall be made. Adequate steps, including the grounding and loading of the conducive parts of pneumatic loading equipment, shall be taken to eliminate the hazard of static electricity before blasting agent use is commenced.

55.6–114 *Mandatory-OPAC.* Pneumatic loading equipment shall not be grounded to waterlines, air lines, rails, or the permanent electrical grounding systems.

55.6–115 *Mandatory.* Hoses used in connection with pneumatic loading machines shall be of the semiconductive type, having a total resistance low enough to permit the dissipation of static electricity and high enough to limit the flow of stray electric currents to a safe level. Wire-countered hose shall not be used because of the potential hazard from stray electric currents.

55.6–116 Reasonable precautions should be exercised to exclude moisture from blasting agents other than slurries. Water should be removed from holes before holes are charged. If water continues to flow into boreholes, sensitized ammonium nitrate should not be used.

55.6–117 *Mandatory-OPAC.* Plastic tubes shall not be used to protect pneumatically loaded blasting agent charges against water unless a positive grounding system is provided to drain electrostatic charges from the hole.

§ 55.7 Drilling.

55.7–1 Equipment should be inspected each shift by an authorized individual. Equipment defects affecting safety should be reported.

55.7–2 *Mandatory-OPAC.* Equipment defects affecting safety shall be corrected before the equipment is used.

55.7–3 *Mandatory-OPAC.* The drilling area shall be inspected for hazards before starting the drilling operations.

55.7–4 *Mandatory-OPAC.* Men shall not be on the mast while the drill is in operation.

55.7–5 *Mandatory-OPAC.* Drill crews and others shall stay clear of augers or drill stems that are in motion. Persons shall not pass under or step over a moving stem or auger.

55.7–6 Receptacles or racks should be provided for drill steel stored on drills.

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

55.7–8 *Mandatory-OPAC.* When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast placed in a safe position.

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

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

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

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

55.7–13 *Mandatory-OPAC.* Drill holes large enough to constitute a hazard shall be covered or guarded.

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

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

55.7–16 Bit wrenches or bit knockers should be used to remove detachable bits from drill steel.

55.7–17 Starter steels should be used when collaring holes with handheld or feed-leg drills.

55.7–18 *Mandatory-OPAC.* Men shall not hold the drill steel while collaring holes, or rest their hands on the chuck or centralizer while drilling.

55.7–19 Air should be turned off and bled from the hose before handheld drills are moved from one working area to another.

§ 55.8 Rotary jet piercing.

55.8–1 Jet drills should be provided with:

(a) A system to pressurize operators' cabs;

(b) A protective cover over the oxygen flow indicator.

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

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

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

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

§ 55.9 Loading, hauling, dumping.

55.9–1 Equipment should be inspected each shift by an authorized individual. Equipment defects affecting safety should be reported.

55.9–2 *Mandatory-OPAC.* Equipment defects affecting safety shall be corrected before the equipment is used.

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

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

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

55.9–6 *Mandatory-OPAC.* When the entire length of the conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor. When the entire length of the conveyor is not visible from the starting switch, a positive audible or visual warning system shall be installed and operated to warn persons that the conveyor will be started.

55.9–7 *Mandatory-OPAC.* Unguarded conveyors with walkways shall be equipped with emergency stop devices or cords along their full length.

55.9–8 Adequate protection should be provided at dumping locations where men may be endangered by falling material.

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

55.9–10 *Mandatory-OPAC.* Trucks, shuttle cars, and front-end loaders shall be equipped with emergency brakes separate and independent of the regular braking system.

55.9–11 Operators' cabs should be constructed to permit operators to see without straining and should be reasonably comfortable.

55.9–12 *Mandatory-OPAC.* Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.

55.9–13 *Mandatory-OPAC.* Cabs of mobile equipment shall be kept free of extraneous materials.

55.9–14 In areas where weather conditions justify, haulage trucks with cabs should be equipped with heaters and/or air conditioners maintained in good condition.

55.9–15 *Mandatory-OPAC.* Adequate backstops or brakes shall be installed on inclined-conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.

55.9–16 *Mandatory-OPAC.* No person shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the belt is specifically designed for the transportation of persons.

55.9–17 Slusher hoists should be equipped with backlash guards, rollers, drum covers, and anchored securely before slushing operations are started.

55.9–18 Roadbeds, rails, joints, switches, frogs, and other elements on railroads should be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.

55.9–19 Equipment operating speeds should be prudent and consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.

55.9–20 Dust control measures should be taken where dust significantly reduces visibility of equipment operators.

55.9–21 *Mandatory-OPAC.* Where possible at least 30 inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30-inch clearance shall be marked conspicuously.

55.9–22 Track guard rails, lead rails, and frogs should be protected or blocked so as to prevent a person's foot from becoming wedged.

55.9–23 *Mandatory-OPAC.* Positive-acting stopblocks, derail devices, track skates, or other adequate means shall be installed

wherever necessary to protect persons from runaway or moving railroad equipment.

55.9-24 Traffic rules, signals, and warning signs should be standardized at each mine and posted.

55.9-25 Vehicles should follow at a safe distance; passing should be limited to areas of adequate clearance and visibility.

55.9-26 *Mandatory-OPAC.* Berms or guards shall be provided on the outer banks of elevated roadways.

55.9-27 *Mandatory-OPAC.* Trackless haulage equipment shall be operated under power control at all times.

55.9-28 *Mandatory-OPAC.* Mobile equipment operators shall have full control of the equipment while it is in motion.

55.9-29 *Mandatory-OPAC.* Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.

55.9-30 *Mandatory-OPAC.* Only authorized persons shall be present in areas of loading or dumping operations.

55.9-31 *Mandatory-OPAC.* When an operator is present, men shall notify him before getting on or off equipment.

55.9-32 *Mandatory-OPAC.* Switch throws shall be installed so as to provide adequate clearance for switchmen.

55.9-33 Operators should sit facing the direction of travel while operating equipment with dual controls.

55.9-34 *Mandatory-OPAC.* Men shall not work or pass under the buckets or booms of loaders in operation.

55.9-35 *Mandatory-OPAC.* When traveling between work areas, the equipment shall be secured in the travel position.

55.9-36 *Mandatory-OPAC.* Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.

55.9-37 *Mandatory.* Men shall not ride in dippers, buckets, forks, clamshells, or in the beds of dump trucks for the purpose of transportation.

55.9-38 Loaded cars or trucks should not be moved until the loads are trimmed properly.

55.9-39 Movements of two or more pieces of rail equipment operating independently on the same track should be regulated by an efficient signal block, telephone, or radio system; movements on complex haulage systems should be adequately controlled.

55.9-40 *Mandatory-OPAC.* Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set or other equivalent precautions are taken against rolling.

55.9-41 *Mandatory-OPAC.* Mobile equipment shall not be left unattended unless the brakes are set. The wheels shall be turned into a bank or rib, or shall be blocked, when such equipment is parked on a grade.

55.9-42 *Mandatory-OPAC.* Men shall not get on or off moving equipment, except that trainmen may get on or off of slowly moving trains.

55.9-43 *Mandatory-OPAC.* Men shall not ride on top of loaded haulage equipment.

55.9-44 *Mandatory-OPAC.* Only authorized persons shall be permitted to ride on trains or locomotives and they shall ride in a safe position.

55.9-45 Rocker-bottom or bottom-dump cars should be equipped with positive locking devices.

55.9-46 *Mandatory-OPAC.* Men shall not ride outside the cabs and beds of mobile equipment.

55.9-47 *Mandatory-OPAC.* Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.

55.9-48 *Mandatory-OPAC.* Parked railcars, unless held effectively by brakes shall be blocked securely.

55.9-49 *Mandatory-OPAC.* Railroad cars with braking systems, when in use, shall be equipped with effective brake shoes.

55.9-50 Long material should be transported by a method designed to prevent any overhang from creating a hazard.

55.9-51 *Mandatory-OPAC.* Railcars shall not be left on side tracks unless ample clearance is provided for traffic on adjacent tracks.

55.9-52 *Mandatory-OPAC.* Persons shall not go over, under, or between cars unless the train is stopped and the motorman has been notified and the notice acknowledged.

55.9-53 *Mandatory-OPAC.* Inability of the motorman to clearly recognize the brakeman's signals when the train is under the direction of the brakeman shall be construed by the motorman as a stop signal.

55.9-54 Dumping locations and haulage roads should be kept reasonably free of water, debris, and spillage.

55.9-55 *Mandatory-OPAC.* Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

55.9-56 Where the ground at a dumping place may fail to support the weight of a loaded dump truck, trucks should be dumped back from the edge of the bank.

55.9-57 Where necessary, bumper blocks or the equivalent should be provided at all track dead ends.

55.9-58 Grizzlies, grates, and other sizing devices at dump and transfer points should be anchored securely in place.

55.9-59 *Mandatory-OPAC.* If truck spotters are used, they shall be well in the clear while trucks are backing into dumping position and dumping; lights shall be used at night to direct trucks.

55.9-60 *Mandatory-OPAC.* Public and permanent railroad crossings shall be posted with warning signs or signals, or shall be guarded when trains are passing and shall be planked or othewise filled between the rails.

55.9-61 *Mandatory-OPAC.* Where overhead clearance is restricted, warning devices shall be installed and the restricted area shall be conspicuously marked.

55.9-62 *Mandatory-OPAC.* Stockpile and muckpile faces shall be trimmed to prevent hazards to personnel.

55.9-63 *Mandatory-OPAC.* Rocks too large to be handled safely shall be broken before loading.

55.9-64 Ramps and dumps should be of solid construction, of ample width, have ample side clearance and headroom, and be kept reasonably free of spillage.

55.9-65 *Mandatory-OPAC.* Chute-loading installations shall be designed so that men pulling chutes are not required to assume hazardous positions while loading cars.

55.9-66 Cars should not be coupled or uncoupled manually from the inside of curves.

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

55.9-68 *Mandatory-OPAC.* Supplies, materials, and tools other than small hand tools shall not be transported with men in man-trip vehicles, unless such vehicles are specifically designed to make such transportation safe.

55.9-69 *Mandatory-OPAC.* Lights, flares, or other warning devices shall be posted when parked equipment creates a hazard to vehicular traffic.

55.9-70 *Mandatory-OPAC.* Tires shall be deflated before repairs on them are started and adequate means shall be provided to prevent wheel locking rims from creating a hazard during tire inflation.

55.9-71 Any load extending more than 4 feet beyond the rear of the vehicle body should be marked clearly with a red flag by day and a red light at night.

55.9-72 A tow bar should be used to tow heavy equipment. A safety chain should be used in conjunction with the tow bar.

§ 55.10 Aerial tramways.

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

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

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

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

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

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

55.10-7 *Mandatory-OPAC.* Guard nets shall be provided where tramways pass over roadways, walkways, and buildings.

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

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

(b) Direct communication between terminals;

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

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

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

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

§ 55.11 Travelways.

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

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

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

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

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

55.11-6 Fixed ladders should be offset and have substantial railed landings at least every 30 feet unless backguards are provided.

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

55.11-8 *Mandatory-OPAC.* Fixed ladders shall project at least 3 feet above landings, or substantial handholds shall be provided above the landings.

55.11-9 Wooden members of ladders should not be painted.

55.11-10 Ladderways, stairways, walkways, and ramps should be kept free of loose rock and extraneous materials.

55.11-11 *Mandatory-OPAC.* Railed walkways shall be provided wherever persons are regularly required to walk alongside conveyor belts. Inclined railed walkways shall be nonskid or provided with cleats.

55.11-12 Vertical clearance above stair steps should be a minimum of 7 feet.

55.11-13 Men climbing or descending ladders should face the ladders and have both hands free for climbing.

55.11-14 *Mandatory-OPAC.* Openings above, below, or near travelways through which men or materials may fall shall be protected by railings, barriers, or covers. Where it is impractical to install such protective devices, adequate warning signals shall be installed.

55.11-15 *Mandatory-OPAC.* Scaffolds and working platforms shall be of substantial construction and provided with handrails and maintained in good condition. Floorboards shall be laid properly and the scaffolds and working platform shall not be overloaded. Working platforms shall be provided with toeboards when necessary.

55.11-16 *Mandatory-OPAC.* Crossovers shall be provided where it is necessary to cross conveyors.

55.11-17 *Mandatory-OPAC.* Moving conveyors shall be crossed only at designated crossover points.

55.11-18 Slippery walkways should be provided with cleats and handrails and/or ropes.

55.11-19 *Mandatory-OPAC.* Regularly used walkways and travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.

55.11-20 Fixed ladders should not incline backwards at any point unless provided with backguards.

§ 55.12 Electricity.

55.12-1 *Mandatory.* Circuits shall be protected against excessive overload by fuses or circuit breakers of the correct type and capacity.

55.12-2 *Mandatory-OPAC.* Powerlines, including trolley wires, and telephone circuits shall be protected against short circuits and lightning.

55.12-3 *Mandatory.* Electric equipment and circuits shall be provided with switches or other controls. Such switches or controls shall be of approved design and construction and shall be properly installed.

55.12-4 *Mandatory.* Individual overload protection or short-circuit protection shall be provided for the trailing cables of mobile equipment.

55.12-5 Power wires and cables should have adequate current-carrying capacity and should be protected from mechanical injury.

55.12-6 Neither crawler-mounted nor rubber-tired equipment should run over trailing cables, unless the cables are properly bridged or protected.

55.12-7 Distribution boxes should be provided with disconnect switches.

55.12-8 *Mandatory-OPAC.* Trailing cable and power-cable connections to junction boxes shall not be made or broken under load.

55.12-9 Power wires and cables should be insulated adequately where they pass into or out of electrical compartments.

55.12-10 Power wires and cables which present a fire hazard should be well installed on acceptable insulators.

55.12-11 *Mandatory-OPAC.* Where metallic tools or equipment can come in contact with trolley wires or bare powerlines, the lines shall be guarded or deenergized.

55.12-12 Telephone and low-potential electric signal wires should be protected from contacting energized powerlines.

55.12-13 *Mandatory-OPAC.* High-potential transmission cables shall be covered, insulated, or placed according to acceptable electrical codes to prevent contact with low-potential circuits.

55.12-14 The potential on bare signal wires accessible to personal contact should not exceed 40 volts.

55.12-15 Splices in power cables, including ground conductor, where provided, should be:

(a) Mechanically strong with adequate electrical conductivity;

(b) Effectively insulated and sealed to exclude moisture;

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

55.12-16 *Mandatory-OPAC.* Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.

55.12-17 *Mandatory.* Energized high-potential cables shall be handled with insulated hooks or tongs.

55.12-18 *Mandatory-OPAC.* Electrical equipment shall be deenergized before work is done on such equipment. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by the persons who installed them.

55.12-19 *Mandatory-OPAC.* Power circuits shall be deenergized before work is done on such circuits unless hot line tools are used. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by the persons who installed them.

55.12-20 *Mandatory-OPAC* Principal power switches shall be labeled to show which units they control, unless identification can be made readily by location.

55.12-21 At least 3 feet of clearance should be provided around all parts of stationary electric equipment or switchgear where access or travel is necessary.

55.12-22 *Mandatory-OPAC.* Dry wooden platforms, insulating mats, or other electrically nonconductive material shall be kept in place at all switchboards and power-control switches where shock hazards exist. However, metal plates on which a person normally would stand, and kept at the same potential as the grounded metal noncurrent carrying parts of the power switches to be operated, may be used.

55.12-23 *Mandatory-OPAC.* Suitable danger signs shall be posted at all major electrical installations.

55.12-24 Areas containing major electrical installations should be entered only by authorized personnel.

55.12-25 *Mandatory-OPAC.* Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless protection is provided by location.

55.12-26 Reverse-current protection should be provided at storage-battery charging stations.

55.12-27 *Mandatory-OPAC.* All metal enclosing or encasing electrical circuits shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

55.12-28 *Mandatory-OPAC.* Metal fencing and metal buildings enclosing transformers and switchgear shall be grounded.

55.12-29 *Mandatory-OPAC.* Frame grounding or equivalent protection shall be provided for mobile equipment powered through trailing cables.

55.12-30 *Mandatory-OPAC.* Continuity and resistance of grounding systems shall be tested immediately after installation.

55.12-31 Electric equipment and wiring should be inspected by a competent person as often as necessary to assure safe operating conditions.

55.12-32 *Mandatory-OPAC.* When a potentially dangerous condition is found it shall be corrected before equipment or wiring is energized.

55.12-33 Electric motors, switches, and controls exposed to damaging dust or water should be of dust-tight or water-tight construction.

55.12-34 Inspection and cover plates on electrical equipment should be kept in place at all times except during testing or repairs.

55.12-35 *Mandatory-OPAC.* Hand-held electric tools shall not be operated at high potential voltages.

55.12-36 Portable extension lights and other lights that may present a shock or burn hazard should be guarded.

55.12-37 Lamp sockets exposed to the weather should be of a weather-proof type.

55.12-38 *Mandatory-OPAC.* Circuits shall be deenergized before fuses are removed or replaced.

55.12-39 *Mandatory-OPAC.* Fuse tongs or hot line tools shall be used when fuses are removed or replaced in high-potential circuits.

55.12-40 Trailing cables should be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections.

55.12-41 Surplus trailing cables to shovels, cranes, and similar equipment should be stored in cable boots or on reels mounted on the equipment or otherwise protected from mechanical damage.

55.12-42 *Mandatory-OPAC.* Operating controls shall be installed so that they can be operated without danger of contact with energized conductors.

55.12-43 *Mandatory-OPAC.* Switches and starting boxes shall be of safe design and capacity.

55.12-44 Both rails should be bonded or welded at every joint. Rails should be crossbonded at least every 200 feet if the track serves as the return trolley circuit, except where a control signal cannot be used on a crossbonded track.

55.12-45 *Mandatory-OPAC.* Equipment with booms or masts which are not properly protected shall not be operated where the booms or masts can come within 10 feet of an energized overhead powerline.

55.12-46 Lightning arrester grounds should be connected to earth at least 10 feet from the track or mine return circuit.

55.12-47 *Mandatory-OPAC.* Overhead high-potential powerlines shall be installed as specified by the National Electrical Safety Code.

55.12-48 *Mandatory-OPAC.* When equipment must be moved under energized powerlines and the clearance is less than 10 feet, the powerlines shall be deenergized or other precautions shall be taken.

55.12-49 *Mandatory-OPAC.* Guy wires of poles supporting high-potential conductors shall be equipped with insulators installed near the pole end.

55.12-50 *Mandatory-OPAC.* Telegraph, telephone, or signal wires shall not be installed on the same crossarm with power conductors. When carried on poles supporting powerlines, they shall be installed as specified by the National Electrical Safety Code.

55.12-51 *Mandatory-OPAC.* Transformers shall be totally enclosed, or shall be placed at least 8 feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least 6 feet high and at least 3 feet from any energized parts, casings, or wiring.

55.12-52 *Mandatory-OPAC.* Transformer enclosures shall be kept locked against unauthorized entry.

55.12-53 Men should not stand on the ground in the vicinity of an electrically powered shovel or other similar heavy equipment during an electrical storm.

55.12-54 Trolley wires should be aligned properly and installed at least 6 inches outside and 7 feet above the track.

55.12-55 Trolley wire hangers should be spaced so that the wire will not sag more than 3 inches between hangers and so that the wire may be detached from any one hanger without creating a shock hazard.

55.12-56 Trolley wires and trolley feeder wires should be provided with sectionalizing switches at man-trip stations and near the beginning of all branch lines.

55.12-57 Ground wires for lighting circuits powered from trolley wires should be connected securely to the ground return circuit.

55.12-58 Tools and supplies should be carried in the hands and not on the shoulders when men travel near bare power conductors.

§ 55.13 Compressed air and boilers.

GENERAL

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

COMPRESSED AIR

55.13-6 Air compressors should be equipped with automatic temperature-activated shutoff mechanisms set for 400° F., or with fusible plugs installed in the compressor discharge lines as near the compressors as possible. Fusible plugs should melt at temperatures 50° less than the flash points of the lubricating oils.

55.13-7 Compressors and compressed-air receivers should be equipped with automatic pressure-release valves, pressure gauges, and drain valves.

55.13-8 Compressor air intakes should be installed to insure that only clean, uncontaminated air enters the compressors.

55.13-9 Compressed-air receivers should be drained of moisture and oil at least once each operating shift.

55.13-10 Compressed-air receivers should have inspection openings which should be manholes when the tanks are over 36 inches in diameter.

55.13-11 Compressed-air receivers and other pressure vessels should be inspected internally at least once a year by qualified inspectors; records of such inspections should be kept.

55.13-12 Compressors should be operated and lubricated in accordance with the manufacturer's recommendations.

55.13-13 Compressor discharge pipes should be cleaned periodically.

55.13-14 Safety devices on compressed-air systems should be checked at the beginning of each shift.

55.13-15 *Mandatory-OPAC.* Repairs involving the pressure system of compressors, receivers, or compressed air-powered equipment shall not be attempted until the pressure has been bled off.

55.13-16 *Mandatory-OPAC.* At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury.

55.13-17 *Mandatory-OPAC.* Safety chains or suitable locking devices shall be used at connections to machines of high pressure hose lines of 1 inch inside diameter or larger, and between high-pressure hose lines of 1 inch inside diameter or larger, where a connection failure would create a hazard.

BOILERS

55.13-25 Boilers should be equipped with guarded well-maintained water gages and pressure gages placed so that they can be observed easily. Water gages and pipe passages to the gages should be kept clean and free of scale and rust.

55.13-26 Boilers should be equipped with automatic pressure-relief valves; valves should be tested each shift.

55.13-27 Boiler installations should be provided with safety devices, acceptable to the Bureau of Mines, to protect against hazards of flame-outs, fuel interruptions, and low water level.

55.13-28 Blowoff valves should be piped outside the building and should have outlets so located or protected that persons passing by, near, or under them will not be scalded.

55.13-29 Boilers should be inspected internally at least once a year by licensed inspectors; records of such inspections should be kept.

§ 55.14 Use of equipment.

GUARDS

55.14-1 *Mandatory-OPAC.* Gears; sprockets; chains; drive, head, tail, and takeup pulleys; flywheels; couplings; shafts; sawblades; fan inlets; and similar exposed moving machine parts which may be contacted by persons, and which may cause injury to persons, shall be guarded.

55.14-2 *Mandatory-OPAC.* Overhead belts shall be guarded if the whipping action from a broken belt would be hazardous to persons below.

55.14-3 Guards at conveyor drive, head, and tail pulleys should extend a distance sufficient to prevent a person from reaching behind the guard and becoming caught between the belt and the pulley.

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

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

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

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

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

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

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

(c) Safety washers.

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

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

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

55.14-12 Industrial vehicles such as fork-lift trucks, front-end loaders, and bulldozers should be provided with roll protection when necessary to protect the operator.

55.14-13 *Mandatory-OPAC.* Fork-lift trucks, front-end loaders, and bulldozers shall be provided with substantial canopies when necessary to protect the operator.

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

METHODS AND PROCEDURES

55.14-20 Machinery and equipment should be maintained properly.

55.14-21 *Mandatory-OPAC.* Unsafe equipment or machinery shall be removed from service immediately.

55.14-22 Machinery and equipment should be operated only by authorized and experienced persons.

55.14-23 Adequate clearance should be provided at machine installations.

55.14-24 *Mandatory-OPAC.* Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make adjustments.

55.14-25 *Mandatory-OPAC.* Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

55.14-26 Mandatory-OPAC. Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

55.14-27 *Mandatory-OPAC.* Belts, chains, and ropes shall not be guided onto power-driven moving pulley, sprockets, or drums with the hands except on slow moving equipment especially designed for hand feeding.

55.14-28 *Mandatory.* Pulleys or conveyors shall not be cleaned manually while the conveyor is in motion.

55.14-29 *Mandatory-OPAC.* Belt dressing shall not be applied manually while belts are in motion unless an aerosol-type dressing is used.

55.14-30 *Mandatory-OPAC.* Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

55.14-31 *Mandatory-OPAC.* Welding operations shall be shielded and well ventilated.

55.14-32 Tools and equipment should be used only for the purpose and within the capacity for which they were intended and designed.

§ 55.15 Personal protection.

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

55.15-2 *Mandatory-OPAC.* All persons shall wear suitable hard hats when in or around a mine or plant where falling objects may create a hazard.

55.15-3 *Mandatory.* All persons shall wear suitable protective footwear when in or around a mine or plant where a hazard exists.

55.15-4 *Mandatory.* All persons shall wear safety glasses, goggles, or face shields when in or around a mine or plant.

55.15-5 *Mandatory-OPAC.* Safety belts and lines shall be worn when men work where there is danger of falling; a second person shall tend the lifeline when bins, tanks, or other dangerous areas are entered.

55.16-6 *Mandatory-OPAC.* Life jackets or belts shall be worn where there is danger of falling into water.

55.15-7 Protective clothing, rubber gloves, goggles, or face shields should be worn by persons handling substances that are corrosive, toxic, or injurious to the skin.

55.15-8 *Mandatory-OPAC.* Protective clothing or equipment and face shields or goggles shall be worn when welding, cutting, or working with molten metal.

55.15-9 Snug-fitting clothing should be worn around moving equipment and machinery.

55.15–10 Protective gloves should be worn by employees handling materials which may cause injury.

55.15–11 Gloves should not be worn where they could create a hazard by becoming entwined or caught in moving parts of machinery.

55.15–12 Finger rings should not be worn while working in or around a mine or plant.

55.15–13 Effective ear protection should be worn where noise levels may cause permanent ear damage or hearing loss, or noise should be reduced to safe levels.

55.15–14 Where there is a danger of a vehicle overturning, seatbelts should be used.

§ 55.16 Materials storage and handling.

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

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

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

55.16–4 *Mandatory-OPAC.* Hazardous materials shall be stored in containers of a type approved for such use by recognized agencies; such containers shall be labeled appropriately.

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

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

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

55.16–8 Taglines should be attached to suspended materials that require steadying.

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

55.16–10 Materials should not be dropped from an elevation unless the drop area is guarded or sufficient warning is given.

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

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

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

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

(a) Bumpers at each end of each rail;

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

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

(d) A means to lockout the disconnect switch.

55.16–15 *Mandatory-OPAC.* No person shall work from or travel on the bridge or an overhead crane unless the bridge is provided with substantial footwalks with toeboards and railings the length of the bridge.

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

§ 55.17 Illumination.

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

§ 55.18 Safety programs.

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

55.18–2 Regular safety inspections should be made by company officials and/or safety committees. Written reports should be made of the findings and the actions recommended or taken; this information should be made available to the employees.

55.18–3 Serious accidents, whether resulting in injury or not, should be investigated to determine the cause and the means of preventing recurrence. Records of these investigations should be kept and the information should be made available to the employees.

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

55.18–5 All employees and officials should be familiar with company, State, and Federal safety regulations.

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

55.18–7 Inexperienced employees should be assigned to work with experienced men until such employees have acquired the necessary skills to perform their duties safely.

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

55.18–9 *Mandatory-OPAC.* No employee shall be assigned, or allowed, or be required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless he can communicate with others, can be heard or can be seen.

55.18–10 An authorized person should be in charge at all times when men are working.

55.18–11 Selected supervisors should be trained in first aid. First-aid training should be made available to all employees.

55.18–12 All supervisors and employees should be trained in accident prevention.

55.18–13 *Mandatory-OPAC.* Emergency telephone numbers shall be posted at appropriate telephones.

55.18–14 Where telephone service is not available, emergency communications should be provided to the nearest point of assistance.

55.18–15 *Mandatory-OPAC.* Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons.

§ 55.19 Man hoisting.

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

Hoists

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

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

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

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

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

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

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

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

55.19–9 *Mandatory-OPAC.* An accurate and reliable indicator of the position of the cage, skip, bucket, or cars in the shaft shall be provided.

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

55.19–11 Flanges on drums should extend radially a minimum of three rope diameters beyond the last wrap.

55.19–12 Where grooved drums are used, the grooves should be of the proper size and pitch for the ropes used.

Wire Rope

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

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

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

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

55.19–23 The end of the rope at the drum should make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and should be fastened securely by means of rope clips or clamps. This provision does not apply to friction hoists.

55.19–24 *Mandatory-OPAC.* The rope shall be attached to the load by the thimble and clip method, the socketing method, or other approved method. If the socketing method is employed, zinc or its equivalent shall be used. The use of Babbitt metal or lead for socketing wire ropes is prohibited. If the thimble and clip method is used, the following shall be observed:

(a) The rope shall be attached to the load by passing one end around an oval thimble that is attached to the load bending the end back so that it is parallel to the long

or "live" end of the rope and fastening the two parts of the rope together with clips.

The U-bolt of each clip shall encircle the short or "dead" end of the rope and the distance between clips shall not be less than the figures given in the accompanying table.

(c) The following number of clips or equivalent shall be used for various diameters of six-strand 19-wire plow steel ropes: (Follow manufacturer's recommendations for other kinds of wire rope and clips.)

Diameter of rope, inches	Number of clips	Center-to-center spacing of clips, inches
¾	4	4½
⅞	4	5¼
1	4	6
1⅛	5	6¾
1¼	5	7½
1⅜	6	8¼
1½	6	9
1⅝	6	9¾
1¾	7	10½
1⅞	8	11¼
2	8	12
2⅛	8	13
2¼	8	14

(d) For all ropes less than three-quarter inch in diameter, at least four clips or equivalent shall be used.

(e) When special conditions require the attachment of a sling to the hoisting cable to handle equipment in the shaft, the sling shall be attached by clips or equivalent in accordance with the table in these regulations.

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

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

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

HEADFRAMES AND SHEAVES

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

55.19–36 Headframes should be high enough to provide at least 15 feet of clearance between the bottom of the sheave or drum and the uppermost part of the highest rope connection of the conveyance when the conveyance is at its uppermost man landing.

55.19–37 Fleet angles should not exceed 1½ degrees.

55.19–38 *Mandatory-OPAC.* Platforms with toeboards and handrails shall be provided around elevated head sheaves.

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

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

55.19–40 Head, idler, knuckle, and curve sheaves should have grooves that support the ropes properly. Before installing new ropes, the grooves should be inspected and where necessary machined to the proper contour and the proper groove diameter.

CONVEYANCES

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

55.19–46 *Mandatory.* Man cages shall be fireproof, of substantial construction and provided with:

(a) Fully enclosed sides, and safety gates; gates shall be at least 5 feet high and have no openings except those necessary for signaling;

(b) Escape hatches;

(c) Safety catches. This provision (c) does not apply to friction-hoist cages that are suspended from more than one pin.

55.19–47 *Mandatory.* All skips conveying men shall be provided with:

(a) Safety catches. This provision, (a), does not apply to friction-hoists skips that are suspended from more than one pin.

(b) Safe means of access.

(c) Platforms, where necessary, to provide safe footing.

(d) Stop controls to prevent travel into the dumping position.

(e) Anchored platforms inside the skips, if they are bottom-dumping.

(f) Devices to prevent tilting.

55.19–48 *Mandatory.* Man cars shall be of substantial construction and provided with:

(a) Drags or equivalent safety devices on the last car of man trips operated in inclined shafts where guides are not provided.

(b) Safety catches if guides are provided.

(c) Secondary safety connections where possible.

(d) Safety chains or wire ropes between cars.

(e) Adequate seating for the number of men handled.

55.19–49 *Mandatory-OPAC.* Buckets used to hoist men during shaft sinking operation shall have:

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

(b) Devices to prevent accidental dumping.

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

HOISTING PROCEDURES

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

55.19–56 When automatic hoisting is used, a qualified hoistman should be in attendance on the premises while any person is underground.

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

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

55.19–59 *Mandatory-OPAC.* Whenever a regular shift of men is being hoisted or lowered by a manually operated hoist, a second man familiar with and qualified to stop the hoist shall be in attendance; this provision shall not apply to sinking operations, level development, or repair operations in the mine.

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

55.19–61 The safe speed should be determined for each shaft; in no instance should this speed exceed 2,500 feet per minute for hoisting men.

55.19–62 Maximum acceleration and deceleration should not exceed 6 feet per second.

55.19–63 Only authorized personnel should be in hoist rooms.

55.19–64 Conveyances intended to be operated in balance should not be balanced when men are on the cage.

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

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

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

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

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

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

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

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

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

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

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

55.19–76 When men are hoisted, bucket speeds should not exceed 500 feet a minute, and should not exceed 200 feet a minute when within 100 feet of a landing.

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

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

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

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

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

SIGNALING

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

55.19–91 Hoistmen should not accept hoisting instructions by telephone unless the

regular signaling systems are out of order. During such an emergency one person should be designated to direct movement of the conveyance.

55.19-92 A method should be provided to signal hoist operators from within conveyances at any point in the shaft.

55.19-93 A standard code of hoisting signals should be adopted and used at each mine.

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

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

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

SHAFTS

55.19-105 *Mandatory-OPAC.* Shaft landings shall be equipped with substantial safety gates so constructed that materials will not go through or under them; gates shall be closed except when loading or unloading shaft conveyances.

55.19-106 *Mandatory-OPAC.* Positive stopblocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

55.19-107 Guides should be provided in each hoisting compartment in shafts inclined more than 45° from the horizontal.

55.19-108 Dumping facilities should be so constructed as to minimize spillage into the shaft.

55.19-109 Adequate clearance should be maintained at shaft stations to allow men to pass safely and to allow materials to be handled safely.

55.19-110 *Mandatory-OPAC.* A safe means of passage around open shaft compartments shall be provided on landings with more than one entrance to the shaft.

55.19-111 Shaft timbers should be kept clean of rocks and other loose material.

55.19-112 *Mandatory-OPAC.* Hoistmen shall be informed when men are working in a compartment affected by that hoisting operation and a "Men Working in Shaft" sign shall be posted at the hoist.

55.19-113 "Men Working in Shaft" signs should be posted at the signal devices at all active stations and landings when men are working in a compartment affected by that hoisting operation.

55.19-114 *Mandatory.* Shaft inspection and repair work shall be performed from substantial platforms equipped with bonnets or equivalent overhead protection.

55.19-115 *Mandatory-OPAC.* A substantial bulkhead or equivalent protection shall be provided above men at work deepening a shaft.

55.19-116 Substantial fixed ladders should be maintained as near the shaft bottom as practical during shaft-sinking operations. Chain, wire rope, or other extension ladders should be used from the fixed ladder to the shaft bottom.

INSPECTION AND MAINTENANCE

55.19-125 *Mandatory-OPAC.* A systematic procedure of inspection, testing, and maintenance of shafts and hoisting equipment shall be developed and followed. If it is found or suspected that any part is not functioning properly, the hoist shall not be used until the malfunction has been located and repaired or adjustments have been made.

55.19-126 Complete records should be kept of installation, lubrication, inspection, tests, and maintenance of shafts and hoisting equipment.

55.19-127 Parts used to repair hoists should have properties equal to or better than the original parts; replacement parts should be designed to fit the original installation.

55.19-128 Ropes should be kept well lubricated from end to end as recommended by the manufacturer.

55.19-129 Ropes should be cut off and reconnected to the conveyance as often as necessary to assure adequate inspection of rope condition and to effectively distribute wear of the rope. At least 6 feet should be cut from the rope above the highest connection; this portion should be examined carefully for corrosion, damage, wear, and fatigue by the rope manufacturer or an equally competent agency.

55.19-130 Hoisting ropes wound in multiple layers should be cut off and repositioned on the drum at regular intervals as necessary to effectively distribute wear of the rope. The length of the cutoff at the drum end should be greater than, but not an even multiple of, the circumference of the drum.

55.19-131 Ropes should be calipered at regular intervals as necessary to effectively determine the rate of wear and damage. Caliper measurements should be taken:

(a) Immediately above the socket or clips and above the safety connection;

(b) Where the ropes rest on the sheaves;

(c) Where the ropes leave the drums when the conveyances are at the regular stopping points;

(d) Where a layer of rope begins to overlap another layer on the drum.

55.19-132 Electromagnetic or other nondestructive rope testing systems should be used only as supplements to and not as substitutes for recommended inspections and tests.

55.19-133 *Mandatory-OPAC.* Ropes shall not be used for hoisting when they have:

(a) More than six broken wires in any lay;

(b) Crown wires worn to less than 65 percent of the original diameter;

(c) A marked amount of corrosion or distortion;

(d) A combination of similar factors individually less severe than those above but which in aggregate might create an unsafe condition.

55.19-134 *Mandatory.* Hoistmen shall examine their hoist and shall test overtravel, overspeed, and deadman controls, position indicators and braking mechanisms at the beginning of each shift.

55.19-135 Empty conveyances should be operated up and down shafts at least one round trip before hoisting men after any shaft or equipment repairs and before regular man trips are hoisted or lowered.

55.19-136 Rope and conveyance connections to conveyances should be inspected daily.

55.19-137 Safety catches should be inspected daily; drop tests should be made at the time of installation. Every 2 months the cage should be rested on chairs or proper blocking to check the operation or activation of the safety catches by allowing the rope to slacken suddenly.

55.19-138 Shafts should be inspected at least weekly.

55.19-139 Sheaves should be inspected daily and kept properly lubricated.

55.19-140 Rollers used in inclined shafts should be lubricated, properly aligned, and kept in good repair.

§ 55.20 Miscellaneous.

55.20-1 *Mandatory-OPAC.* Intoxicating beverages and narcotics shall not be permitted or used in or around mines. Persons under the influence of alcohol or narcotics shall not be permitted on the job.

55.20-2 *Mandatory-OPAC.* Potable water shall be available to all employees during working hours.

55.20-3 Good housekeeping should be practiced in and around a mine.

55.20-4 Men should not engage in horseplay.

55.20-5 *Mandatory-OPAC.* Carbontetrachloride shall not be used.

55.20-6 Protruding nails which may cause injury should be removed or completely bent over.

55.20-7 Employees should be constantly alert to the potential of accidents on their jobs.

55.20-8 Toilet facilities should be provided at convenient locations and should be kept clean and sanitary.

55.20-9 *Mandatory-OPAC.* Dusts suspected of being explosive shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

55.20-10 *Mandatory-OPAC.* If failure of a water or silt retaining dam will create a hazard, it shall be of substantial construction and inspected at regular intervals.

§ 55.21 Savings provision.

55.21-1 Unless otherwise specified herein, nothing contained in these standards shall prevent the continued utilization of equipment, facilities, or structures, including mine workings, now in use, which fall in whole or in part to meet the requirements of these standards, *Provided:*

(a) That such equipment, facilities, and structures are utilized in a safe manner and are maintained in safe condition.

(b) That any equipment, facilities and structures which do not meet the mandatory specifications and safety standards set forth herein shall not be used after January 1, 1972, unless modified to conform to such standards.

(c) That all replacements of or additions to existing equipment, facilities, or structures made after the effective date of these standards shall conform to such standards.

55.21-2 Nothing contained in § 55.21-1 above, shall be construed to conflict with, or limit, the authority granted by the Act to the Bureau to issue orders pursuant to section 8(a) of the Act.

55.21-3 Nothing contained in § 55.21-1 above, shall be construed to limit or conflict with any standards contained herein which prohibit specific unsafe work procedures or which require specific safe work procedures to be followed.

[F.R. Doc. 69-476; Filed, Jan. 15, 1969; 8:45 a.m.]

[30 CFR Part 56]

HEALTH AND SAFETY STANDARDS

Sand, Gravel, and Crushed Stone Operations

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 30 U.S.C. 721-740, Supp. III) to promulgate health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in metal and nonmetallic mines, it is proposed to add a new Part 56 to Title 30, Code of Federal Regulations, relating to sand, gravel, and crushed stone operations. The standards set forth in Part 56 have been developed in conjunction with the Sand and Gravel and Crushed Stone Operations Advisory Committee appointed pursuant to section 7 of the Act.

Scope. The standards set forth in Part 56 would be applicable to operations at which sand, gravel, or crushed stone is recovered by surface-mining methods. The regulations in Part 56 would not be applicable to the surface mining of metal and nonmetallic minerals other than sand, gravel, and crushed stone or to the underground mining of metal and nonmetallic minerals; these mines would be covered by standards set forth in new Parts 55 and 57 of Title 30, Code of Federal Regulations.

Specific designation of mandatory standards. Each standard which would be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the section in which the standard is prescribed. If the Sand, Gravel, and Crushed Stone Operations Advisory Committee has recommended that a standard be mandatory, the standard will be preceded by the word "Mandatory" and the letters "SGCS" in this manner—"Mandatory-SGCS."

In accordance with the provision of section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) interested persons are hereby afforded a period of 60 days after the date of publication in the FEDERAL REGISTER of proposed Part 56 in which to submit written data, views, or arguments respecting the proposed standards contained in Part 56. Communications should be addressed to the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Subject to the provision of subsection (e) of section 6 and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725(d)) on or before the last day of the 60-day period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard and which has not been recommended as a mandatory standard by the Sand and Gravel and Crushed Stone Operations Advisory Committee may file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the provisions of the Administrative Procedure Act) on such objections.

Pursuant to the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725(e)) proposed mandatory standards which have been recommended as mandatory by the Sand and Gravel and Crushed Stone Operations Advisory Committee are not subject to hearings. Only those proposed standards which have not been recommended by the Sand and Gravel and Crushed Stone Operations Advisory Committee as mandatory are subject to hearings.

The new proposed Part 56 is set forth below.

DAVID S. BLACK,
Under Secretary of the Interior.

JANUARY 9, 1969.

Sec.
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§ 56.1 Purpose and scope.

The regulations in this part are promulgated pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and prescribe health and safety standards for sand, gravel, and crushed stone operations which are subject to the act. Each standard which is preceded by the word "Mandatory" is a mandatory standard. The violation of a mandatory standard will subject an operator to an order or notice under section 8 of the act (30 U.S.C. 727).

§ 56.2 Definitions.

As used in this part:

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

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

"Berm" means a pile or mound of material capable of stopping a vehicle.

"Blasting agent" means any material or mixture of a fuel and oxidizer intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients is classified as an explosive (provided that the material or mixture cannot be detonated by a No. 8 test blasting cap under the conditions specified for the cap sensitivity test).

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

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

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

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

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

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

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

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

"Detonating fuse" means a round flexible cord containing a center core of high explosives.

"Detonator" means a device used for detonating an explosive, including, but not limited to, blasting caps, exploders, percussion caps, primers, electric detonators, and delay electric blasting caps.

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

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

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

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

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

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. Explosives include, but are not limited to black powder, dynamite, nitroglycerin, nitroglycerin compounds, fulminate, and ammonium nitrate when mixed with a hydrocarbon.

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

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

"Flammable Liquid" means liquid having a flash point below 140° F and having a vapor pressure not exceeding 40 p.s.i. (absolute) at 100° F.

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

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

"High potential" means more than 650 volts.

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

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

"Incline" means any inclined plane, whether above or beneath the surface.

"Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any

building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

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

"Low potential" means 650 volts or less.

"Magazine" means a storage place for explosives of detonators.

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

"Manlift" means a power-driven vertical belt having regularly spaced steps which can be boarded by man and used to travel from one elevation to another.

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

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

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

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

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

"Potable" means fit for drinking.

"Primer" means a package or cartridge of explosives with a detonator.

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

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

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

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

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

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

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

"Semiconductive hose" means hose having an electrical resistance of not less than 5,000 ohms per foot and not more than 2 megohms for its total length, used in pneumatic placement of blasting agents in boreholes.

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

"Sprung hole" means a blasting hole chambered or enlarged to take an increased charge of explosives.

"Stemming" means the inert material, and the placing of such material, on top of a charge of explosives.

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

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

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

"Threshold limit values" refers to airborne concentrations of substances and represent conditions under which it is believed that nearly all workers may be repeatedly exposed for a full shift, day after day, without adverse effect.

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

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

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

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

§ 56.3 Ground control.

56.3-1 *Mandatory-SGCS.* Standards acceptable to the Secretary for the safe control of pit walls, including the overall slope of the pit wall, shall be established and followed by the operator. Such standards shall be consistent with prudent engineering design, the nature of the ground and the kind of material and mineral mined, and the ensuring of safe working conditions according to the degree of slope. Mining methods shall be selected which will ensure wall and bank stability, including benching as necessary to obtain a safe overall slope.

56.3-2 *Mandatory-SGCS.* Loose unconsolidated material shall be stripped for a safe distance, but in no case less than 10 feet, from the top of pit or quarry walls, and the loose unconsolidated material shall be sloped to the angle of repose.

56.3-3 *Mandatory-SGCS.* To ensure safe operation, the width and height of benches shall be governed by the type of equipment to be used and the operation to be performed.

56.3-4 *Mandatory-SGCS.* Safe means for scaling pit banks shall be provided. Where power shovels are used for scaling, banks shall be limited to heights that can be scaled with the shovel buckets. Exposed bank areas shall be scaled before any other work is performed in the exposed bank area.

56.3-5 *Mandatory-SGCS.* Men shall not work near or under dangerous banks. Overhanging banks shall be taken down immediately and other unsafe ground conditions shall be corrected promptly, or the areas shall be barricaded and posted.

56.3-6 *Mandatory-SGCS.* Men shall approach loose rock and areas to be scaled from above and shall scale from a safe location.

56.3-7 Baffleboards, screens, cribbing, or other suitable means should be provided to prevent movement of material into cuts developed into steep hillsides.

56.3-8 *Mandatory-SGCS.* The supervisor, or a competent person designated by him, shall examine working areas and faces for unsafe conditions at least at the beginning of each shift and after blasting. Any unsafe condition found shall be corrected before any further work is performed at the immediate area or face at which the unsafe condition exists.

56.3-9 *Mandatory-SGCS.* Men shall examine their working places before starting work and frequently thereafter and any unsafe condition shall be corrected.

56.3-10 Banks, benches, and terrain sloping into the working areas should be examined after every rain, freeze, or thaw before men work in such areas.

56.3-11 Large boulders requiring secondary blasting should be in a safe location before they are drilled or broken.

56.3-12 *Mandatory-SGCS.* Men shall not work between equipment and the pit wall or bank where the equipment may hinder escape from falls or slides of the bank.

56.3-13 Rock-bolt installations, where used, should be in accordance with recommendations of the Bureau of Mines or other competent agency.

§ 56.4 Fire prevention and control.

56.4-1 *Mandatory-SGCS.* No person shall smoke or use an open flame where oil, grease, flammable solvents, liquids, fluids, or other flammable materials are stored, transported, handled, or used, nor within an unsafe distance of any area or place where such practices may cause a fire or explosion.

56.4-2 *Mandatory-SGCS.* Signs warning against smoking and open flames shall be posted so they can be readily seen in areas or places where fire or explosion hazards exist.

56.4-3 Areas surrounding flammable-liquid storage tanks and electric substations and transformers should be kept free from grass (dry), weeds, underbrush, and other combustible materials for at least 25 feet in all directions.

56.4-4 *Mandatory.* Flammable liquids shall be stored in accordance with standards of the National Fire Protection Association or other recognized agencies approved by the Bureau of Mines. Small quantities of flammable liquids drawn from storage shall be kept in appropriately labeled safety cans.

56.4-5 Unburied flammable-liquid storage tanks should be mounted securely on firm foundations. Outlet piping should be provided with flexible connections or other special fittings to prevent adverse effects from tank settling.

56.4-6 Buildings or rooms in which oil, grease, flammable liquids, or similar flammable materials are stored should be of fire-resistant construction and well ventilated.

56.4-7 Means should be provided to confine, remove, control, or drain away spilled or flowing flammable liquids.

56.4-8 *Mandatory-SGCS.* Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards.

56.4-9 *Mandatory-SGCS.* All heat sources, including lighting equipment, capable of producing combustion shall be insulated or isolated from combustible materials.

56.4-10 *Mandatory-SGCS.* Power wires and cables shall be adequately insulated where they pass through doors or walls or where they present a fire hazard.

56.4-11 *Mandatory-SGCS.* Abandoned electrical circuits shall be deenergized and isolated so that they cannot become energized inadvertently.

56.4-12 Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

56.4-13 Materials, such as oily waste and rags, which are subject to spontaneous combustion should be placed in tightly covered metal containers until disposed of properly.

56.4-14 *Mandatory-SGCS.* Solvents with flashpoints lower than 100° F. (38° C.) shall not be used for cleaning.

56.4-15 *Mandatory-SGCS.* Solvents shall not be used near an open flame or other ignition source, or near any source of heat, or in an atmosphere that can elevate the temperature of the solvent above the flashpoint.

56.4-16 Drip pans should be provided to catch leakage or spillage when oil or flammable liquids are dispensed in a place or manner which may create a hazard.

56.4-17 Floors around drip pans should be covered with sand or other suitable noncombustible material and such sand or material should be replaced as necessary.

56.4-18 *Mandatory-SGCS.* Oxygen cylinders shall not be stored near oil or grease.

56.4-19 *Mandatory-SGCS.* Gauges and regulators used with oxygen or acetylene cylinders shall be kept clean and free of oil and grease.

56.4-20 *Mandatory-SGCS.* Battery-charging stations shall be located in well ventilated areas.

56.4-21 *Mandatory-SGCS.* Internal combustion engines, except diesels, shall be shut off and stopped before being fueled.

56.4-22 *Mandatory-SGCS.* Each mine shall have available or be provided with suitable firefighting equipment adequate for the size of the mine.

56.4-23 *Mandatory-SGCS.* Firefighting equipment shall be strategically located, readily accessible, plainly marked, properly maintained, and inspected periodically. Records shall be kept of such inspections.

56.4-24 Fire extinguishers should be:

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

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

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

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

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

56.4-25 Fire hydrants should be:

(a) Of a standard type to fit the hose equipment of local fire departments. Adapters should be provided if necessary.

(b) Provided with readily available wrenches or keys to open the valves.

56.4-26 Water pipes, valves, outlets, hydrants, and hoses designed for firefighting purposes should be inspected and tested every 3 months.

56.4-27 Suitable fire extinguishers should be provided on self-propelled mobile equipment with enclosed cabs.

56.4-28 Suitable fire extinguishers should be an integral part of portable cutting and welding equipment.

56.4-29 *Mandatory-SGCS.* When welding or cutting near combustible materials, suitable precautions shall be taken to insure that smoldering metal or sparks do not result in a fire.

56.4-30 Employees should be trained in the use of firefighting equipment.

56.4-31 A firefighting organization should be established, equipped, and trained in firefighting; drills should be held at least twice a year.

56.4-32 All employees should be instructed on current escape and evacuation plans, fire-alarm signals, and applicable procedures to be followed in case of fire.

56.4-33 Fire-alarm systems adequate to warn all employees should be provided and maintained in operating condition.

56.4-34 Two exits should be provided where men work or congregate.

56.4-35 *Mandatory-SGCS.* Values on oxygen and acetylene tanks shall be kept closed when the contents are not being used.

56.4-36 Belt conveyors in locations where fire would create a hazard to personnel should be provided with safety switches to stop the drive pulley automatically in the event of excessive slippage.

§ 56.5 Air quality.

56.5-1 *Mandatory-SGCS.* Where airborne concentrations of dust, gas, mist, and fumes are encountered which exceed threshold limit values adopted by the American Conference of Governmental Hygienists, and persons are exposed to such concentrations, control measures shall be adopted to maintain concentrations below such threshold limit values.

56.5-2 *Mandatory-SGCS.* Dust, gas, mist, and fumes surveys shall be conducted as frequently as necessary to determine the adequacy of control measures.

56.5-3 *Mandatory - SGCS.* Atmospheres where persons work (including equipment cabs) shall contain:

(a) At least 20 percent oxygen;

(b) Not more than 0.005 percent carbon monoxide, 0.5 percent carbon dioxide, and five parts per million nitrogen dioxide or other threshold limit values for these gases adopted by the American Conference of Governmental Industrial Hygienists;

(c) No harmful quantities of other gases, fumes, or mists as determined by threshold limit values established by the American Conference of Governmental Industrial Hygienists.

56.5-4 *Mandatory-SGCS.* Holes shall be collared and drilled wet, or other efficient dust control measures shall be used when drilling non-water-soluble materials. Efficient dust control measures shall be used when drilling water-soluble materials.

56.5-5 Muck piles, haulage roads, rock transfer points, crushers, and other points where dust is produced should be wet down at the beginning of the shift and thereafter as necessary, unless dust is controlled adequately by other methods.

56.5-6 *Mandatory-SGCS.* Bureau of Mines approved respirators shall be worn for protection against short-term exposures to concentrations of substances in excess of threshold limit values. Where a concentration of a substance is encountered for which a respirator has not been approved by the Bureau of Mines, respirators developed and tested by an agency or organization acceptable to the Bureau shall be used. Where an approved or acceptable respirator is not available, no person shall enter or be exposed to concentrations in excess of threshold limit values. Except as provided in this section, use of respirators shall not be substituted for regular control measures.

§ 56.6 Explosives.

Storage

56.6-1 *Mandatory-SGCS.* Detonators explosives, and blasting agents shall be stored in magazines.

56.6-2 *Mandatory-SGCS.* Separate magazines shall be provided for the storage of detonators and explosives.

56.6-3 *Mandatory-SGCS.* Detonators shall not be stored in the same magazine with explosives or blasting agents.

56.6-4 Blasting agents, safety fuse, or detonating fuse may be stored with explosives.

56.6-5 *Mandatory-SGCS.* Magazines shall be:

(a) Located in accordance with the current American table of distances for storage of explosives;

(b) Detached structures located away from powerlines, fuel storage areas, and other possible sources of fire;

(c) Constructed substantially of noncombustible material or covered with fire-resistent material;

(d) Reasonably bullet resistant;

(e) Electrically bonded and grounded if constructed of metal;

(f) Made of nonsparking materials on the inside, including floors;

(g) Provided with adequate and effectively screened ventilation openings near the floor and ceiling;

(h) Kept locked securely when unattended;

(i) Posted with suitable danger signs so located that a bullet passing through the face of a sign will not strike the magazine;

(j) Used exclusively for storage of blasting agents, explosives, or detonators and kept free of all extraneous materials;

(k) Kept clean and dry in the interior, and in good repair;

(l) Unheated, unless heated in a manner that does not create a fire or explosion hazard. Electrical heating devices shall not be used inside a magazine.

56.6-6 *Mandatory.* Only enclosed and gasketed fixtures and wiring in conduit shall be used inside magazines that are illuminated electrically.

56.6-7 *Mandatory.* Electric switches shall be outside the magazines.

56.6-8 Areas surrounding magazines for not less than 25 feet in all directions should be kept free of rubbish and other combustibles.

56.6-9 *Mandatory-SGCS.* Smoking and open flames shall not be permitted within 25 feet of explosives and detonator-storage magazines.

56.6-10 Cases of explosives should be stored in such a manner to assure the use of the oldest stock first.

56.6-11 *Mandatory-SGCS.* Ammonium nitrate fuel-oil mixtures shall be physically separated from dynamite stored in the same magazine and in such a manner that oil does not contaminate the dynamite.

56.6-12 Cases of explosives should not be stored on their ends or sides.

56.6-13 Cases of explosives should not be stacked more than 6 feet high.

Transportation

56.6-20 *Mandatory-SGCS.* Explosives and detonators shall be transported in separate vehicles unless separated by 4 inches of hardwood or the equivalent.

56.6-21 *Mandatory-SGCS.* When explosives and detonators are hauled by trolley locomotive, covered electrically insulated cars shall be used.

56.6-22. *Mandatory-SGCS.* Self-propelled vehicles used to transport explosives or detonators shall be equipped with suitable fire extinguishers.

56.6-23. *Mandatory-SGCS.* Vehicles containing explosives or detonators shall be posted with proper warning signs.

56.6-24 *Mandatory-SGCS.* When vehicles containing explosives or detonators are parked, the brakes shall be set, the motive power shut off, and the vehicles shall be blocked securely against rolling.

56.6-25 *Mandatory-SGCS.* Vehicles containing explosives or detonators shall not be left unattended except in blasting areas where loading or charging is in progress.

56.6-26 Vehicles containing explosives or detonators should not be taken to a repair garage or shop for any purpose.

56.6-27 *Mandatory-SGCS.* Vehicles containing explosives or detonators shall be maintained in good condition and shall be operated at a safe speed and in accordance with all safe operating practices.

56.6-28 *Mandatory-SGCS.* Vehicles used to transport explosives other than anfo mixtures, shall have substantially constructed bodies, no sparking metal exposed in the

cargo space, and shall be equipped with suitable sides and tail gates; explosives shall not be piled higher than the side or end enclosures.

56.6-29 Explosives should be transported at times and over routes that expose a minimum number of persons.

56.6-30 Explosives or detonators in open-bodied vehicles should be covered with fire and water retardant materials.

56.6-31 *Mandatory-SGCS.* Other materials or supplies shall not be placed on or in the cargo space of a conveyance containing explosives or detonators.

56.6-32 *Mandatory-SGCS.* Explosives or detonators shall not be transported on locomotives.

56.6-33 *Mandatory-SGCS.* No person shall smoke while transporting or handling explosives or detonators.

56.6-34 *Mandatory-SGCS.* Only the necessary attendants shall ride on or in vehicles containing explosives or detonators.

56.6-35 *Mandatory-SGCS.* Explosives or detonators shall not be transported on man trips.

56.6-36 Explosives should be transported promptly without undue delays in transit.

56.6-37 *Mandatory-SGCS.* Nonconductive containers with tight-fitting covers shall be used to transport or carry capped fuses and electric detonators to blasting sites.

56.6-38 *Mandatory-S G C S.* Substantial nonconductive closed containers shall be used to carry explosives to blasting sites.

USE

56.6-45 *Mandatory-SGCS.* Persons who use exposives, blasting agents, or detonators shall be experienced men who understand the hazards involved; trainees shall do such work only under the supervision of and in the immediate presence of experienced men.

56.6-46 Blasting operations should be under the direct control of authorized persons.

56.6-47 *Mandatory-SGCS.* Damaged or deteriorated explosives, blasting agents, and detonators shall be destroyed in a safe manner.

56.6-48 *Mandatory.* Explosives or detonators shall not be taken to the face or the immediate vinicity of the blasting site until all other work has been completed.

56.6-49 *Mandatory.* Holes to be blasted shall be charged as near to blasting time as practical and such holes shall be blasted as soon as possible after charging has been completed. In no case shall the time elapsing between the completion or charging to the time of blasting exceed 72 hours unless prior approval has been obtained from the Bureau of Mines.

56.6-50 *Mandatory-SGCS.* No person shall smoke within 25 feet of explosives, blasting agents, or detonators.

56.6-51 *Mandatory-SGCS.* Explosives and blasting agents shall be kept separated from detonators until charging is started.

56.6-52 *Mandatory-SGCS.* Primers shall be made up at the time of charging and as close to the blasting site as conditions allow.

56.6-53 Primers should be prepared so that the detonator is contained securely along the centerline of the explosives cartridge.

56.6-54 *Mandatory-SGCS.* Only wooden or other nonsparking implements shall be used to punch holes in explosives cartridges.

56.6-55 *Mandatory-SGCS.* Tamping poles shall be blunt and squared at one end and made of wood, nonsparking material, or of special plastic acceptable to the Bureau of Mines.

56.6-56 No tamping should be done directly on primer cartridges.

56.6-57 *Mandatory-SGCS.* Unused explosives and detonators shall be moved to a safe location as soon as charging operations are completed.

56.6-58 *Mandatory-SGCS.* Areas in which charged operations are completed.

56.6-59 *Mandatory.* Ample warning shall be given before blasts are fired. All persons shall be cleared and removed from areas endangered by the blast.

56.6-60 *Mandatory.* Sufficient blasting shelters shall be provided to protect all men endangered by fly rock from blasting.

56.6-61 *Mandatory-SGCS.* When safety fuse has been used, men shall not return to misfired holes for at least 30 minutes.

56.6-62 *Mandatory.* When electric blasting caps have been used, men shall not return to misfired holes for at least 15 minutes.

56.6-63 Faces and muckpiles should be examined for undetonated explosives after each blast and undetonated explosives found should be disposed safely.

56.6-64 *Mandatory-SGCS.* Misfires shall be reported to the proper supervisor and shall be disposed of safely before any other work is performed in that blasting area.

56.6-65. Blast holes in "hot-hole" areas and holes that have been sprung should not be charged before tests have been made to ensure that the heat has been dissipated to a safe extent.

56.6-66 If explosives are suspected of burning in a hole, all persons in the endangered area should be moved to a safe location until the danger has passed.

56.6-67 *Mandatory-SGCS.* Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

56.6-68 *Mandatory-SGCS.* Fuse and igniters shall be stored in a cool, dry place away from oils or grease.

56.6-69 Fuse should not be kinked, bent sharply, or handled roughly.

56.6-70 *Mandatory-SGCS.* Fuses shall be cut and capped in safe, dry locations posted with "No Smoking" signs.

56.6-71 *Mandatory-SGCS.* Blasting caps shall be crimped to fuses only with implements designed for that specific purpose.

56.6-72 *Mandatory-SGCS.* The burning rate of the fuse shall be posted in the fuse-capping station in a conspicuous location such that the burning rate will be brought to the attention of all men concerned with blasting.

56.7-73 *Mandatory-SGCS.* Fuses less than 48 inches long shall not be used.

56.6-74 *Mandatory-SGCS.* At least two men shall be present when lighting fuses, and no man shall light more than 15 individual fuses. If more than 15 holes per man are to be fired, igniter cord and connectors or electric blasting shall be used.

56.6-75 A safe interval of time should be allowed to light a round and evacuate the blasting area.

56.6-76 *Mandatory-SGCS.* Fuse shall be ignited with hot-wire lighters, lead spitters, igniter cord, or other such devices designed for this purpose.

56.6-77 *Mandatory-SGCS.* Fuse shall not be ignited before the primer and the entire charge are securely in place.

56.6-78 Timing should be such that the fuse in the last hole to fire is burning within the hole before the first hole fires.

56.6-79 Electric detonators of different brands should not be used in the same round.

56.6-80 *Mandatory-SGCS.* Electric detonators shall remain shunted until they are being wired into the blasting circuit. Lead lines and wired rounds shall be kept shunted until immediately before blasting.

56.6-81 Completely wired rounds should be tested with a blasting galvanometer before connections are made to the blasting line.

56.6-82 *Mandatory-SGCS.* Lead wires and blasting lines shall not be strung across power conductors, pipelines, railroad tracks, or within 20 feet of bare powerlines. They shall be protected from sources of static or other electrical contact.

56.6-83 *Mandatory-SGCS.* Permanent blasting lines shall be properly supported, insulated, and kept in good repair.

56.6-84 *Mandatory-SGCS.* Charging shall be stopped immediately when the presence of static electricity or stray current is detected; the condition shall be remedied before charging is resumed.

56.6-85 *Mandatory-SGCS.* Charging shall be suspended in surface mining, shaft sinking, and tunneling and men withdrawn to a safe location upon the approach of an electrical storm.

56.6-86 *Mandatory-SGCS.* If branch circuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast areas shall be provided in addition to the main blasting switch.

56.6-87 *Mandatory-SGCS.* Safety switches and blasting switches shall be labeled, encased in boxes, and arranged so that the covers of the boxes cannot be closed with the switches in closed position.

56.6-88 *Mandatory-SGCS.* Blasting switches shall be locked in the open position, except when closed to fire the blast. Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.

56.6-89 *Mandatory-SGCS.* The key to a blasting switch shall be entrusted only to the person designated to fire blasts.

56.6-90 *Mandatory-SGCS.* Electric circuits from the blasting switches to the blast area shall not be grounded.

56.6-91 At least a 5-foot air gap should be provided between the blasting circuit and the power circuit.

56.6-92 *Mandatory-SGCS.* Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted shall be deenergized before explosives are brought into the area; the power shall not be turned on again until after the shots are fired.

56.6-93 Power sources should be suitable for the number of electric detonators to be fired and for the type of circuits used.

56.6-94 *Mandatory.* The double trunkline or loop system shall be used in detonating-cord blasting.

56.6-95 *Mandatory-SGCS.* The trunkline, in multiple row blasts, shall make one or more complete loops, with crossties between loops at internals of not over 200 feet.

56.6-96 *Mandatory.* All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunkline.

56.6-97 Delay connectors for firing detonating cord should be treated and handled with the same safety precautions as blasting caps and electric detonators.

56.6-98 Detonating cord should not be kinked, bent, or otherwise handled in such a manner that the train of detonation may be interrupted.

SENSITIZED AMMONIUM NITRATE BLASTING AGENTS

56.6-110 If sensitized ammonium nitrate blasting agents are not purchased premixed, all procedures concerning storage of components and the final product, mixing, and transportation should be in accordance with Bureau of Mines Information Circular 8179, "Safety Recommendations for Sensitized Ammonium Nitrate Blasting Agents," or subsequent revisions.

56.6-111 *Mandatory.* In the use of sensitized ammonium nitrate mixtures and blasting agents the same precautions shall be taken as for high explosives.

56.6-112 Adequate priming should be employed to guard against misfires, increased toxic fumes, and poor performance.

56.6-113 *Mandatory-SGCS.* Where pneumatic loading is employed, before any type

of blasting operation using blasting agents is put into effect, an evaluation of the potential hazard of static electricity shall be made. Adequate steps, including the grounding and loading of the conductive parts of pneumatic loading equipment, shall be taken to eliminate the hazard of static electricity before blasting agent use is commenced.

56.6–114 *Mandatory-SGCS.* Pneumatic loading equipment shall not be grounded to waterlines, air lines, rails, or the permanent electrical grounding systems.

56.5–115 *Mandatory.* Hoses used in connection with pneumatic loading machines shall be of the semiconductive type, having a total resistance low enough to permit the dissipation of static electricity and high enough to limit the flow of stray electric currents to a safe level. Wire-countered hose shall not be used because of the potential hazard from stray electrical currents.

56.6–116 Reasonable precautions should be exercised to exclude moisture from blasting agents other than slurries. Water should be removed from holes before holes are charged. If water continues to flow into boreholes, sensitized ammonium nitrate should not be used.

56.6–117 *Mandatory-SGCS.* Plastic tubes shall not be used to protect pneumatically loaded blasting agent charges against water unless a positive grounding system is provided to drain electrostatic charges from the hole.

§ 56.7 Drilling.

56.7–1 Equipment should be inspected each shift by an authorized individual. Equipment defects affecting safety should be reported.

56.7–2 *Mandatory-SGCS.* Equipment defects affecting safety shall be corrected before the equipment is used.

56.7–3 *Mandatory-SGCS.* The drilling area shall be inspected for hazards before starting the drilling operations.

56.7–4 *Mandatory-SGCS.* Men shall not be on the mast while the drill is in operation.

56.7–5 *Mandatory-SGCS.* Drill crews and others shall stay clear of augers or drill stems that are in motion. Persons shall not pass under or step over a moving stem or auger.

56.7–6 Receptacles or racks should be provided for drill steel stored on drills.

56.7–7 Tools and other objects should not be left loose on the mast or drill platform.

56.7–8 *Mandatory-SGCS.* When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast placed in a safe position.

56.7–9 The drill helper, when used, should be in sight of the operator at all times while the drill is being moved to a new location.

56.7–10 *Mandatory-SGCS.* In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

56.7–11 *Mandatory-SGCS.* The drill stem shall be resting on the bottom of the hole or on the platform with the stem secured to the mast before attempts are made to straighten a crossed cable on reel.

56.7–12 *Mandatory-SGCS.* While in operation, drills shall be attended at all times.

56.7–13 *Mandatory-SGCS.* Drill holes large enough to constitute a hazard shall be covered or guarded.

56.7–14 Men operating or working near jackhammers or jackleg drills and other drilling machines should position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.

56.7–15 Men should not drill from positions that hinder their access to the control levers, or from insecure footing or staging, or from atop equipment not designed for this purpose.

56.7–16 Bit wrenches or bit knockers should be used to remove detachable bits from drill steel.

56.7–17 Starter steels should be used when collaring holes with hand-held or feed-leg drills.

56.7–18 *Mandatory-SGCS.* Men shall not hold the drill steel while collaring holes, or rest their hands on the chuck or centralizer while drilling.

56.7–19 Air should be turned off and bled from the hose before hand-held drills are moved from one working area to another.

§ 56.8 Rotary jet piercing.

56.8–1 Jet drills should be provided with:

(a) A system to pressurize operator's cabs;

(b) A protective cover over the oxygen flow indicator.

56.8–2 *Mandatory-SGCS.* Safety chains provided across connections to and between high pressure oxygen hose lines of 1-inch inside diameter or larger.

56.8–3 *Mandatory-SGCS.* A suitable means of protection shall be provided for the employee when lighting the burner.

56.8–4 With equipment requiring refueling at locations other than fueling stations, a system for fueling from the ground without spill should be provided.

56.8–5 *Mandatory-SGCS.* Men shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines. Signs warning against smoking and open flames shall be posted in these areas.

§ 56.9 Loading, hauling, dumping.

56.9–1 Equipment should be inspected each shift by an authorized individual. Equipment defects affecting safety should be reported.

56.9–2 *Mandatory-SGCS.* Equipment defects affecting safety shall be corrected before the equipment is used.

56.9–3 *Mandatory-SGCS.* Powered mobile equipment shall be provided with adequate brakes.

56.9–4 Powered mobile haulage equipment should be provided with audible warning devices. Lights should be provided on both ends when required.

56.9–5 *Mandatory-SGCS.* Operators shall be certain, by signal or other means, that all persons are clear before starting or moving equipment.

56.9–6 *Mandatory.* When the entire length of the conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor. When the entire length of the conveyor is not visible from the starting switch, a positive audible or visible warning system shall be installed and operated to warn persons that the conveyor will be started.

56.9–7 *Mandatory.* Unguarded conveyors with walkways shall be equipped with emergency stop devices or cords along their full length.

56.9–8 Adequate protection should be provided at dumping locations where men may be endangered by falling material.

56.9–9 *Mandatory-SGCS.* Operators shall sound warning before starting trains, when trains approach crossings or other trains on adjacent tracks, and where vision is obscured.

56.9–10 *Mandatory-SGCS.* Trucks, shuttle cars, and front-end loaders shall be equipped with emergency brakes separate and independent of the regular braking system.

56.9–11 Operators' cabs should be constructed to permit operators to see without straining and should be reasonably comfortable.

56.9–12 *Mandatory-SGCS.* Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.

56.9–13 *Mandatory-SGCS.* Cabs of mobile equipment shall be kept free of extraneous materials.

56.9–14 In areas where weather conditions justify, haulage trucks with cabs should be equipped with heaters and/or air conditioners maintained in good condition.

56.9–15 *Mandatory-SGCS.* Adequate backstops or brakes shall be installed on inclined-conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.

56.9–16 *Mandatory-SGCS.* No person shall be permitted to ride a power driven-chain, belt, or bucket conveyor, unless the belt is specifically designed for the transportation of persons.

56.9–17 Slusher hoists should be equipped with backlash guards, rollers, drum covers, and anchored securely before slushing operations are started.

56.9–18 Roadbeds, rails, joints, switches, frogs, and other elements on railroads should be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.

56.9–19 Equipment operating speeds should be prudent and consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.

56.9–20 Dust control measures should be taken where dust significantly reduces visibility of equipment operators.

56.9–21 *Mandatory-SGCS.* Where possible at least 30 inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30-inch clearance shall be marked conspicuously.

56.9–22 Track guard rails, lead rails, and grogs should be protected or blocked so as to prevent a person's foot from becoming wedged.

56.9–23 *Mandatory-SGCS.* Positive-acting stopblocks, derail devices, track skates or other adequate means shall be installed wherever necessary to protect persons from runaway or moving railroad equipment.

56.9–24 Traffic rules, signals, and warning signs should be standardized at each mine and posted.

56.9–25 Vehicles should follow at a safe distance; passing should be limited to areas of adequate clearance and visibility.

56.9–26 *Mandatory-SGCS.* Berms or guards shall be provided on the outer banks of elevated roadways.

56.9–27 *Mandatory-SGCS.* Trackless haulage equipment shall be operated under power control at all times.

56.9–28 *Mandatory-SGCS.* Mobile equipment operators shall have full control of the equipment while it is in motion.

56.9–29 *Mandatory-SGCS.* Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.

56.9–30 *Mandatory-SGCS.* Only authorized persons shall be present in areas of loading of dumping operations.

56.9–31 *Mandatory-SGCS.* When an operator is present, men shall notify him before getting on or off equipment.

56.9–32 *Mandatory-SGCS.* Switch throws shall be installed so as to provide adequate clearance for switchmen.

56.9–33 Operators should sit facing the direction of travel while operating equipment with dual controls.

56.9–34 *Mandatory-SGCS.* Men shall not work or pass under the buckets or booms of loaders in operation.

56.9–35 *Mandatory-SGCS.* When traveling between work areas, the equipment shall be secured in the travel position.

56.9–36 *Mandatory-SGCS.* Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.

56.9–37 *Mandatory-SGCS.* Men shall not ride in dippers, buckets, forks, clamshells, or in the beds of dump trucks for the purpose of transportation.

56.9–38 Loaded cars or trucks should not be moved until the loads are trimmed properly.

56.9–39 Movements of two or more pieces of rail equipment operating independently on the same track should be regulated by an efficient signal block, telephone, or radio system; movements on complex haulage systems should be adequately controlled.

56.9–40 *Mandatory-SGCS.* Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set or other equivalent precautions are taken against rolling.

56.9–41 *Mandatory-SGCS.* Mobile equipment shall not be left unattended unless the brakes are set. The wheels shall be turned into a bank or rib, or shall be blocked, when such equipment is parked on a grade.

56.9–42 *Mandatory-SGCS.* Men shall not get on or off moving equipment, except that trainmen may get on or off of slowly moving trains.

56.9–43 *Mandatory-SGCS.* Men shall not ride on top of loaded haulage equipment.

56.9–44 *Mandatory-SGCS.* Only authorized persons shall be permitted to ride on trains or locomotives and they shall ride in a safe position.

56.9–45 Rocker-bottom or bottom-dump cars should be equipped with positive locking devices.

56.9–46 *Mandatory-SGCS.* Men shall not ride outside the cabs and beds of mobile equipment.

56.9–47 *Mandatory-SGCS.* Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.

56.9–48 *Mandatory-SGCS.* Parked railcars, unless held effectively by brakes shall be blocked securely.

56.9–49 *Mandatory-SGCS.* Railroad cars with braking systems, when in use, shall be equipped with effective brake shoes.

56.9–50 Long material should be transported by a method designed to prevent any overhang from creating a hazard.

56.9–51 *Mandatory-SGCS.* Railcars shall not be left on side tracks unless ample clearance is provided for traffic on adjacent tracks.

56.9–52 *Mandatory-SGCS.* Persons shall not go over, under, or between cars unless the train is stopped and the motorman has been notified and the notice acknowledged.

56.9–53 *Mandatory-SGCS.* Inability of the motorman to clearly recognize the brakeman's signals when the train is under the direction of the brakeman shall be construed by the motorman as a stop signal.

56.9–54 Dumping locations and haulage roads should be kept reasonably free of water, debris, and spillage.

56.9–55 *Mandatory-SGCS.* Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

56.9–56 Where the ground at a dumping place may fail to support the weight of a loaded dump truck, trucks should be dumped back from the edge of the bank.

56.9–57 Where necessary, bumper blocks or the equivalent should be provided at all track dead ends.

56.9–58 Grizzlies, grates, and other sizing devices at dump and transfer points should be anchored securely in place.

56.9–59 *Mandatory-SGCS.* If truck spotters are used, they shall be well in the clear while trucks are backing into dumping position and dumping; lights shall be used at night to direct trucks.

56.9–60 *Mandatory-SGCS.* Public and permanent railroad crossings shall be posted with warning signs or signals, or shall be guarded when trains are passing and shall be planked or otherwise filled between the rails.

56.9–61 *Mandatory-SGCS.* Where overhead clearance is restricted, warning devices shall be installed and the restricted area shall be conspicuously marked.

56.9–62 *Mandatory-SGCS.* Stockpile and muckpile faces shall be trimmed to prevent hazards to personnel.

56.9–63 *Mandatory-SGCS.* Rocks too large to be handled safely shall be broken before loading.

56.9–64 Ramps and dumps should be of solid construction, of ample width, have ample side clearance and headroom, and be kept reasonably free of spillage.

56.9–65 *Mandatory-SGCS.* Chute-loading installations shall be designed so that men pulling chutes are not required to assume hazardous positions while loading cars.

56.9–66 Cars should not be coupled or uncoupled manually from the inside of curves.

56.9–67 *Mandatory-SGCS.* Facilities used to transport men to and from work areas shall not be overcrowded.

56.9–68 *Mandatory-SGCS.* Supplies, materials, and tools other than small hand tools shall not be transported with men in mantrip vehicles, unless such vehicles are specifically designed to make such transportation safe.

56.9–69 *Mandatory-SGCS.* Lights, flares, or other warning devices shall be posted when parked equipment creates a hazard to vehicular traffic.

56.9–70 *Mandatory-SGCS.* Tires shall be deflated before repairs on them are started and adequate means shall be provided to prevent wheel locking rims from creating a hazard during tire inflation.

56.9–71 Any load extending more than 4 feet beyond the rear of the vehicle body should be marked clearly with a red flag by day and a red light at night.

56.9–72 A tow bar should be used to tow heavy equipment. A safety chain should be used in conjunction with the tow bar.

§ 56.10 Aerial tramways.

56.10–1 Buckets should not be overloaded, and feed should be regulated to prevent spillage.

56.10–2 Carriers, including loading and unloading mechanisms, should be inspected each shift; brakes should be inspected daily; ropes and supports should be inspected as recommended by the manufacturer of as physical conditions warrant. Records of rope maintenance and inspections should be kept.

56.10–3 *Mandatory-SGCS.* Any hazardous defects shall be corrected before the equipment is used.

56.10–4 Positive action-type brakes should be provided on aerial tramways.

56.10–5 Track cable connections should be designed to offer minimum obstruction to the passage of wheels.

56.10–6 Guards should be installed to prevent swaying buckets from hitting towers.

56.10–7 *Mandatory-SGCS.* Guard nets shall be provided where tramways pass over roadways, walkways, and buildings.

56.10–8 *Mandatory-SGCS.* Persons other than maintenance men shall not ride aerial tramways unless the following features are provided:

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

(b) Direct communication between terminals;

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

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

56.10–9 *Mandatory-SGCS.* Men shall not ride loaded buckets.

56.10–10 *Mandatory-SGCS.* Where possible, aerial tramways shall not be started until the operator has ascertained that everyone is in the clear.

§ 56.11 Travelways.

56.11–1 *Mandatory-SGCS.* Safe means of access shall be provided and maintained to all working places.

56.11–2 *Mandatory-SGCS.* Crossovers, elevated walkways, elevated ramps, and stairways shall be of substantial construction, provided with handrails, and maintained in good condition. Where necessary, toeboards shall be provided.

56.11–3 Ladders shall be of substantial construction and maintained in good condition.

56.11–4 Portable straight ladders should be provided with nonslip bases, should be placed against a safe backing, and set on secure footing.

56.11–5 *Mandatory-SGCS.* Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

56.11–6 Fixed ladders should be offset and have substantial railed landings at least every 30 feet unless backguards are provided.

56.11–7 Steep fixed ladders (70° to 90° from the horizontal) 30 feet or more in length should be provided with backguards, cages, or equivalent protection, starting at a point not more than 7 feet from the bottom of the ladder.

56.11–8 *Mandatory-SGCS.* Fixed ladders shall project at least 3 feet above landings, or substantial handholds shall be provided above the landings.

56.11–9 Wooden members of ladders should not be painted.

56.11–10 Ladderways, stairways, walkways, and ramps should be kept free of loose rock and extraneous materials.

56.11–11 *Mandatory-SGCS.* Railed walkways shall be provided wherever persons are regularly required to walk alongside conveyor belts. Inclined railed walkways shall be nonskid or provided with cleats.

56.11–12 Vertical clearance above stair steps should be a minimum of 7 feet.

56.11–13 Men climbing or descending ladders should face the ladders and have both hands free for climbing.

56.11–14 *Mandatory-SGCS.* Openings above, below, or near travelways through which men or materials may fall shall be protected by railing, barriers, or covers. Where it is impractical to install such protective devices, adequate warning signals shall be installed.

56.11–15 *Mandatory-SGCS.* Scaffolds and working platforms shall be of substantial construction and provided with handrails and maintained in good condition. Floor boards shall be laid properly and the scaffolds and working platform shall not be overloaded. Working platforms shall be provided with toeboards when necessary.

56.11–16 *Mandatory-SGCS.* Crossovers shall be provided where it is necessary to cross conveyors.

56.11–17 *Mandatory-SGCS.* Moving conveyors shall be crossed only at designated crossover points.

56.11–18 Slippery walkways should be provided with cleats and handrails and/or ropes.

56.11–19 *Mandatory–SGCS.* Regularly used walkways and travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.

56.11–20 Fixed ladders should not incline backwards at any point unless provided with backguards.

§ 56.12 Electricity.

56.12–1 *Mandatory.* Circuits shall be protected against excessive overload by fuses or circuit breakers of the correct type and capacity.

56.12–2 *Mandatory-SGCS.* Powerlines, including trolley wires, and telephone circuits shall be protected against short circuits and lightning.

56.12–3 *Mandatory-SGCS.* Electric equipment and circuits shall be provided with switches or other controls. Such switches or controls shall be of approved design and construction and shall be properly installed.

56.12–4 *Mandatory.* Individual overload protection or short-circuit protection shall be provided for the trailing cables of mobile equipment.

56.12–5 Power wires and cables should have adequate current-carrying capacity and should be protected from mechanical injury.

56.12–6 Neither crawler-mounted nor rubber-tired equipment should run over trailing cables, unless the cables are properly bridged or protected.

56.12–7 Distribution boxes should be provided with disconnect switches.

56.12–8 *Mandatory-SGCS.* Trailing cable and power-cable connections to junction boxes shall not be made or broken under load.

56.12–9 Power wires and cables should be insulated adequately where they pass into or out of electrical compartments.

56.12–10 Power wires and cables which present a fire hazard should be well installed on acceptable insulators.

56.12–11 *Mandatory-SGCS.* Where metallic tools or equipment can come in contact with trolley wires or bare powerlines, the lines shall be guarded or deenergized.

56.12–12 Telephone and low-potential electric signal wires should be protected from contacting energized powerlines.

56.12–13 *Mandatory-SGCS.* High-potential transmission cables shall be covered, insulated, or placed according to acceptable electrical codes to prevent contact with low-potential circuits.

56.12–14 The potential on bare signal wires accessible to personal contact should not exceed 40 volts.

56.12–15 Splices in power cables, including ground conductor, where provided, should be:

(a) Mechanically strong with adequate electrical conductivity;

(b) Effectively insulated and sealed to exclude moisture;

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

56.12–16 *Mandatory-SGCS.* Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.

56.12–17 *Mandatory.* Energized high-potential cables shall be handled with insulated hooks or tongs.

56.12–18 *Mandatory-SGCS.* Electrical equipment shall be deenergized before work is done on such equipment. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by the persons who installed them.

56.12–19 *Mandatory-SGCS.* Power circuits shall be deenergized before work is done on such circuits unless hot-line tools are used. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by the persons who installed them.

56.12–20 *Mandatory-SGCS.* Principal power switches shall be labeled to show which units they control, unless identification can be made readily by location.

56.12–21 At least 3 feet of clearance should be provided around all parts of stationary electric equipment or switchgear where access or travel is necessary.

56.12–22 *Mandatory-SGCS.* Dry wooden platforms, insulating mats, or other electrically nonconductive material shall be kept in place at all switchboards and power-control switches where shock hazards exist. However, metal plates on which a person normally would stand, and kept at the same potential as the grounded metal noncurrent carrying parts of the power switches to be operated, may be used.

56.12–23 *Mandatory-SGCS.* Suitable danger signs shall be posted at all major electrical installations.

56.12–24 Areas containing major electrical installations should be entered only by authorized personnel.

56.12–25 *Mandatory-SGCS.* Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless protection is provided by location.

56.12–26 Reverse-current protection should be provided at storage-battery charging stations.

56.12–27 *Mandatory-SGCS.* All metal enclosing or encasing electrical circuits shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

56.12–28 *Mandatory-SGCS.* Metal fencing and metal buildings enclosing transformers and switchgear shall be grounded.

56.12–29 *Mandatory-SGCS.* Frame grounding or equivalent protection shall be provided for mobile equipment powered through trailing cables.

56.12–30 *Mandatory-SGCS.* Continuity and resistance of grounding systems shall be tested immediately after installation.

56.12–31 Electric equipment and wiring should be inspected by a competent person as often as necessary to assure safe operating conditions.

56.12–32 *Mandatory-SGCS.* When a potentially dangerous condition is found it shall be corrected before equipment or wiring is energized.

56.12–33 Electric motors, switches, and controls exposed to damaging dust or water should be of dust-tight or water-tight construction.

56.12–34 Inspection and cover plates on electrical equipment should be kept in place at all times except during testing or repairs.

56.21–35 *Mandatory-SGCS.* Hand-held electric tools shall not be operated at high-potential voltages.

56.12–36 Portable extension lights and other lights that may present a shock or burn hazard should be guarded.

56.12–37 Lamp sockets exposed to the weather should be of a weatherproof type.

56.12–38 *Mandatory-SGCS.* Circuits shall be deenergized before fuses are removed or replaced.

56.12–39 *Mandatory-SGCS.* Fuse tongs or hot-line tools shall be used when fuses are removed or replaced in high-potential circuits.

56.12–40 Trailing cables should be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections.

56.12–41 Surplus trailing cables to shovels, cranes, and similar equipment should be stored in cable boats or on reels mounted on the equipment or otherwise protected from mechanical damage.

56.12–42 *Mandatory-SGCS.* Operating controls shall be installed so that they can be operated without danger of contact with energized conductors.

56.12–43 *Mandatory-SGCS.* Switches and starting boxes shall be of safe design and capacity.

56.12–44 Both rails should be bonded or welded at every joint. Rails should be cross-bonded at least every 200 feet if the track serves as the return trolley circuit, except where a control signal cannot be used on a crossbonded track.

56.12–45 *Mandatory - SGCS.* Equipment with booms or masts which are not properly protected shall not be operated where the booms or masts can come within 10 feet of an energized overhead powerline.

56.12–46 Lightning arrester grounds should be connected to earth at least 10 feet from the track or mine return circuit.

56.12–47 *Mandatory - SGCS.* Overhead high-potential powerlines shall be installed as specified by the National Electrical Safety Code.

56.12–48 *Mandatory - SGCS.* When equipment must be moved under energized powerlines and the clearance is less than 10 feet, the powerlines shall be deenergized or other precautions shall be taken.

56.12–49 *Mandatory-SGCS.* Guy wires of poles supporting high-potential conductors shall be equipped with insulators installed near the pole end.

56.12–50 *Mandatory - SGCS.* Telegraph, telephone, or signal wires shall not be installed on the same crossarm with power conductors. When carried on poles supporting powerlines, they shall be installed as specified by the National Electrical Safety Code.

56.12–51 *Mandatory-SGCS.* Transformers shall be totally enclosed, or shall be placed at least 8 feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least 6 feet high and at least 3 feet from any energized parts, casings, or wiring.

56.12–52 *Mandatory-SGCS.* Transformer enclosures shall be kept locked against unauthorized entry.

56.12–53 Men should not stand on the ground in the vicinity of an electrically powered shovel or other similar heavy equipment during an electrical storm.

56.12–54 Trolley wires should be aligned properly and installed at least 6 inches outside and 7 feet above the track.

56.12–55 Trolley wire hangers should be spaced so that the wire will not sag more than 3 inches between hangers and so that the wire may be detached from any one hanger without creating a shock hazard.

56.12–56 Trolley wires and trolley feeder wires should be provided with sectionalizing switches at man-trip stations and near the beginning of all branch lines.

56.12–57 Ground wires for lighting circuits powered from trolley wires should be connected securely to the ground return circuit.

56.12–58 Tools and supplies should be carried in the hands and not on the shoulders when men travel near bare power conductors.

§ 56.13 Compressed air and boilers.

General

56.13–1 *Mandatory-SGCS.* All boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the standards and specifications of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

Compressed Air

56.13–6 Air compressors should be equipped with automatic temperature-activated shutoff mechanisms set for 400° F., or with fusible plugs installed in the compressor discharge lines as near the compressors as

possible. Fusible plugs should melt at temperatures 50° less than the flash points of the lubricating oils.

56.13–7 Compressors and compressed-air receivers should be equipped with automatic pressure-release valves, pressure gages, and drain valves.

56.13–8 Compressor air intakes should be installed to insure that only clean, uncontaminated air enters the compressors.

56.13–9 Compressed-air receivers should be drained of moisture and oil at least once each operating shift.

56.13–10 Compressed-air receivers should have inspection openings which should be manholes when the tanks are over 36 inches in diameter.

56.13–11 Compressed-air receivers and other pressure vessels should be inspected internally at least once a year by qualified inspectors; records of such inspections should be kept.

56.13–12 Compressors should be operated and lubricated in accordance with the manufacturer's recommendations.

56.13–13 Compressor discharge pipes should be cleaned periodically.

56.13–14 Safety devices on compressed-air systems should be checked at the beginning of each shift.

56.13–15 *Mandatory-SGCS.* Repairs involving the pressure system of compressors, receivers, or compressed air-powered equipment shall not be attempted until the pressure has been bled off.

56.13–16 *Mandatory-SGCS.* At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury.

56.13–17 *Mandatory-SGCS.* Safety chains or suitable locking devices shall be used at connections to machines of high pressure hose lines of 1 inch inside diameter or larger, where a connection failure would create a hazard.

BOILERS

56.13–25 Boilers should be equipped with guarded well-maintained water gages and pressure gages placed so that they can be observed easily. Water gages and pipe passages to the gages should be kept clean and free of scale and rust.

56.13–26 Boilers should be equipped with automatic pressure-relief valves; valves should be tested each shift.

56.13–27 Boiler installations should be provided with safety devices, acceptable to the Bureau of Mines, to protect against hazards of flame-outs, fuel interruptions, and low water level.

56.13–28 Blowoff valves should be piped outside the building and should have outlets so located or protected that persons passing by, near, or under them will not be scalded.

56.13–29 Boilers should be inspected internally at least once a year by licensed inspectors; records of such inspections should be kept.

§ 56.14 Use of equipment.

GUARDS

56.14–1 *Mandatory-SGCS.* Gears; sprockets; chains; drive, head, tail, and takeup pulleys; flywheels; couplings; shafts; sawblades; ran inlets; and similar exposed moving machine parts which may be contacted by persons, and which may cause injury to persons, shall be guarded.

56.14–2 *Mandatory-SGCS.* Overhead belts shall be guarded if the whipping action from a broken belt would be hazardous to persons below.

56.14–3 Guards at conveyor drive, head, and tail pulleys should extend a distance sufficient to prevent a person from reaching behind the guard and becoming caught between the belt and the pulley.

56.14–4 Openings where conveyors pass through walls or floors should be guarded.

56.14–5 Protruding setscrews on revolving parts should be guarded.

56.14–6 *Mandatory-SGCS.* Except when testing the machinery, guards shall be securely in place while machinery is being operated.

56.14–7 Guards should be sufficiently strong and maintained to provide the required protection.

56.14–8 *Mandatory-SGCS.* Stationary grinding machines other than special bit grinders shall be equipped with:

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

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

(c) Safety washers.

56.14–9 *Mandatory-SGCS.* Grinding wheels shall be operated within the specifications of the manufacturer of the wheel.

56.14–10 *Mandatory-SGCS.* Hand-held power tools, other than rock drills, shall be equipped with controls requiring constant hand or finger pressure to operate the tools or shall be equipped with friction or other equivalent safety devices.

56.14–11 Guards or shields should be provided in areas where flying or falling materials present a hazard.

56.14–12 Industrial vehicles such as forklift trucks, front-end loaders, and bulldozers should be provided with roll protection when necessary to protect the operator.

56.14–13 *Mandatory-SGCS.* Forklift trucks, front-end loaders, and bulldozers shall be provided with substantial canopies when necessary to protect the operator.

56.14–14 *Mandatory-SGCS.* Face shields or goggles, in good condition, shall be worn when operating a grinding wheel.

METHODS AND PROCEDURES

56.14–20 Machinery and equipment should be maintained properly.

56.14–21 *Mandatory-SGCS.* Unsafe equipment or machinery shall be removed from service immediately.

56.14–22 Machinery and equipment should be operated only by authorized and experienced persons.

56.14–23 Adequate clearance should be provided at machine installations.

56.14–24 *Mandatory-SGCS.* Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make adjustments.

56.14–25 *Mandatory-SGCS.* Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

56.14–26 *Mandatory-SGCS.* Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

56.14–27 *Mandatory-SGCS.* Belts, chains, and ropes shall not be guided onto power driven moving pulleys, sprockets, or drums with the hands except on slow moving equipment especially designed for hand feeding.

56.14–28 *Mandatory.* Pulleys or conveyors shall not be cleaned manually while the conveyor is in motion.

56.14–29 *Mandatory-SGCS.* Belt dressing shall not be applied manually while belts are in motion unless an aerosol-type dressing is used.

56.14–30 *Mandatory-SGCS.* Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

56.14–31 *Mandatory-SGCS.* Welding operations shall be shielded and well ventilated.

56.14–32 Tools and equipment should be used only for the purpose and within the capacity for which they were intended and designed.

§ 56.15 Personal protection.

56.15–1 *Mandatory-SGCS.* Adequate first-aid materials, including stretchers and blankets, shall be provided at places convenient to all working areas. Water or neutralizing agents shall be available where corrosive chemicals or other harmful substances are stored, handled, or used.

56.15–2 *Mandatory-SGCS.* All persons shall wear suitable hard hats when in or around a mine or plant where falling objects may create a hazard.

56.15–3 *Mandatory.* All persons shall wear suitable protective footwear when in or around a mine or plant where a hazard exists.

56.15–4 *Mandatory.* All persons shall wear safety glasses, goggles, or face shields when in or around a mine or plant.

56.15–5 *Mandatory-SGCS.* Safety belts and lines shall be worn when men work where there is danger of falling; a second person shall tend the lifeline when bins, tanks, or other dangerous areas are entered.

56.15–6 *Mandatory-SGCS.* Life jackets or belts shall be worn where there is danger of falling into water.

56.15–7 Protective clothing, rubber gloves, goggles, or face shields should be worn by persons handling substances that are corrosive, toxic, or injurious to the skin.

56.15–8 *Mandatory-SGCS.* Protective clothing or equipment and face shields or goggles shall be worn when welding, cutting, or working with molten metal.

56.15–9 Snug-fitting clothing should be worn around moving equipment and machinery.

56.15–10 Protective gloves should be worn by employees handling materials which may cause injury.

56.15–11 Gloves should not be worn where they could create a hazard by becoming entwined or caught in moving parts of machinery.

56.15–12 Finger rings should not be worn while working in or around a mine or plant.

56.15–13 Effective ear protection should be worn where noise levels may cause permanent ear damage or hearing loss, or noise should be reduced to safe levels.

56.15–14 Where there is a danger of a vehicle overturning, seatbelts should be used.

§ 56.16 Materials storage and handling.

56.16–1 Materials should be stored and stacked in a manner which minimizes stumbling or fall-of-material hazards.

56.16–2 Men working on surge piles or storage piles should not walk or stand immediately above a reclaiming area during reclaiming.

56.16–3 *Mandatory-SGCS.* Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner that minimizes the dangers.

56.16–4 *Mandatory-SGCS.* Hazardous materials shall be stored in containers of a type approved for such use by recognized agencies; such containers shall be labeled appropriately.

56.16–5 *Mandatory-SGCS.* Compressed and liquid gas cylinders shall be secured in a safe manner.

56.16–6 *Mandatory-SGCS.* Valves on compressed gas cylinders shall be protected by covers when being transported or stored, and by a safe location when the cylinders are in use.

56.16–7 Hitches and slings used to hoist materials should be designed and used properly for the particular material handled.

56.16–8 Taglines should be attached to suspended materials that require steadying.

56.16–9 *Mandatory-SGCS.* Men shall stay clear of suspended loads.

56.16–10 Materials should not be dropped from an elevation unless the drop area is guarded or sufficient warning is given.

56.16–11 *Mandatory-SGCS.* Men shall not ride on loads being moved by cranes or derricks, nor shall they ride the hoisting hooks unless such method eliminates a greater hazard.

56.16–12 Substances that react violently or liberate dangerous fumes when mixed should be stored in such a manner that they cannot come in contact with each other.

56.16–13 Only men wearing protective equipment should stand near pots or ladles when molten material is being handled; warning should be given before a pour is made or the pot is moved.

56.16–14 *Mandatory-SGCS.* Operator carrying overhead cranes shall be provided with:

(a) Bumpers at each end of each rail;

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

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

(d) A means to lockout the disconnect switch.

56.16–15 *Mandatory-SGCS.* No person shall work from or travel on the bridge on an overhead crane unless the bridge is provided with substantial footwalks with toeboards and railings the length of the bridge.

56.16–16 Forklift trucks should be moved with the load in a low position and should descend ramps with the load behind.

§ 56.17 Illumination.

56.17–1 *Mandatory-SGCS.* Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and work areas.

§ 56.18 Safety programs.

56.18–1 The employer should establish a definite, effective, and continually functioning safety program and make every attempt to prevent accidents and increase safety. Employees should actively participate in the safety program.

56.18–2 Regular safety inspections should be made by company officials and/or safety committees. Written reports should be made of the findings and the actions recommended or taken; this information should be made available to the employees.

56.18–3 Serious accidents, whether resulting in injury or not, should be investigated to determine the cause and the means of preventing recurrence. Records of these investigations should be kept and the information should be made available to the employees.

56.18–4 Company safety regulations pertinent to the various operations should be published or posted for employee information.

56.18–5 All employees and officials should be familiar with company, State, and Federal safety regulations.

56.18–6 *Mandatory-SGCS.* New employees shall be indoctrinated in safety rules and safe work procedures.

56.18–7 Inexperienced employees should be assigned to work with experienced men until such employees have acquired the necessary skills to perform their duties safely.

56.18–8 Each working place should be visited by a supervisor or a designated person at least once each shift and more frequently as necessary to insure that work is being done in a safe manner.

56.18–9 *Mandatory-SGCS.* No employee shall be assigned, or allowed, or be required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless he can communicate with others, can be heard, or can be seen.

56.18–10 An authorized person should be in charge at all times when men are working.

56.18–11 Selected supervisors should be trained in first aid. First-aid training should be made available to all employees.

56.18–12 All supervisors and employees should be trained in accident prevention.

56.18–13 *Mandatory-SGCS.* Emergency telephone numbers shall be posted at appropriate telephones.

56.18–14 Where telephone service is not available, emergency communications should be provided to the nearest point of assistance.

56.18–15 *Mandatory-SGCS.* Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons.

§ 56.19 Man hoisting.

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

Hoists

56.19–1 *Mandatory-SGCS.* Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used.

56.19–2 *Mandatory-SGCS.* Hoists shall be anchored securely.

56.19–3 *Mandatory-SGCS.* Belt, rope, or chains shall not be used to connect driving mechanisms to man hoists.

56.19–4 *Mandatory-SGCS.* Any hoist used to hoist men shall be equipped with a brake or brakes which shall be capable of holding its fully loaded cage, skip, or bucket at any point in the shaft.

56.19–5 *Mandatory-SGCS.* The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake to prevent accidental withdrawal of the clutch.

56.19–6 *Mandatory-SGCS.* Automatic hoists shall be provided with devices that automatically apply the brakes in the event of power failure.

56.19–7 *Mandatory-SGCS.* Man hoists shall be provided with devices to prevent overtravel and overspeed.

56.19–8 Friction hoists should be provided with synchronizing mechanisms that recalibrate the overtravel devices and position indicators to correct for rope creep or stretch.

56.19–9 *Mandatory-SGCS.* An accurate and reliable indicator of the position of the cage, skip, bucket, or cars in the shaft shall be provided.

56.19–10 *Mandatory-SGCS.* Hoist controls shall be placed or housed so that the noise from machinery or other sources will not prevent hoistmen from hearing signals.

56.19–11 Flanges or drums should extend radially a minimum of three rope diameters beyond the last wrap.

56.19–12 Where grooved drums are used, the grooves should be of the proper size and pitch for the ropes used.

Wire Rope

56.19–20 The United States of America Standards Institute specifications cited in "Wire Ropes for Mines," M11.1—1960, or the latest revision thereof, should be used as a guide in the selection, installation, and maintenance of wire ropes used for hoisting, except in those instances where the recommendations cited herein are more stringent.

56.19–21 *Mandatory-SGCS.* The following stratic-load safety factors shall be used for selecting ropes to be used for hoisting men and for determining when such ropes shall be removed from man hoist:

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

56.19–22 At least three wraps of rope should be left on the drum when the conveyance is at the bottom of the hoistway. This provision does not apply to friction hoists.

56.19–23 The end of the rope at the drum should make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and should be fastened securely by means of rope clips or clamps. This provision does not apply to friction hoists.

56.19–24 *Mandatory-SGCS.* The rope shall be attached to the load by the thimble and clip method, the socketing method, or other approved method. If the socketing method is employed, zinc or its equivalent shall be used: The use of babbitt metal or lead for socketing wire ropes is prohibited. If the thimble and clip method is used, the following shall be observed:

(a) The rope shall be attached to the load by passing one end around an oval thimble that is attached to the load bending the end back so that it is parallel to the long or "live" end of the rope and fastening the two parts of the rope together with clips.

(b) The U-bolt of each clip shall encircle the short or "dead" end of the rope and the distance between clips shall not be less than the figures given in the accompanying table.

(c) The following number of clips or equivalent shall be used for various diameters of six-strand 19-wire plow steel ropes: (Follow manufacturer's recommendations for other kinds of wire rope and clips.)

Diameter of rope, inches	Number of clips	Center-to-center spacing of clips, inches
¾	4	4½
⅞	4	5¼
1	4	6
1⅛	5	6¾
1¼	5	7½
1⅜	6	8¼
1½	6	9
1⅝	6	9¾
1¾	7	10½
1⅞	8	11¼
2	8	12
2⅛	8	13
2¼	8	14

(d) For all ropes less than ¾-inch in diameter, at least four clips or equivalent shall be used.

(e) When special conditions require the attachment of a sling to the hoisting cable to handle equipment in the shaft, the sling shall be attached by clips or equivalent in accordance with the table in these regulations.

56.19–25 New ropes should be broken in, in accordance with the manufacturer's recommendations.

56.19–26 Corrosion of hoist ropes at the attachment of safety connections should be minimized by the design of the attachment devices and by lubrication.

56.19–27 Where possible, conveyances attached to single ropes used to hoist men should be provided with secondary safety connections.

HEADFRAMES AND SHEAVES

56.19–35 Headframes should be designed and constructed to withstand pulls by the hoists greater than the breaking strengths of the hoist ropes.

56.19–36 Headframes should be high enough to provide at least 15 feet of clearance between the bottom of the sheave or drum and the uppermost part of the highest rope connection of the conveyance when the conveyance is at its uppermost man landing.

56.19–37 Fleet angles should not exceed 1½ degrees.

56.19–38 *Mandatory-SGCS.* Platforms with toeboards and handrails shall be provided around elevated head sheaves.

56.19–39 Diameters of head sheaves and hoist drums should conform to the following specifications:

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

56.19–40 Head, idler, knuckle, and curve sheaves should have grooves that support the ropes properly. Before installing new ropes, the grooves should be inspected and where necessary machined to the proper contour and the proper groove diameter.

CONVEYANCES

56.19–45 *Mandatory-SGCS.* Man cages and skips used for hoisting or lowering employees or other persons in any vertical shaft or any incline shaft with an angle of inclination of forty-five (45) degrees from the horizontal, shall be covered with a metal bonnet.

56.19–46 *Mandatory-SGCS.* Man cages shall be fireproof, of substantial construction and provided with:

(a) Fully enclosed sides, and safety gates; gates shall be at least 5 feet high and have no openings except those necessary for signaling;

(b) Escape hatches;

(c) Safety catches. This provision, (c), does not apply to friction-hoist cages that are suspended from more than one pin.

56.19–47 *Mandatory.* All skips conveying men shall be provided with:

(a) Safety catches. This provision, (a), does not apply to friction-hoists skips that are suspended from more than one pin.

(b) Safe means of access.

(c) Platforms, where necessary, to provide safe footing.

(d) Stop controls to prevent travel into the dumping position.

(e) Anchored platforms inside the skips, if they are bottom-dumping.

(f) Devices to prevent tilting.

56.19–48 *Mandatory.* Man cars shall be of substantial construction and provided with:

(a) Drags or equivalent safety devices on the last car of man trips operated in inclined shafts where guides are not provided.

(b) Safety catches if guides are provided.

(c) Secondary safety connections where possible.

(d) Safety chains or wire ropes between cars.

(e) Adequate seating for the number of men handled.

56.19–49 *Mandatory-SGCS.* Buckets used to hoist men during shaft sinking operation shall have:

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

(b) Devices to prevent accidental dumping.

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

HOISTING PROCEDURES

56.19–55 *Mandatory-SGCS.* When a manually operated hoist is used, a qualified hoistman shall remain within hearing of the telephone or signal device at all times while any person is underground.

56.19–56 When automatic hoisting is used, a qualified hoistman should be in attendance on the premises while any person is underground.

56.19–57 Hoistman should be physically fit and should undergo yearly examinations to determine their continued fitness; certification to this effect should be available at the mine.

56.19–58 *Mandatory-SGCS.* Only experienced hoistmen shall operate the hoist except in cases of emergency and in the training of new hoistmen.

56.19–59 *Mandatory-SGCS.* Whenever a regular shift of men is being hoisted or lowered by a manually operated hoist, a second man familiar with and qualified to stop the hoist shall be in attendance; this provision shall not apply to sinking operations, level development, or repair operations in the mine.

56.19–60 Hoistmen should use extreme caution when hoisting or lowering men.

56.19–61 The safe speed should be determined for each shaft; in no instance should this speed exceed 2,500 feet per minute for hoisting men.

56.19–62 Maximum acceleration and deceleration should not exceed 6 feet per second.

56.19–63 Only authorized personnel should be in hoist rooms.

56.19–64 Conveyances intended to be operated in balance should not be balanced when men are on the cage.

56.19–65 *Mandatory-SGCS.* Conveyances shall not be lowered by the brakes alone except during emergencies.

56.19–66 Management should designate the maximum number of men permitted to ride on a trip at one time; this limit should be posted on each landing.

56.19–67 Authorized persons should be in charge of all man trips.

56.19–68 Men should enter, ride, and leave conveyances in an orderly manner.

56.19–69 *Mandatory-SGCS.* Men shall not enter or leave conveyances which are in motion or after a signal to move the conveyance has been given to the hoistman.

56.19–70 *Mandatory-SGCS.* Cage doors or gates shall be closed while men are being hoisted; they shall not be opened until the cage has come to a stop.

56.19–71 *Mandatory-SGCS.* Men shall not ride in skips or buckets with muck, supplies, materials, or tools other than small handtools.

56.19–72 When combinations of cages and skips are used, the skips should be empty while men are being transported.

56.19–73 *Mandatory-SGCS.* Rock or supplies shall not be hoisted in the same shaft as men during shift changes, unless the compartments and dumping bins are partitioned to prevent spillage into the cage compartment.

56.19–74. Men should not ride the bail, rim, or bonnet of any shaft conveyance, except where necessary for the inspection and maintenance of the shaft and lining.

56.19–75 *Mandatory-SGCS.* Open hooks shall not be used to hoist buckets or other conveyances.

56.19–76 When men are hoisted, bucket speeds should not exceed 500 feet a minute, and should not exceed 200 feet a minute when within 100 feet of a landing.

56.19–77 *Mandatory-SGCS.* Buckets shall be stopped about 15 feet from the shaft bottom to await a signal from one of the crew on the bottom for further lowering.

56.19–78 Buckets should be stopped after being raised 3 feet when men are hoisted from the bottom; a second hoisting signal should be given after the bucket has been stabilized. Hoisting should be at a minimum speed and the bellcord should be attended constantly until the crosshead has been engaged.

56.19–79 *Mandatory-SGCS.* Where mine cars are hoisted by cage or skip, means for blocking cars shall be provided at all landings and also on the cage.

56.19–80 *Mandatory-SGCS.* When tools, timbers, or other materials are being lowered or raised in a shaft by means of a bucket, skip, or cage, they shall be secured or so placed that they will not strike the sides of the shaft.

56.19–81 Conveyances not in use should be released and raised or lowered at least 10 feet from the floor of the landing.

SIGNALING

56.19–90 *Mandatory-SGCS.* There shall be at least two effective approved methods of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

56.19–91 Hoistmen should not accept hoisting instructions by telephone unless the regular signaling systems are out of order. During such an emergency one person should be designated to direct movement of the conveyance.

56.19–92 A method should be provided to signal hoist operators from within conveyances at any point in the shaft.

56.19–93 A standard code of hoisting signals should be adopted and used at each mine.

56.19–94 *Mandatory-SGCS.* A legible signal code shall be posted prominently in the hoist house within easy view of the hoistmen, and at each place where signals are given or received.

56.19–95 Hoisting signal devices should be maintained within easy reach of men on the shaft bottom during sinking operation.

56.19–96. *Mandatory-SGCS.* Any person responsible for receiving or giving signals for cages, skips, and mantrips when men or materials are being transported shall be familiar with the posted signaling code.

SHAFTS

56.19–105 *Mandatory-SGCS.* Shaft landings shall be equipped with substantial safety gates so constructed that materials will not go through or under them; gates shall be closed except when loading or unloading shaft conveyances.

56.19–106 *Mandatory-SGCS.* Positive stopblocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

56.19–107 Guides should be provided in each hoisting compartment in shafts inclined more than 45° from the horizontal.

56.19–108 Dumping facilities should be so constructed as to minimize spillage into the shaft.

56.19–109 Adequate clearance should be maintained at shaft stations to allow men to pass safely and to allow materials to be handled safely.

56.19–110 *Mandatory-SGCS.* A safe means of passage around open shaft compartments shall be provided on landings with more than one entrance to the shaft.

56.19–111 Shaft timbers should be kept clean of rocks and other loose material.

56.19–112 *Mandatory-SGCS.* Hoistmen shall be informed when men are working in a compartment affected by that hoisting operation and a "Men Working in Shaft" sign shall be posted at the hoist.

56.19–113 "Men Working in Shaft" signs should be posted at the signal devices at all active stations and landings when men are working in a compartment affected by that hoisting operation.

56.19–114 *Mandatory.* Shaft inspection and repair work shall be performed from substantial platforms equipped with bonnets or equivalent overhead protection.

56.19–115 *Mandatory-SGCS.* A substantial bulkhead or equivalent protection shall be provided above men at work deepening a shaft.

56.19–116 Substantial fixed ladders should be maintained as near the shaft bottom as practical during shaft-sinking operations. Chain, wire rope, or other extension ladders should be used from the fixed ladder to the shaft bottom.

INSPECTION AND MAINTENANCE

56.19–125 *Mandatory-SGCS.* A systematic procedure of inspection, testing, and maintenance of shafts and hoisting equipment shall be developed and followed. If it is found or suspected that any part is not functioning properly, the hoist shall not be used until the malfunction has been located and repaired or adjustments have been made.

56.19–126 Complete records should be kept of installation, lubrication, inspection, tests, and maintenance of shafts and hoisting equipment.

56.19–127 Parts used to repair hoists should have properties equal to or better than the original parts; replacement parts should be designed to fit the original installation.

56.19–128 Ropes should be kept well lubricated from end to end as recommended by the manufacturer.

56.19–129 Ropes should be cut off and reconnected to the conveyance as often as necessary to assure adequate inspection of rope condition and to effectively distribute wear of the rope. At least 6 feet should be cut from the rope above the highest connection; this portion should be examined carefully for corrosion, damage, wear, and fatigue by the rope manufacturer or an equally competent agency.

56.19–130 Hoisting ropes would in multiple layers should be cut off and repositioned on the drum at regular intervals as necessary to effectively distribute wear of the rope. The length of the cutoff at the drum end should be greater than, but not an even multiple of, the circumference of the drum.

56.19–131 Ropes should be calipered at regular intervals as necessary to effectively determine the rate of wear and damage. Caliper measurements should be taken:

(a) Immediately above the socket or clips and above the safety connections;

(b) Where the ropes rest on the sheaves;

(c) Where the ropes leave the drums when the conveyances are at the regular stopping points;

(d) Where a layer of rope begins to overlap another layer on the drum.

56.19–132 Electromagnetic or other nondestructive rope testing systems should be used only as supplements to and not as substitutes for recommended inspections and tests.

56.19–133 *Mandatory-SGCS.* Ropes shall not be used for hoisting when they have:

(a) More than six broken wores in any lay;

(b) Crown wires worn to less than 65 percent of the original diameter;

(c) A marked amount of corrosion or distortion;

(d) A combination of similar factors individually less severe than those above but which in aggregate might create an unsafe condition.

56.19–134 *Mandatory.* Hoistman shall examine their hoist and shall test overtravel, overspeed, and deadman controls, position indicators, and braking mechanisms at the beginning of each shift.

56.19–135 Empty conveyances should be operated up and down shafts at least one round trip before hoisting men after any shaft or equipment repairs and before regular man trips are hoisted or lowered.

56.19–136 Rope and conveyance connections to conveyances should be inspected daily.

56.19–137 Safety catches should be inspected daily; drop tests should be made at the time of installation. Every 2 months the cage should be rested on chairs or proper blocking to check the operation or activation of the safety catches by allowing the rope to slacken suddenly.

56.19–138 Shafts should be inspected at least weekly.

56.19–139 Sheaves should be inspected daily and kept properly lubricated.

56.19–140 Rollers used in inclined shafts should be lubricated, properly alined, and kept in good repair.

§ 56.20 Miscellaneous.

56.20–1 *Mandatory-SGCS.* Intoxicating beverages and narcotics shall not be permitted or used in or around mines. Persons under the influence of alcohol or narcotics shall not be permitted on the job.

56.20–2 *Mandatory-SGCS.* Potable water shall be available to all employees during working hours.

56.20–3 Good housekeeping should be practiced in and around a mine.

56.20–4 Men should not engage in horseplay.

56.20–5 *Mandatory-SGCS.* Carbon tetrachloride shall not be used.

56.20–6 Protruding nails which may cause injury should be removed or competely bent over.

56.20–7 Employees should be constantly alert to the potential of accidents on their jobs.

56.20–8 Toilet facilities should be provided at convenient locations and should be kept clean and sanitary.

56.20–9 *Mandatory-SGCS.* Dusts suspected of being explosive shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

56.20–10 *Mandatory-SGCS.* If failure of a water or silt retaining dam will create a hazard, it shall be of substantial construction and inspected at regular intervals.

§ 56.21 Savings provision.

56.21–1 Unless otherwise specified herein, nothing contained in these standards shall prevent the continued utilization of equipment, facilities or structures, including mine workings, now in use, which fail in whole or in part to meet the requirements of these standards, *Provided:*

(a) That such equipment, facilities, and structures are utilized in a safe manner and are maintained in safe condition.

(b) That any equipment, facilities, and structures which do not meet the mandatory specifications and safety standards set forth herein shall not be used after January 1, 1972, unless modified to conform to such standards.

(c) That all replacements of or additions to existing equipment, facilities, or structures made after the effective date of these standards shall conform to such standards.

56.21–2 Nothing contained in § 56.21–1 above, shall be construed to conflict with, or limit, the authority granted by the Act to the Bureau to issue orders pursuant to section 8(a) of the Act.

56.21–3 Nothing contained in § 56.21–1 above, shall be construed to limit or conflict with any standards contained herein which prohibit specific unsafe work procedures or which require specific safe work procedures to be followed.

[F.R. Doc. 69–477; Filed, Jan. 15, 1969; 8:45 a.m.]

[30 CFR Part 57]

HEALTH AND SAFETY STANDARDS

Metal and Nonmetallic Underground Mines

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 30 U.S.C. 721–740, Supp. III) to promulgate health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in metal and nonmetallic mines, it is proposed to add a new Part 57 to Title 30, Code of Federal Regulations, relating to underground mines. The standards set forth in Part 57 have been developed in conjunction with the Underground Mining Advisory Committee appointed pursuant to section 7 of the Act.

Scope. The standards set forth in Part 57 would be applicable to those metal and nonmetallic mines at which mining operations are conducted by underground methods. The regulations in Part 57 would not be applicable to the mining of sand, gravel, crushed stone, or to open pit mining of metal and nonmetallic minerals; these mines would be covered by standards set forth in new Parts 55 and 56 of Title 30, Code of Federal Regulations.

Specific designation of mandatory standards. Each standard which would be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the section in which the standard is prescribed. If the Underground Mining Advisory Committee has recommended that a standard be mandatory, the standard will be preceded by the word "Mandatory" and the letters "UAC" in this manner—"Mandatory-UAC."

In accordance with the provisions of section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) interested persons are hereby afforded a period of 60 days after the date of publication in the FEDERAL REGISTER of proposed Part 57 in which to submit written data, views, or arguments respecting the proposed standards contained in Part 57. Communications should be addressed to the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Subject to the provisions of subsection (e) of section 6 and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725 (d)) on or

before the last day of the 60-day period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard and which has not been recommended as a mandatory standard by the Underground Mining Advisory Committee may file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the provisions of the Administrative Procedure Act) on such objections.

Pursuant to the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725(e)) proposed mandatory standards which have been recommended as mandatory by the Underground Mining Advisory Committee are not subject to hearings. Only those proposed standards which have not been recommended by the Underground Mining Advisory Committee as mandatory are subject to hearings.

The new proposed Part 57 is set forth below.

DAVID S. BLACK,
Under Secretary of the Interior.

JANUARY 9, 1969.

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§ 57.1 Purpose and scope.

The regulations in this part are promulgated pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) and prescribe health and safety standards for underground metal and nonmetallic mines which are subject to that act. Each standard which is preceded by the word "Mandatory" is a mandatory standard. The violation of a mandatory standard will subject an operator to an order or notice under section 8 of the act (30 U.S.C. 727). Those regulations in each subpart appearing under the heading "General—Surface and Underground" apply both to the underground and surface operations of underground mines; those appearing under the heading "Surface Only" apply only to the surface operations of underground mines; those appearing under the heading "Underground Only" apply only to the underground operations of underground mines.

§ 57.2 Definitions.

As used in this part:

"Abandoned mine" means all work has stopped on the mine premises and an office with a responsible person in charge is no longer maintained at the mine.

"Abandoned workings" means deserted mine areas in which further work is not intended.

"Active workings" means areas at, in, or around a mine or plant where men work or travel.

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

"Auxiliary fan" means a fan used to deliver air to a working place off the main airstream; generally used with ventilation tubing.

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

"Berm" means a pile or mound of material capable of stopping a vehicle.

"Blasting agent" means any material or mixture of a fuel and oxidizer intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients is classified as an explosive (provided that the material or mixture cannot be detonated by a No. 8 test blasting cap under the conditions specified for the cap sensitivity test).

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

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

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

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

"Booster fan" means a fan installed in the main airstream or a split of the main airstream to increase airflow through a section or sections of a mine.

"Box-type underground distribution storage magazine" means a small, portable, box-type magazine used as a temporary storage place for limited quantities of explosives or detonators near working faces, which meets the specifications set forth in § 57.7-27.

"Cager or cage tender" means a person working at the top of the shaft or at an intermediary level inside the mine who directs station operations and the movement of the conveyance used to raise and lower men, materials, and supplies between various levels and the surface.

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

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

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

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

"Detonating fuse" means a round flexible cord containing a center core of high explosives.

"Detonator" means a device used for detonating an explosive, including, but not limited to, blasting caps, exploders, percussion caps, primers, electric detonators, and delay electric blasting caps.

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

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

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

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

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

"Escapeway" means a passageway by which persons may leave if the ordinary exit is obstructed.

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. Explosives include, but are not limited to black powder, dynamite, nitroglycerin, fulminate, and ammonium nitrate when mixed with a hydrocarbon.

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

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

"Flammable gas" means methane, or mixtures of methane and other saturated hydrocarbon gases that may occur naturally as strata gases.

"Flammable liquid" means liquid having a flash point below 140° F. and having a vapor pressure not exceeding 40 p.s.i. (absolute) at 100° F.

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

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

"High potential" means more than 650 volts.

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

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

"Incline" means any inclined plane, whether above or beneath the surface.

"Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings or any

church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

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

"Low potential" means 650 volts or less.

"Magazine" means a storage place for explosives or detonators.

"Main fan" means a fan that controls the entire airflow of the mine, or the airflow of one of the major air circuits.

"Main underground distribution storage magazine" means the main place of storage for explosives or detonators underground, which meets the specifications set forth in § 57.7–25, and from which explosives and detonators are distributed to secondary underground magazines or box-type underground distribution storage magazines.

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

"Manlift" means a power driven vertical belt having regularly spaced steps which can be boarded by men and used to travel from one elevation to another.

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

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

"Mine opening" means any opening or entrance from the surface into a mine.

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

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

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

"Potable" means fit for drinking.

"Primer" means a package or cartridge of explosives with a detonator.

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

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

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

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

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

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

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

"Secondary underground distribution storage magazine" means a place for storage of explosives or detonators on an underground working level, which meets the specifications set forth in § 57.7–26.

"Semiconductive hose" means hose having an electrical resistance of not less than 5,000 ohms per foot and not more than 2 megohms for its total length, used in pneumatic placement of blasting agents in boreholes.

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

"Sprung hole" means a blasting hole chambered or enlarged to take an increased charge of explosives.

"Stemming" means the inert material, and the placing of such material, on top of a charge of explosives.

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

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

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

"Threshold limit values" refers to airborne concentrations of substances and represents conditions under which it is believed that nearly all workers may be repeatedly exposed for a full shift, day after day, without adverse effect.

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

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

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

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

§ 57.3 Ground control.

SURFACE ONLY

57.3–1 *Mandatory.* Standards acceptable to the Secretary for the safe control of pit walls, including the overall slope of the pit, wall, shall be established and followed by the operator. Such standards shall be consistent with prudent engineering design, the nature of the ground and the kind of material and mineral mined, and the ensuring of safe working conditions according to the degree of slope. Mining methods shall be selected which will ensure wall and bank stability, including benching as necessary to obtain a safe overall slope.

57.3–2 *Mandatory-UAC.* Loose unconsolidated material shall be stripped for a safe distance, but in no case less than 10 feet, from the top of pit or quarry walls, and the loose unconsolidated material shall be sloped to the angle of repose.

57.3–3 *Mandatory-UAC.* To ensure safe operation, the width and height of benches shall be governed by the type of equipment to be used and the operation to be performed.

57.3–4 *Mandatory-UAC.* Safe means for scaling pit banks shall be provided. Where power shovels are used for scaling, banks shall be limited to heights that can be scaled with the shovel buckets. Exposed bank areas shall be scaled before any other work is performed in the exposed bank area.

57.3–5 *Mandatory-UAC.* Men shall not work near or under dangerous banks. Overhanging banks shall be taken down immediately and other unsafe ground conditions shall be corrected promptly, or the areas shall be barricaded and posted.

57.3–6 *Mandatory-UAC.* Men shall approach loose rock and areas to be scaled from above and shall scale from a safe location.

57.3–7 Baffleboards, screens, cribbing, or other suitable means should be provided to prevent movement of material into cuts developed into steep hillsides.

57.3–8 *Mandatory-UAC.* The supervisor, or a competent person designated by him, shall examine working areas and faces for unsafe conditions at least at the beginning of each shift and after blasting. Any unsafe condition found shall be corrected before any further work is performed at the immediate area or face at which the unsafe condition exists.

57.3–9 *Mandatory-UAC.* Men shall examine their working places before starting work and frequently thereafter and any unsafe condition shall be corrected.

57.3–10 Banks, benches, and terrain sloping into the working areas should be examined after every rain, freeze, or thaw before men work in such areas.

57.3–11 Large boulders requiring secondary blasting should be in a safe location before they are drilled or broken.

57.3–12 *Mandatory-UAC.* Men shall not work between equipment and the pit-wall or bank where the equipment may hinder escape from falls or slides of the bank.

57.3–13 Rock-bolt installations, where used, should be in accordance with recommendations of the Bureau of Mines or other competent agency.

UNDERGROUND ONLY

57.3–20 *Mandatory-UAC.* Ground support shall be used if the operating experience of the mine, or any particular area of the mine, indicates that it is required. If it is required, support, including timbering, rock bolting, or other methods shall be consistent with the nature of the ground and the mining method used.

57.3–21 Men should be trained in the proper methods of testing for, taking down, and supporting loose ground.

57.3–22 *Mandatory-UAC.* Miners shall examine and test the back, face, and ribs of their working places at the beginning of each shift and frequently thereafter. Supervisors shall examine the ground conditions during daily visits to insure that proper testing and ground control practices are being followed. Loose ground shall be taken down or adequately supported before any other work is done. Ground conditions along haulageways and travelways shall be examined periodically and scaled or supported as necessary.

57.3–23 A scaling bar of proper length and blunt on one end should be provided at each working face.

57.3-24 Picks or other short tools that would place the user in danger of falling rock should not be used for barring down.

57.3-25 Timbers should be blocked tightly.

57.3-26 Damaged or dislodged timbers which create a hazardous condition should be repaired or replaced promptly.

57.3-27 Temporary ground support should be installed as needed.

57.3-28 When necessary, permanent, or temporary ground support should be installed near enough to the bottom of the shaft during shaft sinking to prevent falls of rocks from the sides of the shaft.

57.3-29 Shaft pillars should have sufficient strength to protect operating shafts.

57.3-30 Rock-bolt installations should be installed in a manner to provide safe and effective ground support.

57.3-31 Rock-bolting materials should meet the applicable standards of the United States of America Standards Institute.

57.3-32 When needed, rock bolts should be installed as soon as possible after an area is exposed.

57.3-33 Torque meters should be available at mines where rock bolts are used for ground support. Periodic tests should be made to determine if bolts meet recommended torque.

§ 57.4 Fire prevention and control.

GENERAL—SURFACE AND UNDERGROUND

57.4-1 *Mandatory-UAC.* No person shall smoke or use an open flame where oil, grease, flammable solvents, liquids, fluids, or other flammable materials are stored, transported, handled, or used, nor within an unsafe distance of any area or place where such practices may cause a fire or explosion.

57.4-2 *Mandatory-UAC.* Signs warning against smoking and open flames shall be posted so they can be readily seen in areas or places where fire or explosion hazards exist.

57.4-3 Areas surrounding flammable-liquid-storage tanks and electric substations and transformers should be kept free from grass (dry), weeds, underbrush, and other combustible materials for at least 25 feet in all directions.

57.4-4 *Mandatory-UAC.* Flammable liquids shall be stored in accordance with standards of the National Fire Protection Association or other recognized agencies approved by the Bureau of Mines. Small quantities of flammable liquids drawn from storage shall be kept in appropriately labeled safety cans.

57.4-5 Unburied flammable-liquid storage tanks should be mounted securely on firm foundations. Outlet piping should be provided with flexible connections or other special fittings to prevent adverse effects from tank settling.

57.4-6 Buildings or rooms in which oil, grease, flammable liquids, or similar flammable materials are stored should be of fire-resistant construction and well ventilated.

57.4-7 Means should be provided to confine, remove, control, or drain away spilled or flowing flammable liquids.

57.4-8 *Mandatory-UAC.* Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards.

57.4-9 *Mandatory-UAC.* All heat sources, including lighting equipment, capable of producing combustion shall be insulated or isolated from combustible materials.

57.4-10 *Mandatory-UAC.* Power wires and cables shall be adequately insulated where they pass through doors or walls or where they present a fire hazard.

57.4-11 *Mandatory-UAC.* Abandoned electrical circuits shall be deenergized and isolated so that they cannot become energized inadvertently.

57.4-12 Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

57.4-13 Materials, such as oily waste and rags, which are subject to spontaneous combustion should be placed in tightly covered metal containers until disposed of properly.

57.4-14 *Mandatory-UAC.* Solvents with flash points lower than 100° F. (38° C.) shall not be used for cleaning.

57.4-15 *Mandatory-UAC.* Solvents shall not be used near an open flame or other ignition source, or near any source of heat, or in an atmosphere that can elevate the temperature of the solvent above the flash point.

57.4-16 Drip pans should be provided to catch leakage or spillage when oil or flammable liquids are dispensed in a place or manner which may create a hazard.

57.4-17 Floors around drip pans should be covered with sand or other suitable noncombustible material and such sand or material should be replaced as necessary.

57.4-18 *Mandatory-UAC.* Oxygen cylinders shall not be stored near oil or grease.

57.4-19 *Mandatory-UAC.* Gauges and regulators used with oxygen or acetylene cylinders shall be kept clean and free of oil and grease.

57.4-20 *Mandatory - UAC.* Battery-charging stations shall be located in well ventilated areas.

57.4-21 *Mandatory-UAC.* Internal combustion engines, except diesels, shall be shut off and stopped before being fueled.

57.4-22 *Mandatory-UAC.* Each mine shall have available or be provided with suitable firefighting equipment adequate for the size of the mine.

57.4-23 *Mandatory - UAC.* Firefighting equipment shall be strategically located, readily accessible, plainly marked, properly maintained, and inspected periodically. Records shall be kept of such inspections.

57.4-24 Fire extinguishers should be:

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

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

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

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

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

57.4-25 Fire hydrants should be:

(a) Of a standard type to fit the hose equipment of local fire departments. Adapters should be provided if necessary.

(b) Provided with readily available wrenches or keys to open the valves.

57.4-26 Water pipes, valves, outlets, hydrants, and hoses designated for firefighting purposes should be inspected and tested every 3 months.

57.4-27 Suitable fire extinguishers should be provided on self-propelled mobile equipment with enclosed cabs.

57.4-28 Suitable fire extinguishers should be an integral part of portable cutting and welding equipment.

57.4-29 *Mandatory-UAC.* When welding or cutting near combustible materials, suitable precautions shall be taken to insure that smoldering metal or sparks do not result in a fire.

57.4-30 Employees should be trained in the use of firefighting equipment.

57.4-31 A firefighting organization should be established, equipped, and trained in firefighting; drills should be held at least twice a year.

57.4-32 All employees should be instructed on current escape and evacuation plans, fire alarm signals, and applicable procedures to be followed in case of fire.

57.4-33 *Mandatory-UAC.* Valves on oxygen and acetylene tanks shall be kept closed when the contents are not being used.

57.4-34 Belt-conveyors in locations where fire would create a hazard to personnel should be provided with safety switches to stop the drive pulley automatically in the event of excessive slippage.

SURFACE ONLY

57.4-40 Fire-alarm systems adequate to warn all employees should be provided and maintained in operating condition.

57.4-41 Two exits should be provided where men work or congregate.

57.4-42 Timber or other combustible materials in excess of 1 day's supply should not be stored within 100 feet of mine ventilation fans or mine openings, except where physical conditions do not permit.

57.4-43 Buildings and other structures within 100 feet of mine openings should be fire-resistant.

57.4-44 Areas surrounding main fan installations and other mine openings should be kept free from grass, weeds, underbrush, and other combustible materials for a safe distance in all directions.

57.4-45 Blacksmith shops should be:

(a) A safe distance from mine openings and not in buildings or snowsheds adjoining mine openings.

(b) Of fire-resistant construction.

(c) Well ventilated and equipped with exhaust hoods over the forge and welding areas.

(d) Occupied when the forge fire is burning.

(e) Inspected carefully for smoldering fires at the end of the shaft.

57.4-46 *Mandatory-UAC.* Gasoline, diesel fuel, liquefied petroleum gases, and other flammable liquids when not buried, shall not be stored within 100 feet of the following:

(a) Mine openings.

(b) Buildings or snowsheds connected to mine openings.

(c) Fan installations or housings.

(d) Hoist houses.

UNDERGROUND ONLY

57.4-50 *Mandatory-UAC.* Specific escape and evacuation plans shall be established and kept current. Escape routes shall be marked plainly.

57.4-51 *Mandatory-UAC.* Fire-alarm systems adequate to warn all employees shall be provided and maintained in operating condition.

57.4-52 *Mandatory-UAC.* Gasoline shall not be taken, stored, or used underground.

57.4-53 *Mandatory-UAC.* The use of liquid petroleum gases shall be limited to maintenance work.

57.4-54 *Mandatory-UAC.* Oil, grease, or diesel fuel stored underground shall be kept in suitable tightly sealed containers in fire-resistant areas, at safe distances from explosives' magazines, electrical installations, and shaft stations.

57.4-55 Transformer stations, pump rooms, compressor rooms, and similar installations should be in fire-resistant areas.

57.4-56 Oil or fuel storage areas should not be located in main ventilation airways.

57.4-57 Trailing cables should be fire-resistant.

57.4-58 *Mandatory-UAC.* Fires shall not be built underground; open-flame torches and candles shall not be left unattended.

57.4-59 Welding or cutting should be done in fire-resistant locations whenever possible. When welding or cutting near combustible materials, the surrounding areas should be wet down thoroughly before and after the work is done, and a fire patrol of the area should be maintained afterward for at least 8 hours.

57.4–60 Power circuits should be deenergized in all areas on idle shifts or idle days, except where power is required. These required circuits should be protected with minimum-capacity fuses.

57.4–61 Fire doors should be provided at shaft stations or other appropriate locations to prevent the spread of smoke or gas; the doors should be equipped with latches operable from both sides.

57.4–62 Timbered mine entrances should be fire resistant for at least 200 feet inside the mine portal or collar or provided with fire protection adequate to control a fire for at least 200 feet inside the mine portal or collar.

57.4–63 Waterline outlets should be located so as to be accessible if a fire is at a station.

57.4–64 All air lines in timbered mines should be readily convertible into waterlines if a water supply is available, unless the air lines are paralleled by waterlines.

57.4–65 *Mandatory-UAC.* Noncombustible barriers shall be installed below welding or burning operations in or over a shaft, raise, or winze.

57.4–66 Adequate fire extinguishers or equivalent fire protection should be provided at the head, tail, and drive pulleys of belt conveyors and at suitable intervals along the belt line.

57.4–67 A mine rescue station equipped with at least 10 sets of approved and properly maintained 2-hour self-contained breathing apparatus, adequate supplies, and spare parts should be maintained at mines employing 75 or more men underground or, in lieu thereof, the mine should be affiliated with a central mine rescue station.

57.4–68 Mines at which individual mine rescue stations are not maintained should affiliate with central or cooperative mine rescue stations.

57.4–69 *Mandatory-UAC.* Approved mine rescue apparatus shall be properly maintained for immediate use. The equipment shall be tested at least once a month and records kept of the tests.

57.4–70 At least two rescue crews (10 men) should be trained annually in the use, care, and limitation of self-contained breathing and firefighting apparatus and in mine-rescue procedures at mines employing 75 or more men. Smaller mines should have one or more trained men available.

57.4–71 Rescue crews should include supervisory and key personnel familiar with all mine installations that could prove vital to firefighting and rescue operations.

57.4–72 Only trained mine rescue men should participate in firefighting operations in advance of the fresh air base.

§ 57.5 Air quality.

GENERAL—SURFACE AND UNDERGROUND

57.5–1 *Mandatory-UAC.* Where airborne concentrations of dust, gas, mist and fumes are encountered which exceed threshold limit values adopted by the American Conference of Governmental Hygienists, and persons are exposed to such concentrations, control measures shall be adopted to maintain concentrations below such threshold limit values.

57.5–2 *Mandatory-UAC.* Dust, gas, mist, and fume surveys shall be conducted as frequently as necessary to determine the adequacy of control measures.

57.5–3 *Mandatory-UAC.* Holes shall be collared and drilled wet, or other efficient duct control measures shall be used when drilling non-water-soluble materials. Efficient dust control measures shall be used when drilling water-soluble materials.

57.5–4 Muck piles, haulage roads, rock transfer points, crushers, and other points where dust is produced should be wet down at the beginning of the shift and thereafter as necessary, unless dust is controlled adequately by other methods.

57.5–5 *Mandatory-UAC.* Bureau of Mines approved respirators shall be worn for protection against short-term exposures to concentrations of substances in excess of threshold limit values. Where a concentration of a substance is encountered for which a respirator has not been approved by the Bureau of Mines, respirators developed and tested by an agency or organization acceptable to the Bureau shall be used. Where an approved or acceptable respirator is not available no person shall enter or be exposed to concentrations in excess of threshold limit values. Except as provided in this section, use of respirators shall not be substituted for regular control measures.

SURFACE ONLY

57.5–10 *Mandatory-UAC.* Atmospheres where persons work (including equipment cabs) shall contain:

(a) At least 20 percent oxygen.

(b) Not more than 0.005 percent carbon monoxide, 0.5 percent carbon dioxide, and 5 parts per million nitrogen dioxide or other threshold limit values for these gases adopted by the American Conference of Governmental Industrial Hygienists.

(c) No harmful quantities of other gases, fumes, or mists as determined by threshold limit values established by the American Conference of Governmental Industrial Hygienists.

UNDERGROUND ONLY

57.5–15 Atmospheres in all active areas should contain at least 20 percent oxygen.

57.5–16 *Mandatory-UAC.* Atmospheres in all active areas shall contain:

(a) Not more than 0.005 percent carbon monoxide, 0.5 percent carbon dioxide, and 5 parts per million nitrogen dioxide, or other threshold limit values for these gases adopted by the American Conference of Governmental Industrial Hygienists.

(b) No harmful quantities of other gases, fumes, or mists as determined by threshold limit values established by the American Conference of Governmental Industrial Hygienists.

§ 57.6 Ventilation and radiation.

VENTILATION

UNDERGROUND ONLY

57.6–1 *Mandatory.* Mines shall be provided with mechanically induced primary ventilation.

57.6–2 Main fans should be installed on the surface; if it is necessary to locate them underground, they should be in fire-resistant areas and should be provided with remote controls.

57.6–3 *Mandatory-UAC.* Fan housings and air ducts connecting main fans to underground openings shall be fire-resistant.

57.6–4 Separate mine openings should be provided for main intake and return air currents. A multiple compartment shaft does not constitute separate mine openings.

57.6–5 *Mandatory-UAC.* Precautions shall be taken to ensure that mine intake air is below the 8-hour weighted average allowable threshold limit of contaminants. (Reference

57.6–6 Main fans should be inspected and maintained properly.

57.6–7 Instruments should be provided to test the mine atmosphere quantitatively for carbon monoxide, nitrogen dioxide, and other gases that occur in the mine. Tests should be conducted as frequently as necessary to assure that the required quality of air is maintained.

57.6–8 Flame safety lamps or other suitable devices should be used to test for acute oxygen deficiency.

57.6–9 *Mandatory - UAC.* Unventilated areas shall be sealed, or barricaded and posted against entry.

57.6–10 Ventilation tubing should be installed so that the air current sweeps the face areas effectively. Maximum distance of the end of the tubing from the face generally should be 30 feet for blowing and 6 feet for exhausting.

57.6–11 Ventilation doors not operated mechanically should be hung so that they are self-closing, and installed so as to remain closed regardless of the direction of air current.

57.6–12 *Mandatory.* Internal combustion engines other than Bureau of Mines approved diesels shall not be used underground and they shall be operated in a permissible manner and maintained in permissible condition.

RADIATION

UNDERGROUND ONLY

57.6–18 *Mandatory-UAC.* Mine atmospheres shall be sampled to determine if hazardous atmosphere concentrations of radon daughters are present. Where potentially hazardous atmospheric concentrations are found, or known sources of radon exist, each active work area shall be sampled as often as necessary by a qualified person.

57.6–19 *Mandatory-UAC.* No employee shall be permitted to receive an exposure of more than 6 WLM (working level months) in any consecutive 3-month period and no more than 12 WLM in any consecutive 12-month period.

57.6–20 *Mandatory-UAC.* If samples show an atmospheric concentration of radon daughters of more than 1 working level, but less than 2 working levels, immediate corrective action shall be taken or the men shall be withdrawn. When concentrations higher than 2 working levels are indicated the men shall be withdrawn from the area until corrective action is taken and the radon-daughter atmospheric concentrations are reduced to 1 working level or less.

57.6–21 *Mandatory-UAC.*

(a) Where uranium is mined, if measurements in areas indicate exposure to concentrations of radon daughters in excess of 0.3 working level, complete individual exposure records shall be kept for all employees entering these areas.

(b) Where uranium is not mined, if three consecutive measurements taken in areas at least 8 hours but not more than 24 hours between measurements exceed 0.3 working level, complete individual exposure records shall be kept for all employees entering these areas. If complete individual exposure records covering 3 consecutive months indicate cumulative exposures of less than 1 WLM during the 3-month period, exposure records need no longer be kept.

57.6–22 *Mandatory-UAC.* Smoking shall be prohibited where uranium is mined.

57.6–23 *Mandatory-UAC.* The most recent radiation exposure standards established by the Federal Radiation Council and approved by the President shall be considered authoritative guidance in preventing occupational disease or injury from exposure to ionizing radiation.

57.6–24 *Mandatory.* On and after January 1, 1971, no employee shall be permitted to receive an exposure of more than 4 WLM in any consecutive 12-month period.

§ 57.7 Explosives.

STORAGE

GENERAL—SURFACE AND UNDERGROUND

57.7–1 *Mandatory-UAC.* Detonators, explosives, and blasting agents shall be stored in magazines.

57.7-2 *Mandatory-UAC*. Separate magazines shall be provided for the storage of detonators and explosives.

57.7-3 *Mandatory-UAC*. Detonators shall not be stored in the same magazine with explosives or blasting agents.

57.7-4 Blasting agents, safety fuse, or detonating fuse may be stored with explosives.

57.7-5 *Mandatory*. Only enclosed and gasketed fixtures and wiring in conduit shall be used inside magazines that are illuminated electrically.

57.7-6 *Mandatory-UAC*. Electric switches shall be outside the magazines.

57.7-7 Areas surrounding magazines for not less than 25 feet in all directions should be kept free of rubbish and other combustibles.

57.7-8 *Mandatory-UAC*. Smoking and open flames shall not be permitted within 25 feet of explosives and detonator-storage magazines.

57.7-9 Cases of explosives should be stored in such a manner to assure the use of the oldest stock first.

57.7-10 *Mandatory-UAC*. Ammonium nitrate fuel-oil mixtures shall be physically separated from dynamite stored in the same magazine and in such a manner that oil does not contaminate the dynamite.

57.7-11 Cases of explosives should not be stored on their ends or sides.

57.7-12 Cases of explosives should not be stacked more than 6 feet high.

SURFACE ONLY

57.7-20 *Mandatory-UAC*. Magazines shall be:

(a) Located in accordance with the current American table of distances for storage of explosives.

(b) Detached structures located away from powerlines, fuel storage areas, and other possible sources of fire.

(c) Constructed substantially of noncombustible material or covered with fire-resistant material.

(d) Reasonably bullet resistant.

(e) Electrically bonded and grounded if constructed of metal.

(f) Made of nonsparking materials on the inside, including floors.

(g) Provided with adequate and effectively screened ventilation openings near the floor and ceiling.

(h) Kept locked securely when unattended.

(i) Posted with suitable danger signs so located that a bullet passing through the face of a sign will not strike the magazine.

(j) Used exclusively for storage of blasting agents, explosives, or detonators and kept free of all extraneous materials.

(k) Kept clean and dry in the interior, and in good repair.

(l) Unheated, unless heated in a manner that does not create a fire or explosion hazard. Electrical heating devices shall not be used inside a magazine.

UNDERGROUND ONLY

57.7-25 *Mandatory*. Main underground distribution storage magazines for explosives and detonators shall be:

(a) Of substantial construction and have only nonsparking material on the inside including the floors.

(b) So situated that in the event a magazine catches fire or explodes, escape from the mine will not be cut off.

(c) Separated from haulageways by 25 feet of solid ground.

(d) Located, where possible or practical, so that fumes from fires or explosions will not be coursed to active mining areas.

(e) Provided with suitable warning signs at the entrance to the drift in which the magazine is situated and on the magazine itself.

57.7-26 *Mandatory*. Secondary underground distribution storage magazines for explosives and detonators shall be:

(a) Of substantial construction and have only nonsparking material on the inside including the floors.

(b) Located at least 200 feet from active working places or shafts, 10 feet from tracks or haulageways, 25 feet from trolley wires or powerlines and out of the line of blasts.

57.7-27 *Mandatory*. Box-type underground distribution storage magazines used to store explosives and detonators near working faces shall be constructed with only nonsparking material inside and equipped with covers or doors and shall be located out of the line of blasts.

57.7-28 Box-type underground distribution storage magazines should be used to store explosives and detonators near working faces and should be located not less than 50 feet from the face.

57.7-29 *Mandatory*. Secondary underground and box-type underground magazines shall be labeled suitably.

57.7-30 *Mandatory-UAC*. Detonator-storage magazines shall be of the same construction as explosives-storage magazines and shall be separated by at least 25 feet from explosives-storage magazines.

TRANSPORTATION

GENERAL—SURFACE AND UNDERGROUND

57.7-40 *Mandatory-UAC*. Explosives and detonators shall be transported in separate vehicles unless separated by 4 inches of hard wood or the equivalent.

57.7-41 *Mandatory-UAC*. When explosives and detonators are hauled by trolley locomotive, covered electrically insulated cars shall be used.

57.7-42 *Mandatory-UAC*. Self-propelled vehicles used to transport explosives or detonators shall be equipped with suitable fire extinguishers.

57.7-43 *Mandatory-UAC*. Vehicles containing explosives or detonators shall be posted with proper warning signs.

57.7-44 *Mandatory-UAC*. When vehicles containing explosives or detonators are parked, the brakes shall be set, the motive power shut off, and the vehicles shall be blocked securely against rolling.

57.7-45 *Mandatory-UAC*. Vehicles shall be attended, whenever practical and possible, while loaded with explosives or detonators.

57.7-46 Vehicles containing explosives or detonators should not be taken to a repair garage or shop for any purpose.

57.7-47 *Mandatory-UAC*. Vehicles containing explosives or detonators shall be maintained in good condition and shall be operated at a safe speed and in accordance with all safe operating practices.

57.7-48 *Mandatory-UAC*. Vehicles used to transport explosives other than anfo mixtures, shall have substantially constructed bodies, no sparking metal exposed in the cargo space, and shall be equipped with suitable sides and tail gates; explosives shall not be piled higher than the side or end enclosures.

57.7-49 Explosives should be transported at times and over routes that expose a minimum number of persons.

57.7-50 Explosives or detonators in open-bodied vehicles should be covered with fire and water retardant materials.

57.7-51 *Mandatory-UAC*. Other materials or supplies shall not be placed on or in the cargo space of a conveyance containing explosives or detonators.

57.7-52 *Mandatory-UAC*. Explosives or detonators shall not be transported on locomotives.

57.7-53 *Mandatory-UAC*. No person shall smoke while transporting or handling explosives or detonators.

57.7-54 *Mandatory-UAC*. Only the necessary attendants shall ride on or in vehicles containing explosives or detonators.

57.7-55 *Mandatory-UAC*. Explosives or detonators shall not be transported on man trips.

57.7-56 Explosives should be transported promptly without undue delays in transit.

57.7-57 *Mandatory-UAC*. Nonconductive containers with tight-fitting covers shall be used to transport or carry capped fuses and electric detonators to blasting sites.

57.7-58 *Mandatory-UAC*. Substantial nonconductive closed containers shall be used to carry explosives to blasting sites.

SURFACE ONLY

57.7-65 *Mandatory-UAC*. Vehicles containing explosives or detonators shall not be left unattended except in blasting areas where loading or charging is in progress.

UNDERGROUND ONLY

57.7-75 Men assigned to and responsible for hoisting should be notified whenever explosives are being transported in a shaft conveyance.

57.7-76 *Mandatory-UAC*. Hoisting of ore, muck, or other materials in adjacent shaft compartments shall be stopped while explosives are being handled.

57.7-77 *Mandatory-UAC*. Vehicles used to transport explosives underground shall be of substantial construction, and have no spark-producing metal exposed on the inside.

57.7-78 Cars containing explosives should be pulled, except when hand-trammed.

USE

GENERAL—SURFACE AND UNDERGROUND

57.7-90 *Mandatory-UAC*. Persons who use explosives, blasting agents, or detonators shall be experienced men who understand the hazards involved; trainees shall do such work only under the supervision of and in the immediate presence of experienced men.

57.7-91 Blasting operations should be under the direct control of authorized persons.

57.7-92 *Mandatory-UAC*. Damaged or deteriorated explosives, blasting agents, and detonators shall be destroyed in a safe manner.

57.7-93 *Mandatory*. Explosives or detonators shall not be taken to the face or the immediate vicinity of the blasting site until all other work has been completed.

57.7-94 *Mandatory-UAC*. Holes to be blasted shall be charged as near to blasting time as practical and such holes shall be blasted as soon as possible after charging has been completed. In no case shall the time elapsing between the completion of charging to the time of blasting exceed 72 hours unless prior approval has been obtained from the Bureau of Mines.

57.7-95 *Mandatory-UAC*. No person shall smoke within 25 feet of explosives, blasting agents or detonators.

57.7-96 *Mandatory-UAC*. Explosives and blasting agents shall be kept separated from detonators until charging is started.

57.7-97 *Mandatory-UAC*. Primers shall be made up at the time of charging and as close to the blasting site as conditions allow.

57.7-98 Primers should be prepared so that the detonator is contained securely along the centerline of the explosives cartridge.

57.7-99 *Mandatory-UAC*. Only wooden or other nosparking implements shall be used to punch holes in explosives' cartridges.

57.7-100 *Mandatory-UAC*. Tamping poles shall be blunt and squared at one end and made of wood, nonsparking material, or of special plastic acceptable to the Bureau of Mines.

57.7-101 No tamping should be done directly on primer cartridges.

57.7–102 *Mandatory-UAC.* Unused explosives and detonators shall be moved to a safe location as soon as charging operations are completed.

57.7–103 *Mandatory-UAC.* Areas in which charged holes are awaiting firing shall be guarded, or barricaded and posted, or flagged, against unauthorized entry.

57.7–104 *Mandatory-UAC.* When safety fuse has been used, men shall not return to misfired holes for at least 30 minutes.

57.7–105 *Mandatory.* When electric blasting caps have been used, men shall not return to misfired holes for at least 15 minutes.

57.7–106 Faces and muckpiles should be examined for undetonated explosives after each blast and undetonated explosives found should be disposed of safely.

57.7–107 *Mandatory-UAC.* Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

57.7–108 *Mandatory-UAC.* Fuse and igniters shall be stored in a cool, dry place away from oils or grease.

57.7–109 Fuse shoud not be kinked, bent sharply, or handled roughly.

57.7–110 *Mandatory-UAC.* Fuses shall be cut and capped in safe, dry locations posted with "No Smoking" signs.

57.7–111 *Mandatory-UAC.* Blasting caps shall be crimped to fuses only with implements designed for that specific purpose.

57.7–112 *Mandatory-UAC.* The burning rate of the fuse shall be posted in the fuse-capping station in a conspicuous location such that the burning rate will be brought to the attention of all men concerned with blasting.

57.7–113 *Mandatory-UAC.* Fuse less than 48 inches long shall not be used.

57.7–114 *Mandatory-UAC.* At least two men shall be present when lighting fuses, and no man shall light more than 15 individual fuses. If more than 15 holes per man are to be fired, igniter cord and connectors or electric blasting shall be used.

57.7–115 A safe interval of time should be allowed to light a round and evacuate the blasting area.

57.7–116 *Mandatory-UAC.* Fuse shall be ignited with hot-wire lighters, lead spitters, igniter cord, or other such devices designed for this purpose.

57.7–117 *Mandatory-UAC.* Fuse shall not be ignited before the primer and the entire charge are securely in place.

57.7–118 Timing should be such that the fuse in the last hole to fire is burning within the hole before the first hole fires.

57.7–119 Electric detonators of different brands should not be used in the same round.

57.7–120 *Mandatory-UAC.* Electric detonators shall remain shunted until they are being wired into the blasting circuit. Lead lines and wired rounds shall be kept shunted until immediately before blasting.

57.7–121 Completely wired rounds should be tested with a blasting galvanometer before connections are made to the blasting line.

57.7–122 *Mandatory-UAC.* Permanent blasting lines shall be properly supported, insulated, and kept in good repair.

57.7–123 *Mandatory.* Charging shall be stopped immediately when the presence of static electricity or stray current is detected; the condition shall be remedied before charging is resumed.

57.7–124 *Mandatory-UAC.* Charging shall be suspended in surface mining, shaft sinking, and tunneling and men withdrawn to a safe location upon the approach of an electrical storm.

57.7–125 *Mandatory-UAC.* If branch circuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast areas shall be provided in addition to the main blasting switch.

57.7–126 *Mandatory-UAC.* Safety switches and blasting switches shall be labeled, encased in boxes, and arranged so that the covers of the boxes cannot be closed with the switches in closed position.

57.7–127 *Mandatory-UAC.* Blasting switches shall be locked in the open position, except when closed to fire the blast. Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.

57.7–128 *Mandatory-UAC.* The key to a blasting switch shall be entrusted only to the person designated to fire blasts.

57.7–129 *Mandatory-UAC.* Electric circuits from the blasting switches to the blast area shall not be grounded.

57.7–130 At least a 5-foot airgap should be provided between the blasting circuit and the power circuit.

57.7–131 Power sources should be suitable for the number of electric detonators to be fired and for the type of circuits used.

57.7–132 Delay connectors for firing detonating cord should be treated and handled with the same safety precautions as blasting caps and electric detonators.

SURFACE ONLY

57.7–160 *Mandatory-UAC.* Ample warning shall be given before blasts are fired. All persons shall be cleared and removed from areas endangered by the blast.

57.7–161 *Mandatory-UAC.* Sufficient blasting shelters shall be provided to protect all men endangered by fly rock from blasting.

57.7–162 If explosives are suspected of burning in a hole, all persons in the endangered area should move to a safe location until the danger has passed.

57.7–163 *Mandatory-UAC.* Lead wires and blasting lines shall not be strung across power conductors, pipelines, railroad tracks, or within 20 feet of bare powerlines. They shall be protected from sources of static or other electrical contact.

57.7–164 *Mandatory-UAC.* The double-trunk-line or loop system shall be used in detonating-cord blasting.

57.7–165 *Mandatory-UAC.* Trunkline, in multiple-row blasts, shall make one or more complete loops, with crossties between loops at intervals of not over 200 feet.

57.7–166 *Mandatory-UAC.* All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

57.7–167 Detonating cord should not be kinked, bent, or otherwise handled in such a manner that the train of detonation may be interrupted.

UNDERGROUND ONLY

57.7–175 *Mandatory-UAC.* Ample warning shall be given before blasts are fired. All persons shall be cleared and removed from areas endangered by the blast. Clear access to exits shall be provided for personnel firing the rounds.

57.7–176 Blasting areas should not be reentered after firing until concentrations of smoke, dust, and fumes have been reduced to safe limits.

57.7–177 *Mandatory-UAC.* Misfires shall be reported or disposed of as soon as possible by the following methods:

(a) Reattempting to fire the holes if leg wires are exposed.

(b) Washing the stemming and the charge from the borehole with water.

(c) Inserting new primers after the stemming has been washed out.

57.7–178 Explosives and blasting lines should be isolated from sources of static or other electrical contact.

57.7–179 *Mandatory-UAC.* Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted shall be deenergized before explosives are brought into the area; the power shall not be turned on again until after the shots are fired.

57.7–180 Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted should be deenergized before explosives are brought into the area; the power should not be turned on again until after the shots are fired.

SENSITIZED AMMONIUM NITRATE BLASTING AGENTS

GENERAL—SURFACE AND UNDERGROUND

57.7–190 If sensitized ammonium nitrate blasting agents are not purchased premixed, all procedures concerning storage of components and the final product, mixing, and transportation should be in accordance with Bureau of Mines Information Circular 8179, "Safety Recommendations for Sensitized Ammonium Nitrate Blasting Agents," or subsequent revisions.

57.7–191 *Mandatory.* In the use of sensitized ammonium nitrate mixtures and blasting agents the same precautions shall be taken as for high explosives.

57.7–192 Adequate priming should be employed to guard against misfires, increased toxic fumes, and poor performance.

57.7–193 *Mandatory-UAC.* Where pneumatic loading is employed, before any type of blasting operation using blasting agents is put into effect, an evaluation of the potential hazard of static electricity shall be made. Adequate steps, including the grounding and loading of the conductive parts of pneumatic loading equipment, shall be taken to eliminate the hazard of static electricity before blasting agent use is commenced.

57.7–194 *Mandatory-UAC.* Pneumatic loading equipment shall not be grounded to waterlines, air lines, rails, or the permanent electrical grounding systems.

57.7–195 *Mandatory.* Hoses used in connection with pneumatic loading machines shall be of the semiconductive type, having a total resistance low enough to permit the dissipation of static electricity and high enough to limit the flow of stray electric currents to a safe level. Wire-countered hose shall not be used because of the potential hazard from stray electric currents.

57.7–196 Reasonable precautions should be exercised to exclude moisture from blasting agents other than slurries. Water should be removed from holes before holes are charged. If water continues to flow into boreholes, sensitized ammonium nitrate should not be used.

57.7–197 *Mandatory-UAC.* Plastic tubes shall not be used to protect pneumatically loaded blasting agent charges against water unless a positive grounding system is provided to drain electrostatic charges from the hole.

57.7–198 In small-diameter holes, the AN–FO or related agents should be loaded so as to provide a continuous column that completely fills the cross section of the borehole.

57.7–199 Adequate priming should be employed to guard against misfires, increased toxic fumes, and poor performance.

§ 57.8 Drilling.

SURFACE ONLY

57.8–1 Equipment should be inspected each shift by an authorized individual. Equipment defects affecting safety should be reported.

57.8–2 *Mandatory-UAC.* Equipment defects affecting safety shall be corrected before the equipment is used.

57.8–3 *Mandatory-UAC.* The drilling area shall be inspected for hazards before starting the drilling operations.

57.8–4 *Mandatory-UAC.* Men shall not be on the mast while the drill is in operation.

57.8–5 *Mandatory-UAC.* Drill crews and others shall stay clear of augers or drill stems

that are in motion. Persons shall not pass under or step over a moving stem or auger.

57.8-6 Receptacles or racks should be provided for drill steel stored on drills.

57.8-7 Tools and other objects should not be left loose on the mast or drill platform.

57.8-8 *Mandatory-UAC.* When a drill is being moved from one drilling area to another, drill steel, tools and other equipment shall be secured and the mast placed in a safe position.

57.8-9 The drill helper, when used, should be in sight of the operator at all times while the drill is being moved to a new location.

57.8-10 *Mandatory-UAC.* In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

57.8-11 *Mandatory-UAC.* The drill stem shall be resting on the bottom of the hole or on the platform with the stem secured to the mast before attempts are made to straighten a crossed cable on a reel.

57.8-12 *Mandatory-UAC.* While in operation, drills shall be attended at all times.

57.8-13 *Mandatory-UAC.* Drill holes large enough to constitute a hazard shall be covered or guarded.

57.8-14 Men operating or working near jackhammers or jackleg drills and other drilling machines should position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.

57.8-15 Men should not drill from positions that hinder their access to the control levers, or from insecure footing or staging, or from atop equipment not designed for this purpose.

57.8-16 Bit wrenches or bit knockers should be used to remove detachable bits from drill steel.

57.8-17 Starter steels should be used when collaring holes with hand-held or feed-leg drills.

57.8-18 *Mandatory-UAC.* Men shall not hold the drill steel while collaring holes, or rest their hands on the chuck or centralizer while drilling.

57.8-19 Air should be turned off and bled from the hose before hand-held drills are moved from one working area to another.

UNDERGROUND ONLY

57.8-25 Men operating or working near drilling machines should position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.

57.8-26 Men should not attempt to operate drills from positions that hinder their access to the control levers.

57.8-27 Drilling should not be attempted for insecure footing or staging, or from atop equipment not designed for this purpose.

57.8-28 Men should not hold the drill steel while collaring holes, or rest their hands on the chuck or centralizer while drilling.

57.8-29 Air should be turned off before moving portable drills from one face to another.

57.8-30 Receptacles or racks should be provided for drill steel stored on jumbos.

57.8-31 Before drilling cycle is started, warning should be given to men working below jumbo decks.

57.8-32 Drills on columns should be anchored firmly before drilling is started and should be retightened frequently thereafter.

§ 57.9 Rotary jet piercing.

SURFACE ONLY

57.9-1 Jet drills should be provided with:

(a) A system to pressurize operator's cabs.

(b) A protective cover over the oxygen flow indicator.

57.9-2 *Mandatory-UAC.* Safety Chains or other suitable locking devices shall be provided across connections to and between high pressure oxygen hose lines of 1-inch inside diameter or larger.

57.9-3 *Mandatory-UAC.* A suitable means of protection shall be provided for the employee when lighting the burner.

57.9-4 With equipment requiring refueling at locations other than fueling stations, a system for fueling from the ground without spill should be provided.

57.9-5 *Mandatory-UAC.* Men shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines. Signs warning against smoking and open flames shall be posted in these areas.

§ 57.10 Loading, hauling, dumping.

GENERAL—SURFACE AND UNDERGROUND

57.10-1 Equipment should be inspected each shift by an authorized individual. Equipment defects affecting safety should be reported.

57.10-2 *Mandatory-UAC.* Equipment defects affecting safety shall be corrected before the equipment is used.

57.10-3 *Mandatory-UAC.* Powered mobile equipment shall be provided with adequate brakes.

57.10-4 Powered mobile haulage equipment should be provided with audible warning devices. Lights should be provided on both ends when required.

57.10-5 *Mandatory-UAC.* Operators shall be certain, by signal or other means, that all persons are clear before starting or moving equipment.

57.10-6 *Mandatory-UAC.* When the entire length of the conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor. When the entire length of the conveyor is not visible from the starting switch, a positive audible or visual warning system shall be installed and operated to warn persons that the conveyor will be started.

57.10-7 *Mandatory-UAC.* Unguarded conveyors with walkways shall be equipped with emergency stop devices or cords along their full length.

57.10-8 Adequate protection should be provided at dumping locations where men may be endangered by falling material.

57.10-9 *Mandatory-UAC.* Operators shall sound warning before starting trains, when trains approach crossings or other trains on adjacent tracks, and where vision is obscured.

57.10-10 Operators' cabs should be constructed to permit operators to see without straining and should be reasonably comfortable.

57.10-11 *Mandatory-UAC.* Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.

57.10-12 *Mandatory-UAC.* Cabs of mobile equipment shall be kept free of extraneous materials.

57.10-13 *Mandatory-UAC.* Adequate backstops or brakes shall be installed on inclined-conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.

57.10-14 *Mandatory-UAC.* No person shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the belt is specifically designd for the transportation of persons.

57.10-15 Slusher hoists should be equipped with backlash guards, rollers, drum covers, and anchored securely before slushing operations are started.

57.10-16 Roadbeds, rails, joints, switches, frogs, and other elements on railroads should be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.

57.10-17 Equipment operating speeds should be prudent and consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.

57.10-18 Dust control measures should be taken where dust significantly reduces visibility of equipment operators.

57.10-19 Track guard rails, lead rails, and frogs should be protected or blocked so as to prevent a person's foot from becoming wedged.

57.10-20 *Mandatory-UAC.* Positive-acting stopblocks, derail devices, track skates or other adequate means shall be installed wherever necessary to protect persons from runaway or moving railroad equipment.

57.10-21 Vehicles should follow at a safe distance; passing should be limited to areas of adequate clearance and visibility.

57.10-22 *Mandatory-UAC.* Berms or guards shall be provided on the outer banks of elevated roadways.

57.10-23 *Mandatory-UAC.* Trackless haulage equipment shall be operated under power control at all times.

57.10-24 *Mandatory-UAC.* Mobile equipment operators shall have full control of the equipment while it is in motion.

57.10-25 *Mandatory-UAC.* Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.

57.10-26 *Mandatory.* Only authorized persons shall be present in areas of loading or dumping operations.

57.10-27 *Mandatory-UAC.* When an operator is present, men shall notify him before getting on or off equipment.

57.10-28 *Mandatory-UAC.* Switch throws shall be installed so as to provide adequate clearance for switchmen.

57.10-29 Operators should sit facing the direction of travel while operating equipment with dual controls.

57.10-30 *Mandatory-UAC.* Men shall not work or pass under the buckets or booms of loaders in operation.

57.10-31 *Mandatory-UAC.* When traveling between work areas, the equipment shall be secured in the travel position.

57.10-32 *Mandatory-UAC.* Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.

57.10-33 *Mandatory-UAC.* Men shall not ride in dippers, buckets, forks, clamshells, or in the beds of dump trucks for the purpose of transportation.

57.10-34 Loaded cars or trucks should not be moved until the loads are trimmed properly.

57.10-35 Movements of two or more pieces of rail equipment operating independently on the same track should be regulated by an efficient signal block, telephone, or radio system; movements on complex haulage systems should be adequately controlled.

57.10-36 *Mandatory-UAC.* Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set or other equivalent precautions are taken against rolling.

57.10-37 *Mandatory-UAC.* Mobile equipment shall not be left unattended unless the brakes are set. The wheels shall be turned into a bank or rib, or shall be blocked, when such equipment is parked on a grade.

57.10-38 When dumping cars by hand, the car dumps should be provided with tie-down chains or bumper blocks to prevent cars from overturning.

57.10-39 *Mandatory-UAC.* Men shall not get on or off moving equipment, except that

trainmen may get on or off of slowly moving trains.

57.10–40 *Mandatory-UAC.* Men shall not ride on top of loaded haulage equipment.

57.10–41 *Mandatory-UAC.* Only authorized persons shall be permitted to ride on trains or locomotives and they shall ride in a safe position.

57.10–42 Rocker-bottom or bottom-dump cars should be equipped with positive locking devices.

57.10–43 *Mandatory-UAC.* Men shall not ride outside the cabs and beds of mobile equipment.

57.10–44 Men should not ride in conveyances equipped with unloading devices unless a positive means is provided to prevent accidental starting of the unloading mechanism.

57.10–45 *Mandatory-UAC.* Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.

57.10–46 Backpoling of trolley poles should be avoided wherever possible; where backpoling is necessary, it should be done only at slow speeds.

57.10–47 *Mandatory-UAC.* Parked railcars, unless held effectively by brakes shall be blocked securely.

57.10–48 *Mandatory-UAC.* Railroad cars with braking systems, when in use, shall be equipped with effective brake shoes.

57.10–49 Long material should be transported by a method designed to prevent any overhang from creating a hazard.

57.10–50 *Mandatory-UAC.* Railcars shall not be left on side tracks unless ample clearance is provided for traffic on adjacent tracks.

57.10–51 *Mandatory-UAC.* Persons shall not go over, under, or between cars unless the train is stopped and the motorman has been notified and the notice acknowledged.

57.10–52 *Mandatory-UAC.* Inability of the motorman to clearly recognize the brakeman's signals when the train is under the direction of the brakeman shall be construed by the motorman as a stop signal.

57.10–53 Dumping locations and haulage roads should be kept reasonably free of water, debris, and spillage.

57.10–54 *Mandatory-UAC.* Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

57.10–55 Where the ground at a dumping place may fail to support the weight of a loaded dump truck, trucks should be dumped back from the edge of the bank.

57.10–56 Where necessary, bumper blocks or the equivalent should be provided at all track dead ends.

57.10–57 Grizzlies, grates, and other sizing devices at dump and transfer points should be anchored securely in place.

57.10–58 *Mandatory-UAC.* If truck spotters are used, they shall be well in the clear while trucks are backing into dumping position and dumping; lights shall be used at night to direct trucks.

57.10–59 *Mandatory-UAC.* Public and permanent railroad crossings shall be posted with warning signs or signals, or shall be guarded when trains are passing and shall be planked or otherwise filled between the rails.

57.10–60 *Mandatory-UAC.* Where overhead clearance is restricted, warning devices shall be installed and the restricted area shall be conspicuously marked.

57.10–61 *Mandatory-UAC.* Stockpile and muckpile faces shall be trimmed to prevent hazards to personnel.

57.10–62 *Mandatory-UAC.* Rocks too large to be handled safely shall be broken before loading.

57.10–63 Ramps and dumps should be of solid construction, of ample width, have ample side clearance and headroom, and be kept reasonably free of spillage.

57.10–64 *Mandatory-UAC.* Chute-loading installations shall be designed so that men pulling chutes are not required to assume hazardous positions while loading cars.

57.10–65 Cars should not be coupled or uncoupled manually from the inside of curves.

57.10–66 A locomotive on one track should not be used to move equipment on a different track unless a chain or drawbar is used.

57.10–67 *Mandatory-UAC.* Facilities used to transport men to and from work areas shall not be overcrowded.

57.10–68 *Mandatory-UAC.* Lights, flares, or other warning devices shall be posted when parked equipment creates a hazard to vehicular traffic.

57.10–69 *Mandatory-UAC.* Tires shall be deflated before repairs on them are started and adequate means shall be provided to prevent wheel locking rims from creating a hazard during tire inflation.

57.10–70 A tow bar should be used to tow heavy equipment. A safety chain should be used in conjunction with the tow bar.

SURFACE ONLY

57.10–81 *Mandatory-UAC.* Trucks, shuttle cars, and front-end loaders shall be equipped with emergency brakes separate and independent of the regular braking system.

57.10–82 In areas where weather conditions justify, haulage trucks with cabs should be equipped with heaters and/or air conditioners maintained in good condition.

57.10–83 *Mandatory-UAC.* Where possible at least 30 inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30-inch clearance shall be marked conspicuously.

57.10–84 Traffic rules, signals, and warning signs should be standarized at each mine and posted.

57.10–85 *Mandatory-UAC.* Supplies, materials, and tools other than small hand tools shall not be transported with men in man-trip vehicles, unless such vehicles are specifically designed to make such transportation safe.

57.10–86 Any load extending more than 4 feet beyond the rear of the vehicle body should be marked clearly with a red flag by day and a red light at night.

UNDERGROUND ONLY

57.10–95 *Mandatory.* Where the design and operation of trucks, shuttle cars, and front-end loaders are such as to make it feasible and necessary they shall be equipped with emergency brakes separate and independent of the regular braking system.

57.10–96 Supplies, materials, or tools, except properly secured rerailing devices, should not be carried on top of locomotives.

57.10–97 *Mandatory-UAC.* Trains shall be brought to a complete stop, then moved very slowly when coupling or uncoupling cars manually.

57.10–98 *Mandatory-UAC.* Makeshift couplings shall not be used.

57.10–99 *Mandatory-UAC.* Supplies, materials, and tools other than small hand tools shall not be transported with men in man-trip cars. Man trips shall not be operated independently of ore and supply trips.

57.10–100 Pneumatic-powered loading equipment should be provided with a valve to close the air line at the machine; this valve should be closed except when the machine is being operated.

57.10–101 *Mandatory.* Steps shall be provided for rocker-type loading machines and operators shall stand on the step when operating the machine.

57.10–102 *Mandatory-UAC.* When a signalman is used during slushing operations he shall be positioned in a safe place.

57.10–103 *Mandatory-UAC.* Collars of open draw holes shall be kept free of muck and material.

57.10–104 Warning devices or conspicuous markings should be installed when chute lips create a hazard to personnel.

57.10–105 Empty chutes should be properly guarded prior to filling or sufficient material should be left in the chute bottom to prevent rock from flying out when broken material is dumped into the chute.

57.10–106 *Mandatory-UAC.* Ample warning shall be given to men who may be affected by the draw or otherwise exposed to danger from chute-pulling operations.

57.10–107 *Mandatory-UAC.* Men shall not stand on broken rock or ore over draw points if there is danger that the chute will be pulled. Suitable platforms or safety lines shall be provided when work must be done in such areas.

57.10–108 Men attempting to loosen hangups should work with extreme caution.

57.10–109 Men should not work or pass under hung draw openings unless the openings are blocked effectively.

57.10–110 *Mandatory-UAC.* Shelter holes shall be provided to ensure the safety of men along haulageways where continuous clearance of at least 30 inches from the farthest projection of moving equipment on at least one side of the haulageway cannot be maintained.

57.10–111 Shelter holes should be at least 4 feet wide, marked conspicuously, and should provide a minimum of 40 inches clearance from the farthest projection of moving equipment.

57.10–112 Trip lights or approved reflectors should be used on the rear of pulled trips and on the front of pushed trips.

57.10–113 *Mandatory-UAC.* Man trips shall be operated at speeds consistent with the condition of tracks and equipment used.

57.10–114 *Mandatory-UAC.* Where man trips are used, discharge and boarding points shall be designated. Men shall not board or leave moving man-trip cars.

57.10–115 Man-trip passengers should ride on the side of the car opposite the trolley wire, unless covered man cars are provided.

57.10–116 *Mandatory-UAC.* During shift changes the movement of rock or material trains shall be limited to areas where such trains could not present a hazard to men coming on or going off shift.

57.10–117 *Mandatory-UAC.* Men shall not ride between cars or on top of loaded cars.

§ 57.11 Aerial tramways.

SURFACE ONLY

57.11–1 Buckets should not be overloaded, and feed should be regulated to prevent spillage.

57.11–2 Carriers, including loading and unloading mechanisms, should be inspected each shift; brakes should be inspected daily; ropes and supports should be inspected as recommended by the manufacturer or as physical conditions warrant. Records of rope maintenance and inspections should be kept.

57.11–3 *Mandatory-UAC.* Any hazardous defects shall be corrected before the equipment is used.

57.11–4 Positive-action type brakes should be provided on aerial tramways.

57.11–5 Track cable connections should be designed to offer minimum obstruction to the passage of wheels.

57.11–6 Guards should be installed to prevent swaying buckets from hitting towers.

57.11–7 *Mandatory-UAC.* Guard nets shall be provided where tramways pass over roadways, walkways, and buildings.

57.11–8 *Mandatory-UAC.* Persons other than maintenance men shall not ride aerial tramways unless the following features are provided:

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

(b) Direct communication between terminals.

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

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

57.11–9 *Mandatory-UAC.* Men shall not ride loaded buckets.

57.11–10 *Mandatory-UAC.* Where possible aerial tramways shall not be started until the operator has ascertained that everyone is in the clear.

§ 57.12 Travelways.

GENERAL—SURFACE AND UNDERGROUND

57.12–1 *Mandatory-UAC.* Safe means of access shall be provided and maintained to all working places.

57.12–2 *Mandatory-UAC.* Crossovers, elevated walkways, elevated ramps, and stairways shall be of substantial construction, provided with handrails, and maintained in goood condition. Where necessary, toeboards shall be provided.

57.12–3 *Mandatory-UAC.* Ladders shall be of substantial construction and maintained in good condition.

57.12–4 Portable straight ladders should be provided with nonslip bases, should be placed against a safe backing, and set on secure footing.

57.12–5 *Mandatory-UAC.* Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

57.12–6 *Mandatory-UAC.* Fixed ladders shall project at least 3 feet above landings, or substantial handholds shall be provided above the landings.

57.12–7 Wooden members of ladders should not be painted.

57.12–8 Ladderways, stairways, walkways, and ramps should be kept free of loose rock and extraneous materials.

57.12–9 *Mandatory-UAC.* Railed walkways shall be provided wherever persons are regularly required to walk alongside conveyor belts. Inclined railed walkways shall be nonskid or provided with cleats.

57.12–10 Vertical clearance above stair steps should be a minimum of 7 feet.

57.12–11 Men climbing or descending ladders should face the ladders and have both hands free for climbing.

57.12–12 *Mandatory-UAC.* Openings above, below, or near travelways through which men or materials may fall shall be protected by railing, barriers, or covers. Where it is impractical to install such protective devices, adequate warning signals shall be installed.

57.12–13 *Mandatory-UAC.* Crossovers shall be provided where it is necessary to cross conveyors.

57.12–14 *Mandatory-UAC.* Moving conveyors shall be crossed only at designated crossover points.

57.12–15 Slippery walkways should be provided with cleats and handrails and/or ropes.

57.12–16 *Mandatory-UAC.* Regularly used walkways and travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.

57.12–17 Fixed ladders should not incline backwards at any point unless provided with backguards.

SURFACE ONLY

57.12–25 Fixed ladders should be offset and have substantial railed landings at least every 30 feet unless backguards are provided.

57.12–26 Steep fixed ladders (70° to 90° from the horizontal) 30 feet or more in length should be provided with backguards, cages, or equivalent protection, starting at a point not more than 7 feet from the bottom of the ladder.

57.12–27 *Mandatory-UAC.* Scaffolds and working platforms shall be of substantial construction and provided with handrails and maintained in good condition. Floorboards shall be laid properly and the scaffolds and working platform shall not be overloaded. Working platforms shall be provided with toeboards when necessary.

UNDERGROUND ONLY

57.12–35 Flexible ladders should be used only where rigid ladders may be impractical.

57.12–36 *Mandatory-UAC.* Trap doors or adequate guarding shall be provided in ladderways at each level. Doors shall be kept operable.

57.12–37 The minimum, unobstructed cross-sectional opening in ladderways should be 24 inches by 24 inches.

57.12–38 Warning should be given and acknowledged before entering a manway above or below where men are working.

57.12–39 Working floors in square-set stopes should be lagged closely and securely, and open sets should be equipped with guardrails.

57.12–40 Designated travelways steeper than 30° from the horizontal should be provided with ladders or stairways.

57.12–41 Ladders with an inclination of more than 70° off the horizontal should be offset and have landing gates, backguards or substantial landings at least every 30 feet.

§ 57.13 Escapeways.

UNDERGROUND ONLY

57.13–1 *Mandatory-UAC.* Every mine shall have two separate properly maintained escapeways to the surface which are so positioned that damage to one shall not lessen the effectiveness of the other, or a method of refuge shall be provided when only one opening to the surface is possible.

57.13–2 *Mandatory-UAC.* Escape routes shall be:

(a) Inspected at regular intervals and maintained in safe, travelable condition.

(b) Marked with conspicuous and easily read direction signs that clearly indicate the ways of escape.

57.13–3 *Mandatory-UAC.* Refuge areas shall be:

(a) Of fire-resistant construction, preferably in untimbered areas of the mine.

(b) Large enough to accommodate readily the normal number of men in the particular area of the mine.

(c) Constructed so they can be made gastight.

(d) Provided with compressed air lines, waterlines, suitable handtools, and stopping materials.

57.13–4 *Mandatory-UAC.* Mine maps shall be posted and available showing escape routes, directions of principal airflow, locations of telephones, fire doors, ventilation doors, and brought up to date as necessary.

57.13–5 *Mandatory-UAC.* Telephone or other voice communication shall be provided between the surface and refuge chambers and such systems shall be independent of the mine power supply.

57.13–6 *Mandatory-UAC.* Designated escapeways inclined more than 30 degrees from the horizontal shall be equipped with stairways, ladders, cleated walkways, or emergency hoisting facilities.

57.13–7 Emergency hoisting facilities should conform to the extent possible to safety requirements for other man hoists, should be adequate to remove the men from the mine with a minimum of delay, be maintained in ready condition, and be tested at least every 30 days; records should be kept of these tests.

§ 57.14 Electricity.

GENERAL—SURFACE AND UNDERGROUND

57.14–1 *Mandatory.* Circuits shall be protected against excessive overload by fuses or circuit breakers of the correct type and capacity.

57.14–2 *Mandatory-UAC.* Electric equipment and circuits shall be provided with switches or other controls. Such switches or controls shall be of approved design and construction and shall be properly installed.

57.14–3 *Mandatory.* Individual overload protection or short-circuit protection shall be provided for the trailing cables of mobile equipment.

57.14–4 Power wires and cables should have adequate current-carrying capacity and should be protected from mechanical injury.

57.14–5 Neither crawler-mounted nor rubber-tired equipment should run over trailing cables, unless the cables are properly bridged or protected.

57.14–6 Distribution boxes should be provided with disconnect switches.

57.14–7 *Mandatory-UAC.* Trailing cable and power-cable connections to junction boxes shall not be made or broken under load.

57.14–8 Power wires and cables should be insulated adequately where they pass into or out of electrical compartments.

57.14–9 Power wires and cables which present a fire hazard should be well installed on acceptable insulators.

57.14–10 Telephone and low-potential electric signal wires should be protected from contacting energized powerlines.

57.14–11 *Mandatory-UAC.* High-potential transmission cables shall be covered, insulated, or placed according to acceptable electrical codes to prevent contact with low-potential circuits.

57.14–12 The potential on bare signal wires accessible to personal contact should not exceed 40 volts.

57.14–13 Splices in power cables, including ground conductor, where provided, should be:

(a) Mechanically strong with adequate electrical conductivity.

(b) Effectively insulated and sealed to exclude moisture,

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

57.14–14 *Mandatory-UAC.* Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.

57.14–15 *Mandatory.* Energized high-potential cables shall be handled with insulated hooks or tongs.

57.14–16 *Mandatory-UAC.* Electrical equipment shall be deenergized before work is done on such equipment. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by the persons who installed them.

57.14–17 *Mandatory-UAC.* Power circuits shall be deenergized before work is done on such circuits unless hot-line tools are used. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by the persons who installed them.

57.14–18 *Mandatory-UAC.* Principal power switches shall be labeled to show which units they control, unless identification can be made readily by location.

57.14–19 At least 3 feet of clearance should be provided around all parts of stationary electric equipment or switchgear where access or travel is necessary.

57.14–20 *Mandatory-UAC.* Dry wooden platforms, insulating mats, or other electrically nonconductive material shall be kept

in place at all switchboards and power-control switches where shock hazards exist. However, metal plates on which a person normally would stand, and kept at the same potential as the grounded metal noncurrent carrying parts of the power switches to be operated, may be used.

57.14-21 *Mandatory-UAC.* Suitable danger signs shall be posted at all major electrical installations.

57.14-22 Areas containing major electrical installations should be entered only by authorized personnel.

57.14-23 *Mandatory-UAC.* Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless protection is provided by location.

57.14-24 Reverse-current protection should be provided at storage-battery charging stations.

57.14-25 *Mandatory-UAC.* All metal enclosing or encasing electrical circuits shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

57.14-26 *Mandatory-UAC.* Metal fencing and metal buildings enclosing transformers and switchgear shall be grounded.

57.14-27 *Mandatory-UAC.* Frame grounding or equivalent protection shall be provided for mobile equipment powered through trailing cables.

57.14-28 *Mandatory-UAC.* Continuity and resistance of grounding systems shall be tested immediately after installation.

57.14-29 Electric equipment and wiring should be inspected by a competent person as often as necessary to assure safe operating conditions.

57.14-30 *Mandatory-UAC.* When a potentially dangerous condition is found it shall be corrected before equipment or wiring is energized.

57.14-31 Electric motors, switches, and controls exposed to damaging dust or water should be of dusttight or watertight construction.

57.14-32 Inspection and cover plates on electrical equipment should be kept in place at all times except during testing or repairs.

57.14-33 *Mandatory-UAC.* Hand-held electric tools shall not be operated at high potential voltages.

57.14-34 Portable extension lights and other lights that may present a shock or burn hazard should be guarded.

57.14-35 Lamp sockets exposed to the weather should be of a weatherproof type.

57.14-36 *Mandatory-UAC.* Circuits shall be deenergized before fuses are removed or replaced.

57.14-37 *Mandatory-UAC.* Fuse tongs or hot-line tools shall be used when fuses are removed or replaced in high-potential circuits.

57.14-38 Trailing cables should be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections.

57.14-39 Surplus trailing cables to shovels, cranes, and similar equipment should be stored in cable boots or on reels mounted on the equipment or otherwise protected from mechanical damage.

57.14-40 *Mandatory-UAC.* Operating controls shall be installed so that they can be operated without danger of contact with energized conductors.

57.14-41 *Mandatory-UAC.* Switches and starting boxes shall be of safe design and capacity.

57.14-42 Both rails should be bonded or welded at every joint. Rails should be crossbonded at least every 200 feet if the track serves as the return trolley circuit, except where a control signal can not be used on a crossbonded track.

57.14-43 *Mandatory-UAC.* Equipment with booms or masts which are not properly protected shall not be operated where the booms or masts can come within 10 feet of an energized overhead powerline.

57.14-44 Lightning arrester grounds should be connected to earth at least 10 feet from the track or mine return circuit.

57.14-45 *Mandatory-UAC.* Overhead high-potential powerlines shall be installed as specified by the National Electrical Safety Code.

57.14-46 *Mandatory-UAC.* When equipment must be moved under energized powerlines and the clearance is less than 10 feet, the powerlines shall be deenergized or other precautions shall be taken.

57.14-47 *Mandatory-UAC.* Guy wires of poles supporting high-potential conductors shall be equipped with insulators installed near the pole end.

57.14-48 *Mandatory-UAC.* Telegraph, telephone, or signal wires shall not be installed on the same crossarm with power conductors. When carried on poles supporting powerlines, they shall be installed as specified by the National Electrical Safety Code.

57.14-49 Men should not stand on the ground in the vicinity of an electrically powered shovel or other similar heavy equipment during an electrical storm.

57.14-50 Trolley wires should be aligned properly and installed at least 6 inches outside and 7 feet above the track.

57.14-51 Trolley wire hangers should be spaced so that the wire will not sag more than 3 inches between hangers and so that the wire may be detached from any one hanger without creating a shock hazard.

57.14-52 Trolley wires and trolley feeder wires should be provided with sectionalizing switches at man-trip stations and near the beginning of all branch lines.

57.14-53 Ground wires for lighting circuits powered from trolley wires should be connected securely to the ground return circuit.

57.14-54 Tools and supplies should be carried in the hands and not on the shoulders when men travel near bare power conductors.

SURFACE ONLY

57.14-65 *Mandatory-UAC.* Powerlines, including trolley wires, and telephone circuits shall be protected against short circuits and lightning.

57.14-66 *Mandatory-UAC.* Where metallic tools or equipment can come in contact with trolley wires or bare powerlines, the lines shall be guarded or deenergized.

57.14-67 *Mandatory - UAC.* Transformers shall be totally enclosed, or shall be placed at least 8 feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least 6 feet high and at least 3 feet from any energized parts, casings, or wiring.

57.14-68 *Mandatory - UAC.* Transformer enclosures shall be kept locked against unauthorized entry.

57.14-69 Lightning arresters should be provided where telephone circuits enter a mine; mine telephone extensions in surface buildings should be provided with a lightning arrester for each circuit entering the building.

57.14-70 Each exposed power circuit that leads underground should be equipped with lightning arresters of an approved type at or near the point where the circuit enters the mine.

UNDERGROUND ONLY

57.14-80 *Mandatory-UAC.* Trolley wires and bare power conductors shall be guarded where men work or pass beneath.

57.14-81 Metal pipelines 1,000 feet or more in length along haulage roads where grounded return circuits are used should be bonded to the return at the ends and at intervals not exceeding 500 feet.

57.14-82 *Mandatory-UAC.* Powerlines shall be well separated or insulated from waterlines, telephone lines, and air lines.

57.14-83 Power cables in shafts and boreholes should be fastened securely in such manner as to prevent undue strain on the sheath, insulation, or conductors.

57.14-84 Disconnecting switches that can be opened safely under load should be provided underground at all primary power circuits near shafts, levels, and boreholes.

57.14-85 *Mandatory-UAC.* Transformer stations shall be enclosed to prevent persons from unintentionally or inadvertently contacting energized parts.

57.14-86 Trolley and trolley feeder wires should be installed opposite the clearance side of haulageways.

57.14-87 Not more than five splices should be made in any trailing cable unless they are vulcanized.

57.14-88 On machines not using cable reels, no splices should be present in the first 25 feet of trailing cable adjacent to the equipment.

57.14-89 *Mandatory-UAC.* The potential on trolley wires and bare feeder lines shall not exceed 650 volts.

§ 57.15 Compressed air and boilers.

GENERAL—SURFACE AND UNDERGROUND

57.15-1 *Mandatory-UAC.* All boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the standards and specifications of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

COMPRESSED AIR

57.15-10 Air compressors should be equipped with automatic temperature-activated shutoff mechanisms set for 400° F., or with fusible plugs installed in the compressor discharge lines as near the compressors as possible. Fusible plugs should melt at temperatures 50° less than the flash points of the lubricating oils.

57.15-11 Compressors and compressed-air receivers should be equipped with automatic pressure-release valves, pressure gauges, and drain valves.

57.15-12 Compressor air intakes should be installed to insure that only clean, uncontaminated air enters the compressors.

57.15-13 Compressed-air receivers should be drained of moisture and oil at least once each operating shift.

57.15-14 Compressed-air receivers should have inspection openings which should be manholes when the tanks are over 36 inches in diameter.

57.15-15 Compressed-air receivers and other pressure vessels should be inspected internally at least once a year by qualified inspectors; records of such inspections should be kept.

57.15-16 Compressors should be operated and lubricated in accordance with the manufacturer's recommendations.

57.15-17 Compressor discharge pipes should be cleaned periodically.

57.15-18 Safety devices on compressed-air systems should be checked at the beginning of each shift.

57.15-19 *Mandatory-UAC.* Repairs involving the pressure system of compressors, receivers, or compressed-air-powered equipment shall not be attempted until the pressure has been bled off.

57.15-20 *Mandatory-UAC.* At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury.

57.15-21 *Mandatory-UAC.* Safety chains or suitable locking devices shall be used at connections to machines of high pressure hose lines of 1 inch inside diameter or larger, and between high pressure hose lines of 1 inch

inside diameter or larger, where a connection failure would create a hazard.

BOILERS

57.15-30 Boilers should be equipped with guarded well-maintained water gages and pressure gages placed so that they can be observed easily. Water gages and pipe passages to the gages should be kept clean and free of scale and rust.

57.15-31 Boilers should be equipped with automatic pressure-relief valves; valves should be tested each shift.

57.15-32 Boiler installations should be provided with safety devices, acceptable to the Bureau of Mines, to protect against hazards of flame outs, fuel interruptions, and low-water level.

57.15-33 Blowoff valves should be piped outside the building and should have outlets so located or protected that persons passing by, near, or under them will not be scalded.

57.15-34 Boilers should be inspected internally at least once a year by licensed inspectors; records of such inspections should be kept.

§ 57.16 Use of equipment.

GUARDS

GENERAL—SURFACE AND UNDERGROUND

57.16-1 *Mandatory-UAC*. Gears; sprockets; chains; drive, head, tail, and take-up pulleys; flywheels; couplings; shafts; sawblades; fan inlets; and similar exposed moving machine parts which may be contacted by persons, and which may cause injury to persons, shall be guarded.

57.16-2 *Mandatory-UAC*. Overhead belts shall be guarded if the whipping action from a broken belt would be hazardous to persons below.

57.16-3 Guards at conveyor drive, head, and tail pulleys should extend a distance sufficient to prevent a person from reaching behind the guard and becoming caught between the belt and the pulley.

57.16-4 Openings where conveyors pass through walls or floors should be guarded.

57.16-5 Protruding setscrews on revolving parts should be guarded.

57.16-6 *Mandatory-UAC*. Except when testing the machinery, guards shall be securely in place while machinery is being operated.

57.16-7 Guards should be sufficiently strong and maintained to provide the required protection.

57.16-8 *Mandatory-UAC*. Stationary grinding machines other than special bit grinders shall be equipped with:

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

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

(c) Safety washers.

57.16-9 *Mandatory-UAC*. Grinding wheels shall be operated within the specifications of the manufacturer of the wheel.

57.16-10 *Mandatory-UAC*. Hand-held power tools, other than rock drills, shall be equipped with controls requiring constant hand or finger pressure to operate the tools or shall be equipped with friction or other equivalent safety devices.

57.16-11 Guards or shields should be provided in areas where flying or falling materials present a hazard.

57.16-12 Industrial vehicles such as forklift trucks, front-end loaders, and bulldozers should be provided with roll protection when necessary to protect the operator.

57.16-13 *Mandatory-UAC*. Forklift trucks, front-end loaders, and bulldozers shall be provided with substantial canopies when necessary to protect the operator.

57.16-14 *Mandatory-UAC*. Face shields or goggles, in good condition, shall be worn when operating a grinding wheel.

METHODS AND PROCEDURES

GENERAL—SURFACE AND UNDERGROUND

57.16-25 Machinery and equipment should be maintained properly.

57.16-26 *Mandatory-UAC*. Unsafe equipment or mechinery shall be removed from service immediately.

57.16-27 Machinery and equipment should be operated only by authorized and experienced persons.

57.16-28 Adequate clearance should be provided at machine installations.

57.16-29 *Mandatory-UAC*. Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make adjustments.

57.16-30 *Mandatory-UAC*. Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

57.16-31 *Mandatory-UAC*. Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

57.16-32 *Mandatory-UAC*. Belts, chains, and ropes shall not be guided onto power-driven moving pulleys, sprockets, or drums with the hands except on slow moving equipment especially designed for hand feeding.

57.16-33 *Mandatory-UAC*. Pulleys of conveyors shall not be cleaned manually while the conveyor is in motion.

57.16-34 *Mandatory-UAC*. Belt dressing shall not be applied manually while belts are in motion unless an aerosol-type dressing is used.

57.16-35 *Mandatory-UAC*. Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

57.16-36 Tools and equipment should be used only for the purpose and within the capacity for which they were intended and designed.

SURFACE ONLY

57.16-45 *Mandatory-UAC*. Welding operations shall be shielded and well ventilated.

UNDERGROUND ONLY

57.16-55 Welding operations should be shielded and well ventilated.

§ 57.17 Personal protection.

GENERAL—SURFACE AND UNDERGROUND

57.17-1 *Mandatory-UAC*. Adequate first-aid materials, including stretchers and blankets, shall be provided at places convienient to all working areas. Water or neutralizing agents shall be available where corrosive chemicals or other harmful substances are stored, handled, or used.

57.17-2 *Mandatory*. All persons shall wear suitable hard hats when in or around a mine or plant where falling objects may create a hazard.

57.17-3 *Mandatory*. All persons shall wear suitable protective footwear when in or around a mine or plant where a hazard exists.

57.17-4 *Mandatory-UAC*. All persons shall wear safety glasses, goggles, or face shields when in or around a mine or plant.

57.17-5 *Mandatory-UAC*. Safety belts and lines shall be worn when men work where there is danger of falling; a second person shall tend the lifeline when bins, tanks, or other dangerous areas are entered.

57.17-6 Protective clothing, rubber gloves, goggles, or face shields should be worn by persons handling substances that are corrosive, toxic, or injurious to the skin.

57.17-7 *Mandatory-UAC*. Protective clothing or equipment and face shields or goggles shall be worn when welding, cutting, or working with molten metal.

57.17-8 Snug-fitting clothing should be worn around moving equipment and machinery.

57.17-9 Protective gloves should be worn by employees handling materials which may cause injury.

57.17-10 Gloves should not be worn where they could create a hazard by becoming entwined or caught in moving parts of machinery.

57.17-11 Finger rings should not be worn while working in or around a mine or plant.

57.17-12 Effective ear protection should be worn where noise levels may cause permanent ear damage or hearing loss, or noise should be reduced to safe levels.

57.17-13 Where there is danger of a vehicle overturning, seat belts should be used.

SURFACE ONLY

57.17-20 *Mandatory-UAC*. Life jackets or belts shall be worn where there is danger of falling into water.

§ 57.18 Materials storage and handling.

GENERAL—SURFACE AND UNDERGROUND

57.18-1 Materials should be stored and stacked in a manner which minimizes stumbling or fall-of-material hazards.

57.18-2 Men working on surge piles or storage piles should not walk or stand immediately above a reclaiming area during reclaiming.

57.18-3 *Mandatory-UAC*. Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner that minimizes the dangers.

57.18-4 *Mandatory-UAC*. Hazardous materials shall be stored in containers of a type approved for such use by recognized agencies; such containers shall be labeled appropriately.

57.18-5 *Mandatory-UAC*. Compressed and liquid gas cylinders shall be secured in a safe manner.

57.18-6 *Mandatory-UAC*. Valves on compressed gas cylinders shall be protected by covers when being transported or stored, and by a safe location when the cylinders are in use.

57.18-7 Hitches and slings used to hoist materials should be designed and used properly for the particular material handled.

57.18-8 Taglines should be attached to suspended materials that require steadying.

57.18-9 *Mandatory-UAC*. Men shall stay clear of suspended loads.

57.18-10 Materials should not be dropped from an elevation unless the drop area is guarded or sufficient warning is given.

57.18-11 *Mandatory-UAC*. Men shall not ride on loads being moved by cranes or derricks, nor shall they ride the hoisting hooks unless such method eliminates a greater hazard.

57.18-12 Substances that react violently or liberate dangerous fumes when mixed should be stored in such a manner that they cannot come in contact with each other.

57.18-13 Only men wearing protective equipment should stand near pots or ladles when molten material is being handled; warning should be given before a pour is made or the pot is moved.

57.18-14 *Mandatory-UAC*. Operator-carrying overhead cranes shall be provided with:

(a) Bumpers at each end of each rail.

(b) Automatic switches to halt uptravel of the blocks before they strike the hoist.

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

(d) A means to lockout the disconnect switch.

57.18–15 *Mandatory-UAC.* No person shall work from or travel on the bridge of an overhead crane unless the bridge is provided with substantial footwalks with toeboards and railings the length of the bridge.

57.18–16 Forklift trucks should be moved with the load in a low position and should descend ramps with the load behind.

UNDERGROUND ONLY

57.18–35 Chairs should be used to land shaft conveyances when heavy supplies or equipment are being handled.

§ 57.19 Illumination.

SURFACE ONLY

57.19–10 *Mandatory-UAC.* Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and work areas.

UNDERGROUND ONLY

57.19–20 *Mandatory - UAC.* Individual electric lamps shall be carried for illumination by all persons underground.

§ 57.20 Safety programs.

GENERAL—SURFACE AND UNDERGROUND

57.20–1 The employer should establish a definite, effective and continually functioning safety program and make every attempt to prevent accidents and increase safety. Employees should actively participate in the safety program.

57.20–2 Regular safety inspections should by made by company officials and/or safety committees. Written reports should be made of the findings and the actions recommended or taken; this information should be made available to the employees.

57.20–3 Serious accidents, whether resulting in injury or not, should be investigated to determine the cause and the means of preventing recurrence. Records of these investigations should be kept and the information should be made available to the employees.

57.20–4 Company safety regulations pertinent to the various operations should be published or posted for employee information.

57.20–5 All employees and officials should be familiar with company, State, and Federal safety regulations.

57.20–6 *Mandatory-UAC.* New employees shall be indoctrinated in safety rules and safe work procedures.

57.20–7 Inexperienced employees should be assigned to work with experienced men until such employees have acquired the necessary skills to perform their duties safely.

57.20–8 Each working place should be visited by a supervisor or a designated person at least once each shift and more frequently as necessary to insure that work is being done in a safe manner.

57.20–9 An authorized person should be in charge at all times when men are working.

57.20–10 Selected supervisors should be trained in first-aid. First-aid training should be made available to all employees.

57.20–11 All supervisors and employees should be trained in accident prevention.

57.20–12 *Mandatory - UAC.* Emergency telephone numbers shall be posted at appropriate telephones.

57.20–13 Where telephone service is not available, emergency communications should be provided to the nearest point of assistance.

57.20–14 *Mandatory-UAC.* Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons.

SURFACE ONLY

57.20–20 *Mandatory-UAC.* No employee shall be assigned, or allowed, or be required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless he can communicate with others, can be heard or can be seen.

UNDERGROUND ONLY

57.20–25 *Mandatory-UAC.* No employee shall be assigned, or allowed, or be required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless his cries for help can be heard or he can be seen.

57.20–26 Operations should not be resumed in a mine following a mine disaster until such mine has been inspected and the mine is found to be in a safe condition to resume operations.

57.20–27 *Mandatory-UAC.* An accurate record of the men going in and out of the mine shall be kept on the surface.

§ 57.21 Man hoisting.

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

HOISTS

57.21–1 *Mandatory-UAC.* Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used.

57.21–2 *Mandatory-UAC.* Hoists shall be anchored securely.

57.21–3 *Mandatory-UAC.* Belt, rope, or chains shall not be used to connect driving mechanisms to man hoists.

57.21–4 *Mandatory-UAC.* Any hoist used to hoist men shall be equipped with a brake or brakes which shall be capable of holding its fully loaded cage, skip, or bucket at any point in the shaft.

57.21–5 *Mandatory-UAC.* The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake to prevent accidental withdrawal of the clutch.

57.21–6 *Mandatory-UAC.* Automatic hoists shall be provided with devices that automatically apply the brakes in the event of power failure.

57.21–7 *Mandatory-UAC.* Man hoists shall be provided with devices to prevent overtravel and overspeed.

57.21–8 Friction hoists should be provided with synchronizing mechanisms that recalibrate the overtravel devices and position indicators to correct for rope creep or stretch.

57.21–9 *Mandatory-UAC.* An accurate and reliable indicator of the position of the cage, skip, bucket, or cars, in the shaft shall be provided.

57.21–10 *Mandatory-UAC.* Hoist controls shall be placed or housed so that the noise from machinery or other sources will not prevent hoistmen from hearing signals.

57.21–11 Flanges on drums should extend radially a minimum of 3 rope diameters beyond the last wrap.

57.21.12 Where grooved drums are used, the grooves should be of the proper size and pitch for the ropes used.

WIRE ROPE

57.21–20 The United States of America Standards Institute specifications cited in "Wire Ropes for Mines," M11.1–1960, or the latest revision thereof, should be used as a guide in the selection, installation, and maintenance of wire ropes used for hoisting, except in those instances where the recommendations cited herein are more stringent.

57.21–21 *Mandatory-UAC.* The following static-load safety factors shall be used for selecting ropes to be used for hoisting men and for determining when such ropes shall be removed from man hoists.

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

57.21–22 At least three wraps of rope should be left on the drum when the conveyance is at the bottom of the hoistway. This provision does not apply to friction hoists.

57.21–23 The end of the rope at the drum should make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and should be fastened securely by means of rope clips or clamps. This provision does not apply to friction hoists.

57.21–24 *Mandatory-UAC.* The rope shall be attached to the load by the thimble and clip method, the socketing method, or other approved method. If the socketing method is employed, zinc or its equivalent shall be used. The use of babbitt metal or lead for socketing wire ropes is prohibited. If the thimble and clip method is used, the following shall be observed:

(a) The rope shall be attached to the load by passing one end around an oval thimble that is attached to the load bending the end back so that it is parallel to the long or "live" end of the rope and fastening the two parts of the rope together with clips.

(b) The U-bolt of each clip shall encircle the short or "dead" end of the rope and the distance between clips shall not be less than the figures given in the accompanying table.

(c) The following number of clips or equivalent shall be used for various diameters of six strand 19 wire plow steel ropes: (Follow manufacturer's recommendations for other kinds of wire rope and clips.)

Diameter of rope, inches	Number of clips	Center-to-center spacing of clips, inches
¾	4	4½
⅞	4	5¼
1	4	6
1⅛	5	6¾
1¼	5	7½
1⅜	6	8¼
1½	6	9
1⅝	6	9¾
1¾	7	10½
1⅞	8	11¼
2	8	12
2⅛	8	13
2¼	8	14

(d) For all ropes less than three-fourth inch in diameter, at least four clips or equivalent shall be used.

(e) When special conditions require the attachment of a sling to the hoisting cable to handle equipment in the shaft, the sling shall be attached by clips or equivalent in accordance with the table in these regulations.

57.21–25 New ropes should be broken-in in accordance with the manufacturer's recommendations.

57.21–26 Corrosion of hoist ropes at the attachment of safety connections should be

minimized by the design of the attachment devices and by lubrication.

57.21–27 Where possible, conveyances attached to single ropes used to hoist men should be provided with secondary safety connections.

HEADFRAMES AND SHEAVES

57.21–35 Headframes should be designed and constructed to withstand pulls by the hoists greater than the breaking strengths of the hoist ropes.

57.21–36 Headframes should be high enough to provide at least 15 feet of clearance between the bottom of the sheave or drum and the uppermost part of the highest rope connection of the conveyance when the conveyance is at its uppermost man landing.

57.21–37 Fleet angles should not exceed 1½ degrees.

57.21–38 *Mandatory-UAC.* Platforms with toeboards and handrails shall be provided around elevated head sheaves.

57.21–39 Diameters of head sheaves and hoist drums should conform to the following specifications:

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

57.21–40 Head, idler, knuckle, and curve sheaves should have grooves that support the ropes properly. Before installing new ropes, the grooves should be inspected and where necessary machined to the proper contour and the proper groove diameter.

CONVEYANCES

57.21–45 *Mandatory-UAC.* Man cages and skips used for hoisting or lowering employees or other persons in any vertical shaft or any incline shaft with an angle of inclination of forty-five (45) degrees from the horizontal, shall be covered with a metal bonnet.

57.21–46 *Mandatory.* Man cages shall be fireproof, of substantial construction and provided with:

(a) Fully enclosed sides, and safety gates; gates shall be at least 5 feet high and have no openings except those necessary for signaling.

(b) Escape hatches.

(c) Safety catches. This provision, (c), does not apply to friction-hoist cages that are suspended from more than one pin.

57.21–47 *Mandatory.* All skips conveying men shall be provided with:

(a) Safety catches. This provision, (a), does not apply to friction-hoists' skips that are suspended from more than one pin.

(b) Safe means of access.

(c) Platforms, where necessary, to provide safe footing.

(d) Stop controls to prevent travel into the dumping position.

(e) Anchored platforms inside the skips, if they are bottom-dumping.

(f) Devices to prevent tilting.

57.21–48 *Mandatory.* Man cars shall be of substantial construction and provided with:

(a) Drags or equivalent safety devices on the last car of man trips operated in inclined shafts where guides are not provided.

(b) Safety catches if guides are provided.

(c) Secondary safety connections where possible.

(d) Safety chains or wire ropes between cars.

(e) Adequate seating for the number of men handled.

57.21–49 *Mandatory-UAC.* Buckets used to hoist men during shaft sinking operations shall have:

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

(b) Devices to prevent accidental dumping.

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

HOISTING PROCEDURES

57.21–55 *Mandatory-UAC.* When a manually operated hoist is used, a qualified hoistman shall remain within hearing of the telephone or signal device at all times while any person is underground.

57.21–56 When automatic hoisting is used, a qualified hoistman should be in attendance on the premises while any person is underground.

57.21–57 Hoistmen should be physically fit and should undergo yearly examinations to determine their continued fitness; certification to this effect should be available at the mine.

57.21–58 *Mandatory-UAC.* Only experienced hoistmen shall operate the hoist except in cases of emergency and in the training of new hoistmen.

57.21–59 *Mandatory-UAC.* Whenever a regular shift of men is being hoisted or lowered by a manually operated hoist, a second man familiar with and qualified to stop the hoist shall be in attendance; this provision shall not apply to sinking operations, level development, or repair operations in the mine.

57.21–60 Hoistmen should use extreme caution when hoisting or lowering men.

57.21–61 The safe speed should be determinted for each shaft; in no instance should this speed exceed 2,500 feet per minute for hoisting men.

57.21–62 Maximum acceleration and deceleration should not exceed 6 feet per second.

57.21–62 Only authorized personnel should be in hoist rooms.

57.21–64 Conveyances intended to be operated in balance should not be balanced when men are on the cage.

57.21–65 *Mandatory-UAC.* Conveyances shall not be lowered by the brakes alone except during emergencies.

57.21–66 Management should designate the maximum number of men permitted to ride on a trip at one time; this limit should be posted on each landing.

57.21–67 Authorized persons should be in charge of all man trips.

57.21–68 Men should enter, ride, and leave conveyances in an orderly manner.

57.21–69 *Mandatory-UAC.* Men shall not enter or leave conveyances which are in motion or after a signal to move the conveyance has been given to the hoistman.

57.21–70 *Mandatory-UAC.* Cage doors or gates shall be closed while men are being hoisted; they shall not be opened until the cage has come to a stop.

57.21–71 *Mandatory-UAC.* Men shall not ride in skips or buckets with muck, supplies, materials, or tools other than small hand tools.

57.21–72 When combinations of cages and skips are used, the skips should be empty while men are being transported.

57.21–73 *Mandatory-UAC.* Rock or supplies shall not be hoisted in the same shaft as men during shift changes, unless the compartments and dumping bins are partitioned to prevent spillage into the cage compartment.

57.21–74 Men should not ride the bail, rim, or bonnet of any shaft conveyance, except where necessary for the inspection and maintenance of the shaft and lining.

57.21–75 *Mandatory-UAC.* Open hooks shall not be used to hoist buckets or other conveyances.

57.21–76 When men are hoisted, bucket speeds should not exceed 500 feet a minute, and should not exceed 200 feet a minute when within 100 feet of a landing.

57.21–77 *Mandatory-UAC.* Buckets shall be stopped about 15 feet from the shaft bottom to await a signal from one of the crew on the bottom for further lowering.

57.21–78 Buckets should be stopped after being raised 3 feet when men are hoisted from the bottom; a second hoisting signal should be given after the bucket has been stabilized. Hoisting should be at a minimum speed and the bellcord should be attended constantly until the crosshead has been engaged.

57.21–79 *Mandatory-UAC.* Where mine cars are hoisted by cage or skip, means for blocking cars shall be provided at all landings and also on the cage.

57.21–80 *Mandatory-UAC.* When tools, timbers, or other materials are being lowered or raised in a shaft by means of a bucket, skip, or cage, they shall be secured or so placed that they will not strike the sides of the shaft.

57.21–81 Conveyances not in use should be released and raised or lowered at least 10 feet from the floor of the landing.

SIGNALING

57.21–90 *Mandatory-UAC.* There shall be at least two effective approved methods of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

57.21–91 Hoistmen should not accept hoisting instructions by telephone unless the regular signaling systems are out of order. During such an emergency one person should be designated to direct movement of the conveyance.

57.21–92 A method should be provided to signal hoist operators from within conveyances at any point in the shaft.

57.21–93 A standard code of hoisting signals should be adopted and used at each mine.

57.21–94 *Mandatory-UAC.* A legible signal code shall be posted prominently in the hoist house within easy view of the hoistmen, and at each place where signals are given or received.

57.21–95 Hoisting signal devices should be maintained within easy reach of men on the shaft bottom during sinking operation.

57.21–96 *Mandatory-UAC.* Any person responsible for receiving or giving signals for cages, skips, and mantrips when men or materials are being transported shall be familiar with the posted signaling code.

SHAFTS

57.21–100 *Mandatory-UAC.* Shaft landings shall be equipped with substantial safety gates so constructed that materials will not go through or under them; gates shall be closed except when loading or unloading shaft conveyances.

57.21–101 *Mandatory-UAC.* Positive stopblocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

57.21–102 Guides should be provided in each hoisting compartment in shafts inclined more than 45° from the horizontal.

57.21–103 Dumping facilities should be so constructed as to minimize spillage into the shaft.

57.21–104 Adequate clearance should be maintained at shaft stations to allow men to pass safely and to allow materials to be handled safely.

57.21–105 *Mandatory-UAC.* A safe means of passage around open shaft compartments

shall be provided on landings with more than one entrance to the shaft.

57.21–106 Shaft timbers should be kept clean of rocks and other loose material.

57.21–107 *Mandatory-UAC.* Hoistmen shall be informed when men are working in a compartment affected by that hoisting operation and a "Men Working in Shaft" sign shall be posted at the hoist.

57.21–108 "Men Working in Shaft" signs should be posted at the signal devices at all active stations and landings when men are working in a compartment affected by that hoisting operation.

57.21–109 *Mandatory.* Shaft inspection and repair work shall be performed from substantial platforms equipped with bonnets or equivalent overhead protection.

57.21–110 *Mandatory-UAC.* A substantial bulkhead or equivalent protection shall be provided above men at work deepening a shaft.

57.21–111 Substantial fixed ladders should be maintained as near the shaft bottom as practical during shaft-sinking operations. Chain, wire rope, or other extension ladders should be used from the fixed ladder to the shaft bottom.

INSPECTION AND MAINTENANCE

57.21–120 *Mandatory-UAC.* A systematic procedure of inspection, testing, and maintenance of shafts and hoisting equipment shall be developed and followed. If it is found or suspected that any part is not functioning properly, the hoist shall not be used until the malfunction has been located and repaired or adjustments have been made.

57.21–121 Complete records should be kept of installation, lubrication, inspection, tests, and maintenance of shafts and hoisting equipment.

57.21–122 Parts used to repair hoists should have properties equal to or better than the original parts; replacement parts should be designed to fit the original installation.

57.21–123 Ropes should be kept well lubricated from end to end as recommended by the manufacturer.

57.21–124 Ropes should be cut off and reconnected to the conveyance as often as necessary to assure adequate inspection of rope condition and to effectively distribute wear of the rope. At least 6 feet should be cut from the rope above the highest connection; this portion should be examined carefully for corrosion, damage, wear, and fatigue by the rope manufacturer or an equally competent agency.

57.21–125 Hoisting ropes wound in multiple layers should be cut off and repositioned on the drum at regular intervals as necessary to effectively distribute wear of the rope. The length of the cutoff at the drum end should be greater than, but not an even multiple of, the circumference of the drum.

57.21–126 Ropes should be calipered at regular intervals as necessary to effectively determine the rate of wear and damage. Caliper measurements should be taken:

(a) Immediately above the socket or clips and above the safety connection.

(b) Where the ropes rest on the sheaves.

(c) Where the ropes leave the drums when the conveyances are at the regular stopping points.

(d) Where a layer of rope begins to overlap another layer on the drum.

57.21–127 *Mandatory-UAC.* Electromagnetic or other nondestructive rope testing systems should be used only as supplements to and not as substitutes for recommended inspection and tests.

57.21–128 *Mandatory-UAC.* Ropes shall not be used for hoisting when they have:

(a) More than six broken wires in any lay.

(b) Crown wires worn to less than 65 percent of the original diameter.

(c) A marked amount of corrosion or distortion.

(d) A combination of similar factors individually less severe than those above but which in aggregate might create an unsafe condition.

57.21–129 *Mandatory.* Hoistman shall examine their hoist and shall test overtravel, overspeed, and deadman controls, position indicators, and braking mechanisms at the beginning of each shift.

57.21–130 Empty conveyances should be operated up and down shafts at least one round trip before hoisting men after any shaft or equipment repairs and before regular man trips are hoisted or lowered.

57.21–131 Rope and conveyance connections to conveyances should be inspected daily.

57.21–132 Safety catches should be inspected daily; drop tests should be made at the time of installation. Every 2 months the cage should be rested on chairs or proper blocking to check the operation or activation of the safety catches by allowing the rope to slacken suddenly.

57.21–133 Shafts should be inspected at least weekly.

57.21–134 Sheaves should be inspected daily and kept properly lubricated.

57.21–135 Rollers used in inclined shafts should be lubricated, properly aligned and kept in good repair.

57.22 *Gassy mines.*

Gassy mines shall be operated in accordance with all mandatory standards in this part. Such mines shall also be operated in accordance with the mandatory standards in this section. The standards in this section apply only to underground operations.

MINE CLASSIFICATION

57.22–1 *Mandatory.* A mine shall be deemed gassy and thereafter operated as a gassy mine if:

(a) The State in which the mine is located classifies the mine as gassy; or

(b) Flammable gas emanating from the orebody or the strata surrounding the orebody has been ignited in the mine; or

(c) A concentration of 0.25 percent or more, by air analysis, of flammable gas emanating only from the orebody or the strata surrounding the orebody has been detected not less than 12 inches from the back, face, and ribs in any open workings; or

(d) The mine is connected to a gassy mine.

57.22–2 *Mandatory.* Flammable gases detected while unwatering mines and similar operations shall not be used to class a mine gassy.

FIRE PREVENTION AND CONTROL

57.22–10 *Mandatory.* Men shall not smoke or carry smoking materials, matches, or lighters underground. The operator shall institute a reasonable program to ensure that persons entering the mine do not carry smoking materials, matches, or lighters.

57.22–11 *Mandatory.* Except when necessary for welding or cutting, open flames shall not be used in other than fresh air or in places where flammable gases are present or may enter the air current.

57.22–12 *Mandatory.* Welding or cutting with arc or flame underground in other than fresh air or in places where flammable gases are present or may enter the air current shall be under the direct supervision of a qualified person who shall test for flammable gases before and frequently during such operations.

57.22–13 *Mandatory-UAC.* Welding or cutting shall not be performed in atmospheres containing more than 1 percent of flammable gases.

VENTILATION

57.22–20 *Mandatory.* Main fans shall be:

(a) Installed on the surface.

(b) Powered electrically from a circuit independent of the mine power circuit. Internal combustion engines shall be used only for standby power, or where electrical power is not available.

(c) Installed in fireproof housing provided with fireproof air ducts.

(d) Offset not less than 15 feet from the nearest side of the mine opening and equipped with ample means of pressure relief unless:

(1) The opening is not in direct line with forces which would come out of the mine should an explosion occur, and

(2) Another opening not less than 15 feet nor more than 100 feet from the fan opening is equipped with a weak-wall stopping or explosion doors in direct line with the forces which would come out of the mine should an explosion occur.

(e) Installed to permit prompt reversal of airflow.

(f) Attended constantly, or provided with automatic devices to give alarm when the fans slow down or stop. Such devices shall be placed so that they will be seen or heard by responsible persons.

57.22–21 Main fans should be:

(a) Operated continuously except when the mine is shut down for an extended period.

(b) Provided with pressure-recording gages.

(c) Inspected daily and records kept of such inspections and of fan maintenance.

57.22–22 The main intake and return air currents in mines should be in separate shafts, slopes, or drifts.

57–22–23 *Mandatory-UAC.* When single shafts are used for intake and return the curtain wall or partition shall be constructed of reinforced concrete or equivalent and provided with pressure relief devices.

57.22–24 *Mandatory.* When a main fan fails or stops and ventilation is not restored in a reasonable time action shall be taken to cut off the power to the areas affected and to withdraw all men from such areas.

57.22–25 When there has been a failure of ventilation and ventilation has been restored in a reasonable time, all places where flammable gas may have accumulated should be examined by a qualified person and determined to be free of flammable gas before power is restored and work resumed.

57.22–26 *Mandatory.* When ventilation is not restored in a reasonable time, all men shall be removed from the areas affected, and after ventilation has been restored, the areas affected shall be examined by qualified persons for gas and other hazards and made safe before power is restored and before men, other than the examiners and other authorized persons, return to the areas affected.

57.22–27 *Mandatory-UAC.* When the main fan or fans have been shut down with all men out of the mine, no person, other than those qualified to examine the mine, or other authorized persons, shall go underground until the fans have been started and the mine examined for gas and other hazards and declared safe.

57.22–28 *Mandatory-UAC.* Booster fans shall be:

(a) Operated by permissible drive units maintained in permissible condition.

(b) Operated only in air containing not more than 1 percent flammable gas.

57.22–29 Booster fans should be:

(a) Inspected by a qualified person at least once each shift or provided with automatic devices to give alarm when the fans slow down or stop.

(b) Equipped with devices that automatically cut off the power in areas affected if the

fans slow down or stop when the fans are not provided with automatic alarm devices.

(c) Provided with air locks, the doors of which open automatically if the fan stops operating.

57.22-30 *Mandatory-UAC.* Auxiliary fans shall be:

(a) Operated by permissible drive units maintained in permissible condition.

(b) Operated only in air containing not more than 1.0 percent flammable gas.

57.22-31 Auxiliary fans should be inspected by qualified persons at least twice each shift.

57.22-32 *Mandatory-UAC.* Men shall be withdrawn from areas affected by auxiliary or booster fans when such fans slow down or stop.

57.22-33 *Mandatory.* The volume and velocity of the current of air coursed through all active areas shall be sufficient to dilute and carry away flammable gases, smoke and fumes.

57.22-34 *Mandatory-UAC.* The quantity of air coursed through the last open crosscuts in pairs or sets of entries, or through other ventilation openings nearest the face, shall be at least 6,000 cubic feet a minute.

57.22-35 *Mandatory.* At least once each week, a qualified or competent person shall measure the volume of air entering the main intakes and leaving the main returns, the volume of the intake and return of each split, and the volume through the last open crosscuts or other ventilation openings nearest the active faces. Records of such measurements shall be kept in a book on the surface.

57.22-36 Permanently installed battery-charging and transformer stations should be ventilated by separate splits of air conducted directly to return air courses.

57.22-37 Electrically operated pumps, compressors, and portable substations should be in intake air.

57.22-38 *Mandatory.* Changes in ventilation that materially affect the main air current or any split thereof and may affect the safety of persons in the mine shall be made only when the mine is idle. Only those persons engaged in making such changes shall be permitted in the mine during the change. Power shall be removed from the areas affected by the change before work starts and not restored until the effect of the change has been ascertained and the affected areas determined to be safe by a qualified person.

57.22-39 *Mandatory-UAC.* If flammable gas in excess of 1 percent by volume is detected in the air not less than 12 inches from the back, face, and rib of an underground working place, or in air returning from a working place or places, adjustments shall be made in the ventilation immediately so that the concentration of flammable gas in such air is reduced to 1 percent or less.

57.22-40 *Mandatory-UAC.* If 1.5 percent or higher concentration of flammable gas is detected in air returning from an underground working place or places, the men shall be withdrawn and the power cut off to the portion of the mine endangered by such flammable gas until the concentration of such gas is reduced to 1 percent or less.

57.22-41 *Mandatory.* Air that has passed by an opening of any unsealed abandoned area and contains 0.25 percent or more of flammable gas shall not be used to ventilate working areas. Examinations of such air shall be conducted during the preshift examination required by § 57.22-59.

57.22-42 *Mandatory.* Air that has passed through an abandoned panel or area which is inaccessible for inspection shall not be used to ventilate any active face workings in such mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any active face workings in such mine, except that such air may be used to ventilate enough advancing working places or rooms immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

57.22-43 *Mandatory-UAC.* Abandoned areas shall be sealed or ventilated; areas that are not sealed shall be barricaded and posted against unauthorized entry.

57.22-44 *Mandatory-UAC.* Seals shall be of substantial construction. Exposed surfaces shall be made of fire-resistant material or, if the commodity mined is combustible, seals shall be made of incombustible material.

57.22-45 *Mandatory-UAC.* One or more seals of every sealed area shall be fitted with a pipe and a valve or cap to permit sampling of the atmosphere and measurement of the pressure behind such seals.

57.22-46 *Mandatory-UAC.* Crosscuts shall be made at intervals not in excess of 100 feet between entries and between rooms.

57.22-47 Crosscuts should be closed where necessary to provide adequate face ventilation.

57.22-48 *Mandatory.* Line brattice or other suitable devices shall be installed from the last open crosscut to a point near the face to assure positive air flow to the face of every active underground working place, unless the Secretary or his authorized representative permits an exception to this requirement.

57.22-49 Brattice cloth should be of flame-resistant material.

57.22-50 *Mandatory-UAC.* Damaged brattices shall be repaired promptly.

57.22-51 Crosscuts should be provided, where practicable, at or near the faces of entries and rooms before they are abandoned.

57.22-52 *Mandatory-UAC.* Entries or rooms shall not be started off entries beyond the last open crosscuts, except that room necks and entries not to exceed 18 feet in depth may be turned off entries beyond the last open crosscuts if such room necks or entries are kept free of accumulations of flammable gas by use of line brattice or other adequate means.

57.22-53 Stoppings in crosscuts between intake and return airways, on entries other than room entries, should be built of solid, substantial material; exposed surfaces should be made of fire-resistant material or, if the material mined is combustible, stoppings should be made of incombustible material.

57.22-54 Stoppings should be reasonably airtight.

57.22-55 *Mandatory-UAC.* The main ventilation shall be so arranged by means of air locks, overcasts, or undercasts that the passage of trips or persons does not cause interruptions of air currents. Where air locks are impracticable, single doors may be used if they are attended constantly while the areas of the mine affected by the doors are being worked, unless they are operated mechanically or are self-closing.

57.22-56 *Mandatory-UAC.* Air locks shall be ventilated sufficiently to prevent accumulations of flammable gas inside the locks.

57.22-57 *Mandatory-UAC.* Doors shall be kept closed except when men or equipment are passing through the doorways.

57.22-58 Overcasts and undercasts should be:

(a) Constructed tightly of incombustible material.

(b) Of sufficient strength to withstand possible falls from the back.

(c) Kept clear of obstructions.

57.22-59 *Mandatory.* Preshift examinations shall be made of all working areas by qualified persons within 3 hours before any workmen, other than the examiners, enter the mine.

57.22-60 *Mandatory.* Each examiner shall be responsible for a definite underground area and shall:

(a) Inspect the working places and test the air therein with a permissible flame safety lamp for oxygen deficiency and with a device approved by the Secretary for detecting flammable gas.

(b) Examine the seals and doors to determine whether they are functioning properly.

(c) Inspect the roadways, travelways, approaches to abandoned workings, and accessible falls in active areas for flammable gas.

(d) Determine whether the air in each split is traveling in its proper course and in normal volume.

(e) Place his initials and the date at or near the face of each place he examines.

(f) Indicate places that he considers may be dangerous to persons who may enter or be in such places by posting danger signs conspicuously at points that persons must pass to enter such dangerous places.

(g) After completing his examination, report the results to the mine operator or other designated person, at a designated place on the surface of the mine or underground, before other persons enter the underground areas of such mine.

(h) Record the results of his examination with ink or indelible pencil in a book kept for that purpose at a designated place on the surface of the mine.

57.22-61 *Mandatory-UAC.* Only qualified examiners and persons authorized to correct the dangerous conditions shall enter places or areas where danger signs are posted.

57.22-62 *Mandatory-UAC.* Danger signs shall not be removed until the dangerous conditions have been corrected.

57.22-63 *Mandatory.* Underground working places shall be examined for hazards by certified persons at least once during each producing shift, and more often, if necessary. Examinations shall include tests for oxygen deficiency with a permissible flame safety lamp and for flammable gas with a device approved by the Secretary for such use.

57.22-64 *Mandatory.* Idle and abandoned areas shall be inspected for gas and for oxygen deficiency and other dangerous conditions by a qualified person as soon as possible, but not more than 3 hours before other employees are permitted to enter or work in such places. However, persons who are required regularly to enter such areas in the performance of their duties, and who are trained and qualified in means approved by the Secretary for detecting flammable gas and who are trained in the use of a permissible flame safety lamp for oxygen deficiency are authorized to make such examinations for themselves, and each such person shall be properly equipped and shall make such examinations upon entering any such area.

57.22-65 Examinations for dangerous conditions, including tests for flammable gas with a device approved by the Secretary should be made at least once each week, and at intervals of not more than 7 days, by the mine foreman or other designated mine official, except during weeks in which the mine is idle for the entire week. The foreman or other designated mine official should:

(a) Examine and make tests;

(1) In the return of each split where it enters the main return,

(2) On accessible pillar falls,

(3) At seals,

(4) In the main return,

(5) In at least one entry of each intake and return airway in its entirety,

(6) In idle workings,

(7) In abandoned workings, insofar as conditions permit,

(b) Mark his initials and the data at the places examined;

(c) Report dangerous conditions promptly to the mine operator or other designated person;

(d) Record the results of his examination with ink or indelible pencil in a book kept for that purpose at a designated place on the surface of the mine.

57.22-66 The mine foreman or other designated mine official should read and countersign promptly the reports of daily and weekly examinations by qualified persons, and should take prompt action to have dangerous conditions corrected.

EQUIPMENT

57.22-75 *Mandatory*. Diesel-powered equipment not approved as permissible by the Bureau of Mines for use in mines subject to these regulations shall not be used underground. Permissible equipment shall be maintained in permissible condition.

57.22-76 *Mandatory-UAC*. Diesel-powered equipment shall not be taken into or operated in places where flammable gas exceeds 1.0 percent at any point not less than 12 inches from the back, face, and rib.

57.22-77 *Mandatory-UAC*. Trolley wires and trolley feeder wires shall be on intake air and shall not extend beyond the last open crosscut or other ventilation opening. Such wires shall be kept at least 150 feet from pillar workings.

57.22-78 *Mandatory*. Only permissible equipment maintained in permissible condition shall be used beyond the last open crosscut or in places where dangerous quantities of flammable gases are present or may enter the air current.

57.22-79 *Mandatory-UAC*. Only permissible distribution boxes shall be used in working places and other places where dangerous quantities of flammable gas may be present or may enter the air current.

57.22-80 *Mandatory*. Tests for flammable gas shall be made with a device approved by the Secretary, by persons trained in the use of such lamps or devices, before electrically powered or diesel powered equipment is taken into or operated in face regions, and such tests shall be made frequently during such operations.

57.22-81 *Mandatory-UAC*. No electric equipment shall be taken into or operated in places where flammable gas can be detected in the amount of 1 percent or more at any point not less than 12 inches from the back, face, and rib.

ILLUMINATION

57.22-90 *Mandatory-UAC*. Only permissible electric lamps shall be used for portable illumination underground.

EXPLOSIVES

57.22-95 *Mandatory-UAC*. AN-FO or other blasting agents other than explosives designated as permissible by the Bureau of Mines, shall not be used in any underground gassy mine until the U.S. Bureau of Mines and State Inspector of Mines have given written approval for each specific blasting agent or explosive used in any underground mine.

57.22-96 *Mandatory*. The Bureau of Mines and the State Inspector of Mines, in granting approval referred to in paragraph one, shall provide the operator with a written list of conditions for using the specific blasting agent or explosives covered by the approval and adapted to the mining operation.

57.22-97 *Mandatory*. When permissible explosives are used underground, they shall be fired with:

(a) Instantaneous or millisecond delay electric detonators of proper strength.

(b) Permissible shot-firing units, unless the rounds are fired from the surface when all men are out of the mine.

57.22-98 *Mandatory-UAC*. Boreholes shall be stemmed as prescribed for the explosives used.

57.22-99 *Mandatory-UAC*. Examinations for gas shall be made immediately before and after firing each shot or round.

57.22-100 *Mandatory-UAC*. Shots or rounds shall not be fired in places where flammable gas can be detected with a permissible flame safety lamp, or where 1 percent or more of flammable gas can be detected by any other Bureau of Mines approved device or method, at a point not less than 12 inches from the back, face, and rib.

57.22-101 Shots and rounds should be fired by qualified persons.

§ 57.23 Miscellaneous.

GENERAL—SURFACE AND UNDERGROUND

57.23-1 *Mandatory-UAC*. Intoxicating beverages and narcotics shall not be permitted or used in or around mines. Persons under the influence of alcohol or narcotics shall not be permitted on the job.

57.23-2 *Mandatory-UAC*. Potable water shall be available to all employees during working hours.

57.23-3 Good housekeeping should be practiced in and around a mine.

57.23-4 Men should not engage in horseplay.

57.23-5 *Mandatory-UAC*. Carbon tetrachloride shall not be used.

57.23-6 Protruding nails which may cause injury should be removed or completely bent over.

57.23-7 Employees should be constantly alert to the potential of accidents on their jobs.

57.23-8 Toilet facilities should be provided at convenient locations and should be kept clean and sanitary.

57.23-9 *Mandatory-UAC*. Dusts suspected of being explosive shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

57.23-10 *Mandatory-UAC*. If failure of a water or silt retaining dam will create a hazard it shall be of substantial construction and inspected at regular intervals.

SURFACE ONLY

57.23-20 *Mandatory-UAC*. Access to unattended mine openings shall be restricted by gates on doors, or the openings shall be fenced and posted.

57.23-21 *Mandatory-UAC*. Upon abandonment of a mine, the owner or operator shall effectively close or fence off all surface openings down which persons could fall or through which persons could enter. Upon or near all such safeguards, trespass warnings and appropriate danger notices shall be posted.

UNDERGROUND ONLY

57.23-30 *Mandatory*. Whenever any working place in a mine is being advanced in an area where a dangerous inrush of water, silt, or gas may be encountered, test holes of sufficient depth, proper orientation, and number shall be drilled in advance of such workings to ensure that at least 20 feet of tested ground remains to prevent an uncontrolled inrush after any blast advancing the face.

57.23-31 *Mandatory-UAC*. In areas where dangerous accumulations of water, gas, mud, or fire atmospheres could be encountered, men shall be removed to safe places before blasting.

57.23-32 Telephone service or equivalent two-way communication facilities should be provided from underground working areas to the surface.

§ 57.24 Savings provision.

57.24-1 Unless otherwise specified herein, nothing contained in these standards shall prevent the continued utilization of equipment, facilities or structures, including mine workings, now in use, which fail in whole or in part to meet the requirements of these standards, *Provided:*

(a) That such equipment, facilities, and structures are utilized in a safe manner and are maintained in safe condition.

(b) That any equipment, facilities, and structures which do not meet the mandatory specifications and safety standards set forth herein shall not be used after January 1, 1972, unless modified to conform to such standards.

(c) That all replacements of or additions to existing equipment, facilities or structures made after the effective date of these standards shall conform to such standards.

57.24-2 Nothing contained in § 57.24-1 above, shall be construed to conflict with, or limit, the authority granted by the Act to the Bureau to issue orders pursuant to section 8(a) of the Act.

57.24-3 Nothing contained in § 57.24-1 above, shall be construed to limit or conflict with any standards contained herein which prohibit specific unsafe work procedures or which require specific safe work procedures to be followed.

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