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1961-62 Edition

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Cottonseed Bulletin 2, Amdt. 1]

PART 443—OILSEEDS

Subpart—1961 Cottonseed Purchase Program Regulations

PAYMENT BY COOPERATIVE GINS

In order to clarify the requirements as to payment by cooperative gins for cottonseed purchased from producers, § 443.1743 (b) (1) (i) of the regulations issued by Commodity Credit Corporation (published in 26 F.R. 5861) and containing the instructions and requirements with respect to the 1961 Cottonseed Purchase Program is hereby amended, effective as to all purchases of 1961-crop cottonseed, to read as follows:

§ 443.1743 Purchase price.

(b) *Price to ginner.* (1) (i) Any purchases by CCC from participating ginner will be at the rate of \$49 per net ton for basis grade (100) cottonseed, f.o.b. conveyance or carrier at the gin with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than basis grade (100). Cottonseed which are "below grade" or "off-quality," as defined in the United States Official Standards for Grades of Cottonseed, will be purchased from participating ginner by CCC at the market value of such cottonseed as determined by CCC. The grades of cottonseed purchased by CCC from such ginner shall be determined in accordance with the United States Official Standards for Grades of Cottonseed by chemical analysis of samples drawn from the cottonseed by federally-licensed cottonseed samplers or such other persons as are approved by CCC, and forwarded to and analyzed by federally-licensed cottonseed chemists. A ginner tendering cottonseed for purchase by CCC must not have paid any producer for cottonseed purchased by the ginner on or after the date of filing notice of his intention to participate in the program less than \$45 per gross ton basis grade (100), plus or minus a percentage of such price equal to the percentage by which the average grade of cottonseed for the area in which the gin is located (see § 443.1748) exceeded or was less than basis grade (100). If the ginner is a cooperative gin, and if the marketing agreements between the ginner and its members provide for advances, the ginner may advance a part of the minimum purchase price, deter-

mined in accordance with the preceding sentence, at the time each lot of cottonseed in purchased and pay the balance after completion of ginning of 1961-crop cottonseed, but not later than July 31, 1962. Such payments may not be made, in whole or in part, by issuance of revolving-fund certificates or by any other method of retention of amounts for capital purposes. Such average grade shall be determined on the basis of the latest ASCS grade report for the area at the time of purchase from such producer or by such other method as the Executive Vice President, CCC, may approve. In areas where both upland and American-Egyptian cotton are grown, the ASCS grade report for any such area shall report the average grade for each such type of cottonseed, and the price to be paid producers in the area shall be determined on the basis of the average grade for the area for the type of cottonseed purchased. The average grade for Sea Island and Sealand cottonseed shall be considered to be that reported for cottonseed in the area in which such cottonseed are produced. If it is determined by the county office manager and the State executive officer that any participating ginner paid any producer less than the prices he should have paid under the foregoing provisions of this section, such ginner shall not, without prejudice to any other rights which CCC may have, be eligible to make any further sales to CCC under the 1961 Cottonseed Price Support Program.

(Secs. 4, 5, 62 Stat. 1070, as amended, secs. 301, 401, 63 Stat. 1051, as amended, sec. 601, 70 Stat. 212; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421, 1446d)

Signed at Washington, D.C., on November 20, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-11156; Filed, Nov. 22, 1961; 8:55 a.m.]

[1961 C.C.C. Cottonseed Bulletin 3, Amdt. 1]

PART 443—OILSEEDS

Subpart—1961 Cottonseed Oil Purchase Program Regulations

PAYMENTS BY COOPERATIVE OIL MILLS

In order to clarify the requirements as to payments by cooperative oil mills for cottonseed purchased from gins or producers, § 443.1764 of the 1961 Cottonseed Oil Purchase Program Regulations (1961 CCC Cottonseed Bulletin 3) dated August 8, 1961 (26 F.R. 7256), is hereby amended, effective as to all purchases of 1961 crop cottonseed, by adding a new paragraph (e) to read as follows:

§ 443.1764 Purchases of cottonseed by crusher.

(e) *Cooperative mills.* If the crusher is a cooperative oil mill, and if the mar-

keting agreements between the crusher and its members provide for advances, the crusher may advance a part of the applicable minimum purchase price determined in accordance with the provisions of this section at the time each lot of cottonseed is purchased and pay the balance after completion of crushing of 1961 crop cottonseed, but not later than December 31, 1962. Such payments may not be made, in whole or in part, by issuance of revolving-fund certificates or by any other method of retention of amounts for capital purposes.

(Secs. 4, 5, 62 Stat. 1070, as amended, secs. 301, 401, 63 Stat. 1051, as amended, sec. 601, 70 Stat. 212; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421, 1446d)

Signed at Washington, D.C., on November 17, 1961.

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

[F.R. Doc. 61-11122; Filed, Nov. 22, 1961; 8:50 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALY RECOVERABLE

[Sugar Determination 833.8]

PART 833—MAINLAND CANE SUGAR AREA

1961 Crop; Sugar Commercially Recoverable From Sugarcane

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 833.8 Sugar commercially recoverable from sugarcane in the Mainland Cane Sugar Area.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Trash" means green or dried leaves, sugarcane tops, dirt and all other extraneous material.

(2) "Gross weight" means the total weight (short tons) of sugarcane, including trash, as delivered by a producer for processing for sugar production.

(3) "Net weight" means:

(i) In Florida, 96.0 percent of gross weight, and

(ii) In Louisiana, the weight obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

(b) *Recoverable sugar.* For the 1961 crop of sugarcane, the amount of sugar, in hundredweight, raw value, commercially recoverable from sugarcane grown on a farm in the Mainland Cane Sugar

Area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, from an acreage not in excess of the proportionate share for the farm, shall be obtained by multiplying the net weight of the sugarcane in tons by the rate of recoverability specified for the average percentage of sucrose in the normal juice of such sugarcane as follows:

(1) *For farms in Louisiana.*

Percentage of sucrose in normal juice: ¹	Rate of recoverable sugar (hundred-weight) per ton of sugarcane
8.0.....	0.950
9.0.....	1.125
10.0.....	1.297
11.0.....	1.472
12.0.....	1.649
13.0.....	1.825
14.0.....	2.006
15.0.....	2.189
16.0.....	2.370
17.0.....	2.555
18.0.....	2.740

¹ Rates for the intervening tenths of 1 percent shall be calculated by interpolation.

(2) *For farms in Florida.*

Percentage of sucrose in normal juice: ¹	Rate of recoverable sugar (hundred-weight) per ton of sugarcane
8.0.....	0.942
9.0.....	1.141
10.0.....	1.328
11.0.....	1.504
12.0.....	1.678
13.0.....	1.851
14.0.....	2.026
15.0.....	2.198
16.0.....	2.373
17.0.....	2.548
18.0.....	2.723

¹ Rates for the intervening tenths of 1 percent shall be calculated by interpolation.

STATEMENT OF BASES AND CONSIDERATIONS

Determinations of amounts of sugar commercially recoverable from sugar beets and sugarcane are required under section 302(a) of the act to establish the amounts of sugar upon which payments are to be made pursuant to the act.

The rates of sugar commercially recoverable at the various normal juice sucrose levels, as specified in this determination, were calculated from data reported to the Department by the processors of sugarcane for sugar in each of the States of Florida and Louisiana. The calculation made use of data representing averages in each State for the crop years 1956, 1957, 1958, 1959 and 1960 of each of the factors of normal juice extraction (the quantity of normal juice extraction per ton of sugarcane), boiling house efficiency (the ratio of the amount of sugar produced to the amount that could theoretically be produced), the polarization of the sugar produced, and net sugarcane as a percent of gross sugarcane. The calculation also used the purity or retention factor which correlates purity of normal juice with sugar recovery based on the well-established Winter-Carp formula. That formula is expressed mathematically as follows: Purity or Retention Fac-

tor=(1.4—40/P) in which P is purity of normal juice. For the purposes of this determination, the computed purity at each of the various normal juice sucrose levels for the crop years 1956, 1957, 1958, 1959 and 1960 was used.

In calculating sugar, commercially recoverable, the data are used in the following manner: The product of normal juice extraction and boiling house efficiency is divided by the product of the polarization of sugar produced and net sugarcane as a percent of gross sugarcane. The result so obtained is multiplied by 2,000 to obtain a factor which when multiplied by normal juice sucrose and the purity or retention factor for that normal juice sucrose gives pounds of sugar per ton of net sugarcane. By use of the applicable raw value conversion factor, in accordance with section 101(h) of the Sugar Act, pounds of sugar per ton of net sugarcane are converted into sugar, commercially recoverable, raw value. Expressed mathematically the formula reads:

CRS., RV.=

$$\frac{N.J.E. \times B.H.E. \times 2,000 \times N.J.S. \times P.R. \times R.V.C.F.}{(\text{Pol. of sugar}) \times (\text{net sugarcane, \% gross sugarcane})}$$

Except for appropriate changes in each of the two moving five-year averages, the aforesaid calculation is the same as that used for preceding crops. The use of data for the most recent five crops results in increases in rates of recoverable sugar of about one percent for farms in Louisiana and in minor decreases for farms in Florida.

Accordingly, I hereby find and conclude that the aforesaid determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 302, 303, 304; 61 Stat. 930, as amended, 931; 7 U.S.C. 1132, 1133, 1134)

Effective date: Date of publication.

Signed at Washington, D.C., on November 20, 1961.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 61-11155; Filed, Nov. 22, 1961; 8:55 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Treasury Department

Effective upon publication in the FEDERAL REGISTER, subparagraphs (19), (20), and (21) are added to paragraph (a) of § 6.303 as set out below.

§ 6.303 Treasury Department.

(a) *Office of the Secretary.* * * *

(19) One Deputy Under Secretary for Monetary Affairs.

(20) One Special Assistant to the Secretary.

(21) One Special Assistant to the Assistant to the Secretary (Public Relations).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-10859; Filed, Nov. 22, 1961; 8:45 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 205—PETITION FOR IMMIGRANT STATUS AS RELATIVE OF UNITED STATES CITIZEN, LAWFUL RESIDENT ALIEN, OR ELIGIBLE ORPHAN

Part 205 is amended to read as follows:

Sec.

205.1 Relative.

205.2 Eligible orphan.

AUTHORITY: §§ 205.1 and 205.2 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 205, 66 Stat. 166, as amended, 180, as amended; 8 U.S.C. 1101, 1155.

§ 205.1 Relative.

A petition to accord nonquota immigrant status under section 101(a)(27)(A) of the Act, or quota immigrant status under section 203(a)(2) or (3) of the Act, or a preference under section 203(a)(4) of the Act shall be filed on a separate Form I-130 for each beneficiary and shall be accompanied by a fee of \$10. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal to the Board within 15 days after mailing of the notification of the decision in accordance with the provisions of Part 3 of this chapter.

§ 205.2 Eligible orphan.

A petition in behalf of an eligible orphan defined in section 101(b)(6) of the Act shall be filed by the United States citizen spouse on Form I-600 and shall be accompanied by a fee of \$10. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the

rule prescribed by the order relates to agency procedure.

Dated: November 20, 1961.

J. M. SWING,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 61-11154; Filed, Nov. 22, 1961;
8:55 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 966; Amdt. 369]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707/720 Series and Douglas DC-8 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on November 10, 1961, and made effective immediately because of the safety emergency involved, as to all known United States operators of Boeing 707/720 Series and Douglas DC-8 Series aircraft. A recent failure of the low compressor turbine shaft resulted in overspeeding and separation of the low compressor turbines.

For this reason it was found that immediate corrective action was required in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest and that good cause existed for making this airworthiness directive effective immediately as to all known U.S. operators of Boeing 707/720 Series and Douglas DC-8 Series aircraft by individual telegrams dated November 10, 1961. It is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

BOEING AND DOUGLAS. Applies to all 707/720 Series and DC-8 Series aircraft equipped with Pratt and Whitney engines.

Compliance required as indicated.

A recent failure of the low compressor turbine shaft resulted in overspeeding and separation of the low compressor turbines. To prevent recurrence of this difficulty, the following action is required on any turbine engine that has been disassembled since last overhaul to the extent of exposing any bearing compartment:

At periods not to exceed 12 hours' time in service, the main oil screen shall be disassembled, inspected and cleaned in accordance with Pratt and Whitney Overhaul Manual. The inspection shall be repeated until the screen is free of contamination for two successive inspections. If contaminants indicative of engine part failure or contaminants in sufficient quantity to plug the oil screen are found during any inspection the engine shall not be operated until the cause of the difficulty has been determined and satisfactorily corrected.

(Pratt and Whitney telegram to all turbojet engine operators dated November 9, 1961, covers the same subject.)

This amendment shall become effective upon publication in the FEDERAL

REGISTER for all persons except those to whom it was made effective immediately by telegram dated November 10, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 16, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-11096; Filed, Nov. 22, 1961;
8:46 a.m.]

[Reg. Docket No. 971; Amdt. 368]

PART 507—AIRWORTHINESS DIRECTIVES

Curtiss-Wright C-46 Series Aircraft

Investigation has shown that extensions of repetitive inspection intervals based on service experience may be granted to some operators of Curtiss-Wright C-46 Series aircraft in complying with AD 52-17-2, 21 F.R. 9517, as amended by Amendment 339, 26 F.R. 8882. Accordingly, this amendment is being published to permit extension of inspection intervals where justified.

Since this amendment provides a procedure by which a different inspection interval may be established for the operators concerned, and thus relieves a present restriction, compliance with notice and public procedure hereon is unnecessary, and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Airworthiness Directive 52-17-2 (21 F.R. 9517) as amended by Amendment 339 (26 F.R. 8882), Curtiss-Wright C-46 Series aircraft, is further amended by adding the following to the introductory statement in paragraph 1:

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Southwest Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective November 23, 1961.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C. on November 16, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-11097; Filed, Nov. 22, 1961;
8:46 a.m.]

[Reg. Docket No. 972; Amdt. 370]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Series Aircraft

As a result of numerous incidents associated with hydraulic system failures

or malfunctions on Douglas DC-8 Series aircraft, an airworthiness directive requiring certain modifications is considered necessary in the interest of safety.

At a meeting in Washington on November 1, 1961, representatives of all United States operators of DC-8 aircraft and the FAA discussed the proposed action and the airlines subsequently provided the FAA with written data which was used as the basis for establishing the compliance time of the airworthiness directive.

Since the provisions of the AD have been coordinated with all U.S. operators of such aircraft, and it must be adopted without delay, further compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and good cause exists for making the amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC-8 aircraft, Serial Nos. 45252-45289, 45291-45306, 45376-45393, 45408-45413, 45416-45419, 45421-45431, 45433-45437, 45442-45445, 45526, 45565-45570, 45588-45606, 45609-45614, 45616-45628, 45636.

Compliance required within 1,000 hours' time in service after the effective date of this AD, but in no event later than February 28, 1962.

As a result of numerous recent incidents associated with hydraulic system failures or malfunctions, the aircraft shall be modified to incorporate the following:

(a) A dual source of hydraulic power for the actuation of all wing spoilers during landing roll, in accordance with Douglas DC-8 Service Bulletin 29-39 or FAA approved equivalent.

(b) Increased brake accumulator capacity, in accordance with Douglas DC-8 Service Bulletin 29-41 or FAA approved equivalent.

(c) A dual source of hydraulic power for the rudder power system, in accordance with Douglas DC-8 Service Bulletin 27-117 or FAA approved equivalent.

(d) A source of power to actuate the nose wheel steering system when the airplane hydraulic system is being operated with the hydraulic system selector handle in the "main gear down lock and flaps" position, and additional hydraulic fluid reserve capacity and related changes in the fluid reservoir quantity indicating system, in accordance with Douglas DC-8 Service Bulletin 32-73 or FAA approved equivalent.

(e) A damper to reduce to an acceptable level the hydraulic system pressure fluctuations induced by the auxiliary hydraulic pump, in accordance with Douglas DC-8 Service Bulletin 29-35, reissue No. 1 dated November 8, 1961, or later FAA-approved version.

(f) Dampers to reduce to an acceptable level the surge pressure induced in the hydraulic system when the aileron and rudder power systems are activated, in accordance with Douglas DC-8 Service Bulletin 27-109, revision No. 1 to reissue No. 1 dated November 15, 1961, or later FAA-approved version.

(g) The FAA approval of the equivalent methods of compliance with the modifications required by paragraphs (a) through (d) shall be obtained through the Chief, Engineering and Manufacturing Branch, FAA Western Region.

This amendment shall become effective November 23, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 17, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61-11098; Filed, Nov. 22, 1961; 8:46 a.m.]

[Reg. Docket No. 973; Amdt. 371]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Series Aircraft

As a result of instances of inadvertent application of forward thrust when reverse thrust was desired under emergency conditions on Douglas DC-8 Series aircraft, an airworthiness directive requiring a modification of the throttle interlock is considered necessary in the interest of safety.

At a meeting in Washington on November 1, 1961, representatives of all United States operators of DC-8 aircraft and the FAA discussed the proposed action and the airlines subsequently provided the FAA with written data which was used as the basis for establishing the compliance time of the airworthiness directive.

Since the provisions of the AD have been coordinated with all U.S. operators of such aircraft, and it must be adopted without delay, further compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and good cause exists for making the amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC-8 aircraft, Serial Nos. 45252-45289, 45291-45306, 45376-45393, 45408-45413, 45416-45419, 45421-45431, 45433-45437, 45442-45445, 45526, 45565-45570, 45588-45606, 45609-45614, 45616-45628, 45636.

Compliance required within 1,000 hours' time in service after the effective date of this AD, but in no event later than February 28, 1962.

To prevent inadvertent application of forward thrust when reverse thrust is desired under emergency conditions, the following modification shall be accomplished:

Incorporate a throttle-thrust brake interlock system which will:

(a) Prevent application of reverse thrust until the reverse buckets are in the reverse thrust position, and

(b) Return a throttle to the detent position should the corresponding buckets move from the reverse thrust position.

The modification shall be accomplished in accordance with technical data approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(Douglas DC-8 Service Bulletin Nos. 78-48, 78-50, 78-51 and 78-52 for DC-8 aircraft equipped with JT3C8, JT3D-1, JT4A and

Rolls Royce RCO-12 engines, respectively, pertain to this same subject and describe particular FAA approved means of compliance with this AD.)

When the above modification is accomplished, compliance with the provisions of AD 61-21-2 is no longer required.

This amendment shall become effective November 23, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 17, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61-11099; Filed, Nov. 22, 1961; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-100]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On July 18, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6454) stating that the Federal Aviation Agency proposed to designate intermediate altitude VOR Federal airway No. 1759.

No adverse comments were received regarding this proposal.

The notice proposed that Victor 1759 be designated from the Alamosa, Colo., VOR as a 16-mile wide airway to the intersection of the Alamosa VOR 005° and the Denver, Colo., VOR 207° True radials; intersection of the Denver VOR 207° and the Kiowa, Colo., VOR 246° True radials; thence as a 10-mile wide airway to the Denver VOR. The Federal Aviation Agency has re-evaluated this proposal and has determined that this airway segment, as proposed, should be designated by extending intermediate altitude VOR Federal airway No. 1717 from Denver to Alamosa. This will simplify the air route structure and facilitate flight planning by providing a single numbered route between Alamosa and Sidney, Nebr.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, § 600.1717 (26 F.R. 1079) is amended to read:

§ 600.1717 VOR Federal airway No. 1717 (Alamosa, Colo., to Sidney, Nebr.).

From the Alamosa, Colo., VOR via the INT of the Alamosa VOR 005° and the Denver, Colo., VOR 207° radials; INT of the Denver VOR 207° and the Kiowa, Colo., VOR 246° radials; thence 10-mile wide airway to the Denver VOR; thence to the Sidney, Nebr., VOR.

This amendment shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 16, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11095; Filed, Nov. 22, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-225]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to designate the Killeen, Texas, (Gray AFB) control zone.

The Department of the Air Force has stated an urgent and immediate requirement of a classified nature for the designation of a control zone within a 5-mile radius of Gray Air Force Base (latitude 31°04'20" N., longitude 97°49'45" W.), and within 2 miles either side of the extended centerline of runway 15/33 extending from the 5-mile radius zone to 8 miles northwest and southeast of the airport. The designation of this control zone will provide protection for aircraft executing instrument approach and departure procedures at Gray AFB attendant to expanded national defense mission requirements. Accordingly, the action taken herein is justified as a matter of military urgency and necessity, and in the interest of national defense. A portion of this control zone will coincide with the Fort Hood, Texas, control zone (§ 601.2465). To avoid dual designation of controlled airspace, the Killeen control zone is being described to exclude the portion which will coincide with the Fort Hood control zone.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601 (14 CFR 601) is amended by adding the following section:

§ 601.2499 Killeen, Tex., control zone.

Within a 5-mile radius of Gray AFB (latitude 31°04'20" N., longitude 97°49'45" W.), and within 2 miles either side of the extended centerline of runway 15/33 extending from the 5-mile radius zone to 8 miles NW and SE of the air base, excluding the portion that coincides with the Fort Hood, Texas, control zone (§ 601.2465).

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

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 20, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11132; Filed, Nov. 22, 1961; 8:51 a.m.]

[Airspace Docket No. 61-KC-48]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.36 of the regulations of the Administrator is to reduce the size of the Brookville, Kansas, Restricted Area R-3601.

The Department of the Air Force has advised the Federal Aviation Agency that there is no longer a requirement for the portion of R-3601 which lies east of longitude 97°47'00" W., and recommended that this portion be revoked. Therefore, the designation of this special use airspace is no longer justified and the revocation thereof will be in the public interest. Such action is taken herein.

Since this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.36 *Kansas* (26 F.R. 7194), the Brookville, Kans., Restricted Area is amended to read:

R-3601 Brookville, Kans.:

Boundaries. Beginning at latitude 38°45'-20" N., longitude 97°47'00" W.; to latitude 38°39'20" N., longitude 97°47'00" W.; along the Missouri Pacific Railroad to latitude 38°38'20" N., longitude 97°47'30" W.; to latitude 38°38'20" N., longitude 97°53'22" W.; to latitude 38°45'20" N., longitude 97°53'22" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. Sunrise to sunset.

Using agency. Commander, 802d Air Division, Schilling AFB, Kans.

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

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 16, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11093; Filed, Nov. 22, 1961; 8:45 a.m.]

[Airspace Docket No. 59-KC-93]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On August 30, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8118) stating that the Federal Aviation Agency was considering an amendment to § 608.42

of the regulations of the Administrator which would reduce the size of the Lake Margrethe, Mich., Restricted Area R-4202 by approximately 75 percent, increase the designated altitudes to 8,200 feet MSL and decrease the time of designation to June 1 through August 31, annually, with specific dates to be published by NOTAM.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 608.42 *Michigan* (26 F.R. 7196), R-4202 is amended to read:

R-4202 Lake Margrethe, Mich.:

Boundaries. Beginning at latitude 44°36'45" N., longitude 84°51'00" W.; to latitude 44°36'45" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°50'00" W.; to latitude 44°35'00" N., longitude 84°51'00" W.; to the point of beginning.

Designated altitudes. Surface to 8,200 feet MSL.

Time of designation. June 1 through August 31, with specific dates to be published by NOTAM.

Using agency. Adjutant General, State of Michigan, Lansing, Mich.

This amendment shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 16, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-11094; Filed, Nov. 22, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8354 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Egelberg & Seidman, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; § 13.1108-45 *Fur Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation*; § 13.1255-30 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*; § 13.1852-35 *Fur Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f [Cease and desist order, Egelberg & Seidman, Inc., et al., New York, N.Y., Docket 8354, Sept. 15, 1961])

In the Matter of Egelberg & Seidman, Inc., a Corporation, and Morris Egelberg and Hyman Seidman, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by labeling and invoicing artificially colored fur products as "natural" and failing to comply in other respects with labeling requirements.

The order to cease and desist is as follows:

It is ordered, That Egelberg & Seidman, Inc., a corporation, and its officers, and Morris Egelberg and Hyman Seidman, individually and as officers of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce of fur products or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:
 - A. Representing, directly or by implication, on labels, that the fur in such products is natural, when such is not the fact.
 - B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.
2. Falsely or deceptively invoicing fur products by:
 - A. Representing, directly or by implication, on invoices, that the fur in such products is natural, when such is not the fact.
 - B. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

By "Decision of the Commission", etc., report of compliance was required as follows:

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

Issued: September 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-11103; Filed, Nov. 22, 1961; 8:47 a.m.]

[Docket 8360 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

W. B. Stevens et al.

Subpart—Discriminating in price under section 2, Clayton Act—payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers*; § 13.822 *Lowered price to buyers*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, W. B. Stevens et al. doing business as Eastern Marketing Service, Bartow, Fla., Docket 8360, Sept. 15, 1961]

In the Matter of W. B. Stevens, and H. Palmer Eastwood, Individually and as Copartners Doing Business as Eastern Marketing Service

Consent order requiring a broker-distributor of citrus fruit and produce in Bartow, Fla., to cease violating section 2(c) of the Clayton Act by accepting unlawful brokerage payments from packers or sellers on purchases for its own account for resale, such as a discount usually at the rate of 10 cents per 1½ bushel box, or equivalent, or a lower price reflecting brokerage.

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

It is ordered, That respondents W. B. Stevens and H. Palmer Eastwood, individually and as copartners doing business as Eastern Marketing Service, and respondents' agents, representatives and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for respondents' own account, or where respondents are the agents, representatives, or other intermediaries acting for or in behalf, or are subject to the direct or indirect control, of any buyer.

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

Issued: September 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-11104; Filed, Nov. 22, 1961; 8:47 a.m.]

Title 25—INDIANS**Chapter I—Bureau of Indian Affairs, Department of the Interior****SUBCHAPTER I—LEASING AND PERMITTING****PART 131—LEASING AND PERMITTING**

On page 7828 of the FEDERAL REGISTER of August 23, 1961, there was published a notice of intention to revise Part 131, Title 25, of the Code of Federal Regulations, concerning leasing and permitting of Indian land.

In the main this revision consists of the realignment of material to present a more logical sequence; the deletion of material regarded as advisory rather than regulatory in nature; and the addition of certain material which more fully encompasses the authorities found in the statutes.

Interested persons were given thirty days within which to submit written comments, suggestions, or objections concerning the proposed revision. Objections and suggestions were received and were given careful consideration, and it has been determined that no substantive changes in the regulation should be made. The regulation is hereby adopted as set forth below and will become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

KENNETH HOLUM,
Acting Secretary of the Interior.

NOVEMBER 17, 1961.

Part 131, Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

Sec.	Definitions.
131.1	Definitions.
131.2	Grants of leases by Secretary.
131.3	Grants of leases by owners or their representatives.
131.4	Use of land of minors.
131.5	Special requirements and provisions.
131.6	Negotiation of leases.
131.7	Advertisement.
131.8	Duration of leases.
131.9	Ownership of improvements.
131.10	Unitization for leasing.
131.11	Conservation and land use requirement.
131.12	Subleases and assignments.
131.13	Payment of fees and drainage and irrigation charges.
131.14	Violation of lease.
131.15	Crow Reservation.
131.16	Fort Belknap Reservation.
131.17	Cabazon, Augustine, and Torres-Martinez Reservations, California.
131.18	Colorado River Reservation.
131.19	Grazing units excepted.

AUTHORITY: §§ 131.1 to 131.18 issued under R.S. 161; 5 U.S.C. 22, R.S. 463 and 465; 25 U.S.C. 2 and 9. Interpret or apply sec. 3, 26 Stat. 795, sec. 1, 28 Stat. 305, secs. 1, 2, 31 Stat. 229, 246, secs. 7, 12, 34 Stat. 545, 34 Stat. 1015, 1034, 35 Stat. 70, 95, 97, sec. 4, 36 Stat. 856, sec. 1, 39 Stat. 128, 41 Stat. 415, as amended, 751, 1232, sec. 17, 43 Stat. 636, 641, 44 Stat. 658, as amended, 894, 1365, as amended, 47 Stat. 1417, sec. 17, 48 Stat. 984, 988, 49 Stat. 115, 1135, sec. 55, 49 Stat. 781, sec. 3, 49 Stat. 1967, 54 Stat. 745, 1057, 60

Stat. 308, secs. 1, 2, 60 Stat. 962, sec. 5, 64 Stat. 46, secs. 1, 2, 4, 5, 6, 64 Stat. 470, 69 Stat. 539, 540, 72 Stat. 968; 25 U.S.C. 380, 393, 393a, 394, 395, 397, 402, 402a, 403, 403a, 403b, 403c, 413, 415, 415a, 415b, 415c, 415d, 477, 635.

§ 131.1 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior or his authorized representative acting under delegated authority.

(b) "Individually owned land" means land or any interest therein held in trust by the United States for the benefit of individual Indians and land or any interest therein held by individual Indians subject to Federal restrictions against alienation or encumbrance.

(c) "Tribal land" means land or any interest therein held by the United States in trust for a tribe, band, community, group or pueblo of Indians, and land that is held by a tribe, band, community, group or pueblo of Indians subject to Federal restrictions against alienation or encumbrance, and includes such land reserved for Indian Bureau administrative purposes when it is not immediately needed for such purposes. The term also includes lands held by the United States in trust for an Indian corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 476). This term also includes assignments of tribal land. Unless the terms of the assignment provide for the leasing of the land by the holder of the assignment, the tribe must join with the assignee in the grant of a lease.

(d) "Government land" means land, other than tribal land, acquired or reserved by the United States for Indian Bureau administrative purposes which are not immediately needed for the purposes for which they were acquired or reserved and land transferred to or placed under the jurisdiction of the Bureau of Indian Affairs.

(e) "Permit" means a privilege revocable at will in the discretion of the Secretary and not assignable, to enter on and use a specified tract of land for a specified purpose. The terms "lease", "lessor", and "lessee", when used in this part include, when applicable, "permit", "permitter", and "permittee", respectively.

§ 131.2 Grants of leases by Secretary.

(a) The Secretary may grant leases on individually owned land on behalf of: (1) Persons who are non compos mentis; (2) orphaned minors; (3) the undetermined heirs of a decedent's estate; (4) the heirs or devisees to individually owned land who have not been able to agree upon a lease during the three-month period immediately following the date on which a lease may be entered into; provided, that the land is not in use by any of the heirs or devisees; and (5) Indians who have given the Secretary written authority to execute leases on their behalf.

(b) The Secretary may grant leases on the individually owned land of an adult Indian whose whereabouts is unknown,

on such terms as are necessary to protect and preserve such property.

(c) The Secretary may grant permits on Government land.

§ 131.3 Grants of leases by owners or their representatives.

The following may grant leases: (1) Adults, other than those non compos mentis, (2) adults other than those non compos mentis, on behalf of their minor children, and on behalf of minor children to whom they stand in loco parentis when such children do not have a legal representative, (3) the guardian, conservator or other fiduciary, appointed by a state court or by a tribal court operating under an approved constitution or law and order code, of a minor or persons who are non compos mentis or are otherwise under legal disability, (4) tribes or tribal corporations acting through their appropriate officials.

§ 131.4 Use of land of minors.

The natural or legal guardian, or other person standing in loco parentis of minor children who have the care and custody of such children may use the individually owned land of such children during the period of minority without charge for the use of the land if such use will enable such person to engage in a business or other enterprise which will be beneficial to such minor children.

§ 131.5 Special requirements and provisions.

(a) All leases made pursuant to the regulations in this part shall be in the form approved by the Secretary and subject to his written approval.

(b) Except as otherwise provided in this part no lease shall be approved or granted at less than the present fair annual rental.

(1) An adult Indian owner of trust or restricted land may lease his land for religious, educational, recreational or other public purposes to religious organizations or to agencies of the Federal, State or local government at a nominal rental. Such adult Indian may lease land to members of his immediate family with or without rental consideration. For purposes of this section, "immediate family" is defined as the Indian's spouse, brothers, sisters, lineal ancestors, or descendants.

(2) In the discretion of the Secretary, tribal land may be leased at a nominal rental for religious, educational, recreational, or other public purposes to religious organizations or to agencies of Federal, State, or local governments; for purposes of subsidization for the benefit of the tribe; and for homesite purposes to tribal members provided the land is not commercial or industrial in character.

(3) Leases may be granted or approved by the Secretary at less than the fair annual rental when in his judgment such action would be in the best interest of the landowners.

(c) Unless otherwise provided by the Secretary a satisfactory surety bond will be required in an amount that will reasonably assure performance of the contractual obligations under the lease. Such bond may be for the purpose of guaranteeing:

(1) Not less than one year's rental unless the lease contract provides that the annual rental shall be paid in advance.

(2) The estimated construction cost of any improvement to be placed on the land by the lessee.

(3) An amount estimated to be adequate to insure compliance with any additional contractual obligations.

(d) The lessee may be required to provide insurance in an amount adequate to protect any improvements on the leased premises; the lessee may also be required to furnish appropriate liability insurance, and such other insurance as may be necessary to protect the lessor's interest.

(e) No lease shall provide the lessee a preference right to future leases nor shall any lease contain provisions for renewal, except as otherwise provided in this part. No lease shall be entered into more than 12 months prior to the commencement of the term of the lease. Except with the approval of the Secretary no lease shall provide for payment of rent in advance of the beginning of the annual use period for which such rent is paid. The lease contract shall contain provisions as to the dates rents shall become due and payable.

(f) Leases granted or approved under this part shall contain provisions as to whether payment of rentals is to be made direct to the owner of the land or his representative or to the official of the Bureau of Indian Affairs having jurisdiction over the leased premises.

(g) All leases issued under this part shall contain the following provisions:

(1) While the leased premises are in trust or restricted status, all of the lessee's obligations under this lease, and the obligations of his sureties, are to the United States as well as to the owner of the land.

(2) Nothing contained in this lease shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land by the issuance of a fee patent or otherwise during the term of the lease; however, such termination shall not serve to abrogate the lease. The owners of the land and the lessee and his surety or sureties shall be notified of any such change in the status of the land.

(3) The lessee agrees that he will not use or cause to be used any part of the leased premises for any unlawful conduct or purpose.

(h) Leases granted or approved under this part on individually owned lands which provide for payment of rental direct to the owner or his representative shall contain the following provisions:

(1) In the event of the death of the owner during the term of this lease and while the leased premises are in trust or restricted status, all rentals remaining due or payable to the decedent or his representative under the provisions of the lease shall be paid to the official of the Bureau of Indian Affairs having jurisdiction over the leased premises.

(2) While the leased premises are in trust or restricted status, the Secretary may in his discretion suspend the direct rental payment provisions of this lease

in which event the rentals shall be paid to the official of the Bureau of Indian Affairs having jurisdiction over the leased premises.

§ 131.6 Negotiation of leases.

(a) Leases of individually owned land or tribal land may be negotiated by those owners or their representatives who may execute leases pursuant to § 131.3.

(b) Where the owners of a majority interest, or their representatives, who may grant leases under § 131.3, have negotiated a lease satisfactory to the Secretary he may join in the execution of the lease and thereby commit the interests of those persons in whose behalf he is authorized to grant leases under § 131.2 (a) (1), (2), (3), and (5).

(c) Where the Secretary may grant leases under § 131.2 he may negotiate leases when in his judgment the fair annual rental can thus be obtained.

§ 131.7 Advertisement.

Except as otherwise provided in this part, prior to granting a lease or permit as authorized under § 131.2 the Secretary shall advertise the land for lease. Advertisements will call for sealed bids and will not offer preference rights.

§ 131.8 Duration of leases.

Leases granted or approved under this part shall be limited to the minimum duration, commensurate with the purpose of the lease, that will allow the highest economic return to the owner consistent with prudent management and conservation practices, and except as otherwise provided in this part shall not exceed the number of years provided for in this section. Unless the consideration for the lease is based primarily on percentages of income produced by the land, the lease shall provide for periodic review, at not less than five-year intervals, of the equities involved. Such review shall give consideration to the economic conditions at the time, exclusive of improvement or development required by the contract or the contribution value of such improvements. Any adjustments of rental resulting from such review may be made by the Secretary where he has the authority to grant leases, otherwise the adjustment must be made with the written concurrence of the owners and the approval of the Secretary.

(a) Leases for public, religious, educational, recreational, residential, or business purposes shall not exceed 25 years but may include provisions authorizing a renewal or an extension for one additional term of not to exceed 25 years, except such leases of land on the Navajo and Palm Springs Reservations which may be made for a term of ninety-nine years.

(b) Farming and agricultural leases for the purpose of growing specialized crops shall not exceed 25 years.

(c) Farming leases not granted for the purpose of growing specialized crops shall not exceed five years for dry-farming land or ten years for irrigable land.

(d) Grazing leases which require substantial development or improvement of the land shall not exceed ten years.

(e) Leases granted by the Secretary pursuant to § 131.2(a) (3) shall be for a term of not to exceed two years except as otherwise provided in § 131.6(b).

§ 131.9 Ownership of improvements.

Improvements placed on the leased land shall become the property of the lessor unless specifically excepted therefrom under the terms of the lease. The lease shall specify the maximum time allowed for removal of any improvements so excepted.

§ 131.10 Unitization for leasing.

Where it appears advantageous to the owners and advantageous to the operation of the land a single lease contract may include more than one parcel of land in separate ownerships, tribal or individual, provided the statutory authorities and other applicable requirements of this part are observed.

§ 131.11 Conservation and land use requirement.

Farming and grazing operations conducted under leases granted or approved under this part shall be conducted in accordance with recognized principles of good practice and prudent management. Land use stipulations or conservation plans necessary to define such use shall be incorporated in and made a part of the lease.

§ 131.12 Subleases and assignments.

(a) Except as provided in paragraph (b) of this section, a sublease, assignment or amendment of any lease or permit issued under this part may be made only with the approval of the Secretary and the written consent of all parties to such lease or permit, including the surety or sureties.

(b) With the consent of the Secretary, the lease may contain a provision authorizing the lessee to sublease the premises, in whole or in part, without further approval. Subleases so made shall not serve to relieve the sublessor from any liability nor diminish any supervisory authority of the Secretary provided for under the approved lease.

§ 131.13 Payment of fees and drainage and irrigation charges.

(a) Except as provided in Part 221 of this chapter, any lease covering lands within an irrigation project or drainage district shall require the lessee to pay annually on or before the due date, during the term of the lease and in the amounts determined, all charges assessed against such lands. Such charges shall be in addition to the rental payments prescribed in the lease. All payments of such charges and penalties shall be made to the official designated in the lease to receive such payments.

(b) Unless otherwise provided in this part or by the Secretary, fees based upon the annual rental payable under the lease shall be collected on each lease, sublease, assignment, transfer, renewal, extension, modification, or other instrument issued in connection with the leasing or permitting of restricted lands under the regulations in this part.

(1) Except where all or any part of the expenses of the work are paid from

tribal funds, in which event an additional or alternate schedule of fees may be established subject to the approval of the Secretary, the fee to be paid shall be as follows:

Rental	Percent
On the first \$500.....	3
On the next \$4,500.....	2
On all rental above \$5,000.....	1

In no event shall the fee be less than \$2.00 nor exceed \$250.

(2) In the case of percentage rental leases, the fee shall be calculated on the basis of the guaranteed minimum rental. Where rental consists of a stated annual cash rental in addition to a percentage rental, the estimated revenue anticipated from the percentage rental shall be mutually agreed upon solely for the purpose of fixing the fee. The fee to be collected in case of crop-share or other special consideration leases or permits shall be based on an estimate of the cash rental value of the acreage, or the estimated value of the lessor's share of the crops. No fees so collected shall be refunded.

§ 131.14 Violation of lease.

Upon a showing satisfactory to the Secretary that there has been a violation of the lease or the regulations in this part, the lessee shall be served with written notice setting forth in detail the nature of the alleged violation and allowing him ten days from the date of receipt of notice in which to show cause why the lease should not be cancelled. The surety or sureties shall be sent a copy of each such notice. If within the ten-day period, it is determined that the breach may be corrected and the lessee agrees to take the necessary corrective measures, he will be given an opportunity to carry out such measures and shall be given a reasonable time within which to take corrective action to cure the breach. If the lessee fails within such reasonable time to correct the breach or to furnish satisfactory reasons why the lease should not be cancelled, the lessee shall forthwith be notified in writing of the cancellation of the lease and demands shall be made for payment of all obligations and for possession of the premises. The notice of cancellation shall inform the lessee of his right to appeal pursuant to Part 2 of this chapter. Where breach of contract can be satisfied by the payment of damages, the Secretary may approve the damage settlement between the parties to the lease, or where the Secretary has granted the lease, he may accept the damage settlement.

§ 131.15 Crow Reservation.

(a) Notwithstanding § 131.8, no lease of an irrigable allotment on the Crow Reservation not included in the Big Horn unit of the Crow Indian Irrigation project shall be made for a period longer than five years, unless otherwise provided by law.

(b) Notwithstanding § 131.5(e), a lease respecting restricted land on this reservation may be executed for farming purposes under the Acts cited in § 131.15(c) 18 months prior to the expiration date of the lease in force.

(c) Notwithstanding § 131.6, the approval of the Secretary shall not be required for farming and grazing leases executed by Crow Indians classified as competent under the acts of June 4, 1920 (41 Stat. 751), May 19, 1926 (44 Stat. 566), May 26, 1926 (44 Stat. 658-59), March 3, 1927 (44 Stat. 1365), May 2, 1928 (45 Stat. 482), March 3, 1931 (46 Stat. 1495), June 25, 1946 (60 Stat. 308), March 15, 1948 (62 Stat. 80), and September 8, 1949 (63 Stat. 695), and which embrace all or part of their own allotments or the allotments of their minor children. Any adult Crow Indian classified as competent shall have the full responsibility for obtaining compliance with the terms of any lease made by him pursuant to this section. Copies of all such leases shall be promptly filed with the Crow Indian Agency and shall constitute constructive notice to all persons. Leases not filed with the agency shall not be recognized by the Secretary as against subsequent lessees, purchasers, or encumbrancers of the same land in good faith for value.

(d) Farming and grazing leases may be made pursuant to the Acts cited in § 131.15 (c) or may be made under the authority of, and for the purposes stated in, the General Leasing Act of August 9, 1955 (69 Stat. 539), in conformity with other applicable sections of the regulations in this part.

(e) All leases governed by the regulations of this part, made by adult Crow Indians not classified as competent or made on inherited or devised trust lands owned by more than five competent devisees or heirs, shall be valid only with the approval of the Secretary. Such leases shall provide for the payment of all rentals and other income therefrom to the Secretary for the benefit of the Indian owners.

§ 131.16 Fort Belknap Reservation.

Not to exceed 20,000 acres of allotted and tribal lands (nonirrigable as well as irrigable) on the Fort Belknap Reservation in Montana may be leased for the culture of sugar beets and other crops in rotation for terms not exceeding 10 years.

§ 131.17 Cabazon, Augustine, and Torres-Martinez Reservations, California.

(a) Upon a determination by the Secretary that the owner or owners are not making beneficial use thereof, restricted lands on the Cabazon, Augustine, and Torres-Martinez Indian Reservations which are or may be irrigated from distribution facilities administered by the Coachella Valley County Water District in Riverside County, California, may be leased by the Secretary in accordance with the regulations in this part for the benefit of the owner or owners.

(b) All leases granted or approved on restricted lands of the Cabazon, Augustine, and Torres-Martinez Indian Reservations shall be filed for record in the office of the county recorder of the county in which the land is located, the cost thereof to be paid by the lessee. A copy of each such lease shall be filed by the lessee with the Coachella Valley County Water District or such other irrigation or water district within which the leased

lands are located. All such leases shall include a provision that the lessee, in addition to the rentals provided for in the lease, shall pay all irrigation charges properly assessed against the land which became payable during the term of the lease. Act of August 25, 1950 (64 Stat. 470); Act of August 28, 1958 (72 Stat. 968).

§ 131.18 Colorado River Reservation.

(a) The Secretary may lease any unassigned lands located within Arizona on the Colorado River Reservation for such uses and terms as are authorized by the regulations in this part. Lands heretofore assigned on this reservation may be leased by the holders of the assignments in accordance with these regulations.

(b) Income received from leases of unassigned lands may be expended or advanced by the Secretary for the benefit of the Colorado River Indian Tribes and their members. Income received from leases of assigned lands may be expended or advanced for the benefit of the assignee.

§ 131.19 Grazing units excepted.

Tribal or individually owned lands within range units established pursuant to Part 151 of this chapter, general grazing regulations, shall not be leased and permits respecting such lands shall not be issued under this part.

[F.R. Doc. 61-11108; Filed, Nov. 22, 1961; 8:48 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER D—ELECTRICAL EQUIPMENT, LAMPS, METHANE DETECTORS; TESTS FOR PER- MISSIBILITY; FEES

[Bureau of Mines Schedule 32]

PART 27—METHANE-MONITORING SYSTEMS

Procedures for Tests and Certification

On pages 5800-03 of the FEDERAL REGISTER of June 29, 1961, there was published a notice and text of proposed regulations to be included as Part 27 of Subchapter D of Chapter I, Title 30, Code of Federal Regulations, prescribing procedures for testing and certifying methane-monitoring systems to be incorporated in permissible equipment that is used in gassy mines and tunnels. Interested persons were allowed 30 days after the date of publication to submit written comments, suggestions, or objections concerning the proposed regulations. Comments were received from several sources, all of which were considered carefully.

To permit unlimited discussion of the proposed regulations by those who submitted written comments, a meeting was held on September 21, 1961, at the Bureau of Mines facility, 4800 Forbes Avenue, Pittsburgh, Pa., at which each organization that submitted comments, suggestions, or objections was invited to attend. The suggestions presented at

the meeting to modify the text of the proposed regulations and the written suggestions submitted prior thereto, which were considered valid and reasonable, have been included in the regulations as set forth below. The principal suggestions so considered and included in the regulations are:

(1) Defining more clearly the meaning of a mine area affected by a critical percentage of methane, previously referred to in the text as a section of a mine. Also permitting a choice of method for shutting off power to electric-powered machines operated through trailing cables by having a methane-monitoring detector(s) actuate the power shutoff device to deenergize all machines connected to a power center(s), or to equip each machine with an individual methane-monitoring detector and an individual power shutoff so that the individually equipped machines shall not be deenergized until each such machine enters the area affected by a critical percentage of methane. In either case, however, the power-shutoff shall function at the outby end of each trailing cable.

(2) Clarifying the requirement for independent operation of a methane-monitoring detector when power is off the machine which it controls.

(3) Simplifying the requirement for testing the adequacy of electrical insulation and clearances.

Also as a result of the suggestions, some editorial changes and rearrangements were made, including the addition of clarifying language.

The main changes in the text of the regulations are as follows:

1. Paragraph (c) of § 27.21 is revised.
2. A clarifying note has been added at the end of subparagraph (3) of paragraph (b) of § 27.22.
3. Subparagraph (4) of paragraph (b) of § 27.22 is revised.
4. Subparagraph (3) of paragraph (a) of § 27.23 is redesignated subparagraph (1) and is revised.
5. Subparagraph (1) of paragraph (a) of § 27.23 is redesignated subparagraph (3) and the fourth word in both subparagraph (2) and new subparagraph (3) of paragraph (a) of § 27.23 is changed from "equipment" to "machines."
6. The first sentence of § 27.36 is revised.

All other comments and suggestions were considered fully before adopting the regulations as set forth below. The regulations shall be effective on the date of publication in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director, Bureau of Mines.

Approved: November 17, 1961.

KENNETH HOLUM,
Acting Secretary of the Interior.

Part 27 of Title 30 reads as follows:

Subpart A—General Provisions

Sec. 27.1	Purpose.
27.2	Definitions.
27.3	Consultation.
27.4	Applications.
27.5	Letter of certification.
27.6	Certification of components.
27.7	Fees.

Sec. 27.8	Date for conducting tests.
27.9	Conduct of investigations, tests, and demonstrations.
27.10	Extension of certification.
27.11	Withdrawal of certification.

Subpart B—Construction and Design Requirements

27.20	Quality of material, workmanship, and design.
27.21	Methane-monitoring system.
27.22	Methane-monitoring detector.
27.23	Power-shutoff component.

Subpart C—Test Requirements

27.30	Inspection.
27.31	Testing methods.
27.32	Tests to determine performance of the system.
27.33	Tests to determine explosion-proof construction.
27.34	Test for intrinsic safety.
27.35	Test to determine life of critical components and subassemblies.
27.36	Test for adequacy of electrical insulation and clearances.
27.37	Test to determine adequacy of safety devices for bulbs.
27.38	Test to determine resistance of lenses to impact.
27.39	Test to determine resistance to vibration.
27.40	Test to determine resistance to physical shock.
27.41	Test to determine resistance to dust.
27.42	Test to determine resistance to moisture.

AUTHORITY: §§ 27.1 to 27.42 issued under sec. 5, 36 Stat. 370, as amended, and sec. 212(a), 66 Stat. 709; 30 U.S.C. 7, 482(a). Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, and secs. 201, 209, 66 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479.

Subpart A—General Provisions

§ 27.1 Purpose.

The regulations in this part set forth the requirements for methane-monitoring systems to procure certification for their incorporation in permissible equipment that is used in gassy mines and tunnels; procedures for applying for such certification; and fees.

§ 27.2 Definitions.

As used in this part:

(a) "Bureau" means the United States Bureau of Mines.

(b) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, or assembles and that seeks certification or preliminary testing of a methane-monitoring system.

(c) "Methane-monitoring system" means a complete assembly of all the components of a system required for detecting the presence of methane in the atmosphere of a mine, tunnel, or other underground workings, and includes a power-shutoff device.

(d) "Methane-monitoring detector" means a component of a methane-monitoring system that is designed to function in a gassy mine, tunnel, or other underground workings, which will sample the atmosphere continuously to detect methane, give warning of its presence, and actuate a power-shutoff device before the atmosphere becomes a flammable mixture.

(e) "Power-shutoff device" means a component of a methane-monitoring system which will deenergize the elec-

tric-power supply for underground equipment, including the trailing cable where applicable, or the prime mover, when actuated by a methane-monitoring detector.

(f) "Flammable mixture" means a mixture of gas, such as methane, natural gas, or similar hydrocarbon gas, with normal air, that will propagate flame or explode violently when ignited.

(g) "Gassy mine or tunnel" means a mine, tunnel, or other underground workings, in which flammable gas, such as methane, has been ignited, or the atmosphere of which, in any open workings, contains 0.25 percent or more (by volume) of such gas.

(h) "Letter of certification" means a formal document issued by the Bureau stating that a methane-monitoring system or component or subassembly thereof: (1) Has met the requirements of this part, and (2) is certified for incorporating in permissible equipment that is used in gassy mines and tunnels.

(i) "Component" means a part of a methane-monitoring system that is essential to its operation as a certified assembly.

(j) "Explosion proof" means that a component or group of components (subassembly) is so constructed and protected by an enclosure and/or flame arrester(s) that, if a flammable mixture of gas is ignited within the enclosure, it will withstand the resultant pressure without damage to the enclosure and/or flame arrester(s). Also the enclosure and/or flame arrester(s) shall prevent the discharge of flame or ignition of any flammable mixture that surrounds the enclosure.¹

(k) "Normal operation" means that each component as well as the entire assembly of the methane-monitoring system performs the functions for which it was designed.

(l) "Flame arrester" means a device so constructed that it will prevent propagation of flame or explosion from an enclosure to the surrounding atmosphere.

(m) "Intrinsically safe circuit," or part of a circuit, means that any arc or spark produced normally (such as in opening or closing a circuit), or accidentally (such as a short circuit or earth fault), is incapable of causing ignition of a flammable mixture.

(n) "Fail safe" means that if any component or subassembly of a methane-monitoring system fails the entire system and the equipment in which it is incorporated will be deenergized and will not create an explosion or fire hazard.

§ 27.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Branch of Electrical-Mechanical Testing, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, to discuss with qualified Bureau personnel proposed methane-monitoring systems to be submitted in accordance with the regulations of this part. No charge is made for such con-

sultation and no written report thereof will be submitted to the applicant.

§ 27.4 Applications.

(a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees; and all drawings, specifications, descriptions, and related materials. The application and all related matters and correspondence concerning it shall be addressed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Electrical-Mechanical Testing.

(b) Drawings, specifications, and descriptions shall be adequate in detail to identify fully all components and subassemblies that are submitted for investigation, and shall include wiring and block diagrams. All drawings shall be designated by title and number, and shall show the latest revision.

(c) For a complete investigation leading to certification, the applicant shall furnish all necessary components and material to the Bureau. The Bureau reserves the right to require more than one of each component or subassembly for the investigation. Spare parts and expendable components, subject to wear in normal operation, shall be supplied by the applicant to permit continuous operation during test periods. If special tools are necessary to assemble or disassemble any component or subassembly for inspection or test, the applicant shall furnish these with the system.

(d) The applicant shall submit his plan of how he proposes to inspect components at the place of manufacture or assembly before incorporation in permissible equipment. Ordinarily such inspection is recorded on a factory inspection form, and the applicant shall furnish to the Bureau a copy of such factory inspection form or equivalent with his application. The form shall direct attention to the points that must be checked to make certain that all components or subassemblies of the complete assembly are in proper condition, complete in all respects, and in agreement with the drawings, specifications, and descriptions filed with the Bureau.

(e) The applicant shall furnish to the Bureau complete instructions for operating and servicing components. After completing the Bureau's investigation, if any revision of the instructions is required, a revised copy thereof shall be submitted to the Bureau for inclusion with the drawings and specifications.

§ 27.5 Letter of certification.

(a) Upon completion of investigation of a methane-monitoring system, or components or subassembly thereof, the Bureau will issue to the applicant either a letter of certification or a written notice of disapproval, as the case may require. If a letter of certification is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant,

any information on the methane-monitoring system upon which a notice of disapproval has been issued.

(b) A letter of certification will be accompanied by an appropriate cautionary statement specifying the conditions to be observed for operating and maintaining the methane-monitoring system and to preserve its certified status.

§ 27.6 Certification of components.

Manufacturers of components may apply to the Bureau to issue a letter certifying to the suitability of such components. To qualify for certification, electrical components shall conform to the prescribed inspection and test requirements and the construction thereof shall be adequately covered by specifications officially recorded and filed with the Bureau. Certification letters may be cited to fabricators of equipment intended for use in a certified methane-monitoring system as evidence that further inspection and test of the components will not be required.

§ 27.7 Fees.

(a) Detailed inspection—each assembled component.....	\$50.00
(b) Explosion testing—each explosion-proof enclosure.....	40.00
(c) Each series of tests to determine adequacy of design, materials, and/or construction.....	40.00
(d) Tests to determine safe operation and performance of a complete methane-monitoring system..	80.00
(e) Tests to determine intrinsic safety	40.00
(f) Final examination and recording of drawings and specifications requisite to issuing a letter of certification	45.00
(g) Examining and recording drawings and specifications requisite to issuing an extension of certification, each 4 hours or fraction thereof.....	15.00
(h) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of \$100 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

If an applicant is unable to determine the exact fee that should be submitted with his application, the information will be provided upon request, addressed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Electrical-Mechanical Testing. Any surplus from a fee submitted in excess of requirements will be refunded to the applicant upon completion or termination of the investigation or tests.

§ 27.8 Date for conducting tests.

The application, payment of necessary fees, and submission of required material will determine the order of precedence for testing when more than one application is pending and the applicant

¹ Explosion-proof components or subassemblies shall be constructed in accordance with the requirements of Part 18 of this Subchapter (Schedule 2, revised, the current revision of which is Schedule 2F).

will be notified of the date on which tests will begin.

NOTE: If a complete assembly, component, or subassembly fails to meet any of the requirements, it may lose its order of precedence. However, if the cause of failure is corrected, testing will be resumed after completing such other test work as may be in progress.

§ 27.9 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a letter of certification, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon may observe the investigations or tests. The Bureau shall hold as confidential and shall not disclose principles or patentable features, nor shall it disclose any details of drawings, specifications, descriptions, or related materials. After the issuance of a letter of certification, the Bureau may conduct such public demonstrations and tests of the certified methane-monitoring system for gassy mines and tunnels as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers, except as noted in paragraph (b) of this section.

(b) When requested by the Bureau, the applicant shall provide assistance in assembling or disassembling components or subassemblies for testing, preparing components or subassemblies for testing, and operating the system during the tests.

§ 27.10 Extension of certification.

If an applicant desires to change any feature of a certified system, he shall first obtain the Bureau's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certification, requesting that the existing certification be extended to cover the proposed changes and shall be accompanied by drawings, specifications, and related data, showing the changes in detail.

(b) The application will be examined by the Bureau to determine whether inspection and testing of the modified system or component or subassembly will be required. The Bureau will inform the applicant whether testing is required; the component, subassembly, and related material to be submitted for that purpose; and the fee.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of revised drawings and specifications to be added to those already on file with the Bureau.

§ 27.11 Withdrawal of certification.

The Bureau reserves the right to rescind for cause any certification granted under this part.

Subpart B—Construction and Design Requirements

§ 27.20 Quality of material, workmanship, and design.

(a) The Bureau will test only equipment that, in its opinion, is constructed

of suitable materials, is of good quality workmanship, is based on sound engineering principles, and is safe for its intended use. Since all possible designs, arrangements, or combinations of components cannot be foreseen, the Bureau reserves the right to modify the construction and design requirements of components or subassemblies and tests to obtain the same degree of protection as provided by the tests described in Subpart C of this part.

(b) Unless otherwise noted, the requirements stated in this part shall apply to explosion-proof and intrinsically-safe circuits and enclosures.

(c) All components and subassemblies shall be designed and constructed in a manner that will not create an explosion or fire hazard.

(d) All assemblies or enclosures—explosion-proof or intrinsically safe—shall be so designed that the temperatures of the external surfaces, during continuous operation, do not exceed 392° F. (200° C.) at any point.

(e) Glass lenses or globes shall be protected against damage by guards or location.

(f) If the Bureau determines that an explosion hazard can be created by breakage of a bulb with incandescent filament(s), the bulb mounting shall be so constructed that the bulb will be ejected when the bulb glass is broken.

NOTE: Other methods that provide equivalent protection against explosion hazards may be considered satisfactory.

§ 27.21 Methane-monitoring system.

(a) A methane-monitoring system shall be so designed that any machine, which is controlled by the system, cannot be operated unless the methane-monitoring system is functioning.

(b) A methane-monitoring system shall be rugged in construction so that its operation will not be affected by vibration or physical shock.

(c) Insulating materials that give off flammable or explosive gases when decomposed electrically shall not be used within enclosures where they might be subjected to destructive electrical action.

(d) An enclosure shall be equipped with a lock, seal, or acceptable equivalent when the Bureau deems such protection necessary for safety.

(e) A component or subassembly of a methane-monitoring system shall be constructed as a package unit or otherwise in a manner acceptable to the Bureau. Such components or subassemblies shall be replaceable or removable without creating an ignition hazard.

(f) A methane-monitoring system shall have a means incorporated into it to prevent energizing a cable(s) to a machine(s) controlled by the system for a period of at least 2 minutes after the methane detector has been turned on or caused a shut down.

(g) The complete system shall "fail safe" in a manner acceptable to the Bureau.

§ 27.22 Methane-monitoring detector.

(a) The methane-monitoring-detector component shall be suitably constructed for incorporation in permissible

equipment that is operated in gassy mines and tunnels.

(b) The methane-monitoring detector shall be designed to include:

(1) A method of continuous sampling of the atmosphere in which it functions.

(2) An automatic warning device (audible or colored light signal), which shall function automatically when the methane content (by volume) is between 1.0 and 1.5 percent.

(3) A method for activating a power-shutoff component, which shall function automatically when the methane content (by volume) is between 2.0 and 2.5 percent.

NOTE: This means that the power-shutoff component also shall function automatically when the methane content exceeds 2.5 percent.

(4) Reserve capacity to operate independently for approximately 4 hours (not necessarily continuous) when power is not on the machine which it controls.

(5) Means for sampling at one or two points determined by the Bureau as necessary for the particular type of permissible equipment with which it is to be incorporated.

(6) A suitable filter on the sampling intake to prevent dust and moisture from entering and interfering with normal operation.

NOTE: This requirement for the detector may be waived if the design is such as to preclude the need of a filter.

(7) An arrangement for testing the methane-monitoring detector to determine whether it is functioning properly.

§ 27.23 Power-shutoff component.

The power-shutoff component shall be designed to include:

(a) An automatic means to deenergize the equipment at the energy source when activated by the methane-monitoring detector.

(1) For electric-powered machines operated with trailing cable(s) from a power center(s), the power-shutoff component shall be capable of shutting off all power at the outby end of the trailing cable to each machine that may be operated beyond the last open crosscut in an area affected by methane as defined in subparagraph (3) of paragraph (b) of § 27.22. When more than one machine is operated by electric power through trailing cables (not necessarily from a common power center) and also may be operated beyond the last open crosscut in an area affected by methane as defined in subparagraph (3) of paragraph (b) of § 27.22, an acceptable alternative to complete power shutoff, as stated above, shall be to equip each machine with a methane-monitoring detector and to provide individual power shutoff not closer to each machine than the outby end of its trailing cable. The signal for activating the power shutoff shall be conducted through the power conductors of the trailing cable or by other means acceptable to the Bureau.

(2) For battery-powered machines the power shall be cut off as close as possible to the battery terminals.

(3) For diesel-powered machines the prime mover shall be shut down and all electrical components shall be deenergized.

(b) An arrangement for testing the power-shutoff characteristic to determine whether the power-shutoff component is functioning properly.

Subpart C—Test Requirements

§ 27.30 Inspection.

A detailed inspection shall be made of the equipment and all components and functions related to safety in operation, which shall include:

(a) Examining materials, workmanship, and design to determine conformance with paragraph (a) of § 27.20.

(b) Checking components and subassemblies against the drawings and specifications to verify conformance with the requirements of this part.

§ 27.31 Testing methods.

A methane-monitoring system shall be tested to determine its functional performance, and its explosion-proof and other safety characteristics. Since all possible designs, arrangements, or combinations cannot be foreseen, the Bureau reserves the right to make any tests or to place any limitations on equipment, or components or subassemblies thereof, not specifically covered herein, to determine the safety of such equipment with regard to explosion and fire hazards.

§ 27.32 Tests to determine performance of the system.

(a) Laboratory tests for reliability and durability.

Five hundred successful² consecutive tests for gas detection, alarm, and power shutoff in natural gas-air mixtures³ shall be conducted to demonstrate acceptable performance as to reliability and durability of a methane-monitoring system.⁴ The tests shall be conducted as follows:

(1) With the detecting component in a test gallery, natural gas shall be admitted at various rates and slight turbulence created for proper mixing with the air in the gallery. To comply with the requirements of this test, the detector shall activate an alarm at a predetermined percentage of gas and also activate the power shutoff at a second predetermined percentage of gas. (See § 27.22 and § 27.23.)⁵

(b) Field tests.

The Bureau reserves the right to conduct tests, similar to those stated in paragraph (a) of this section, in underground workings to verify reliability and durability of a methane-monitoring system.

§ 27.33 Tests to determine explosion-proof construction.

Components and subassemblies, which require explosion-proof construction, shall be tested in accordance with the

procedures stated in Part 18 of this subchapter (Schedule 2, revised, the latest revision of which is Schedule 2F).

§ 27.34 Test for intrinsic safety.

Components or subassemblies that are designed for intrinsic safety shall be tested by introducing into the circuit thereof a circuit-interrupting device, which shall be placed in a gallery containing various flammable natural gas-air mixtures. To meet the requirements of this test, the component or subassembly shall not ignite the flammable mixture. For this test the circuit-interrupting device shall be operated not less than 100 times at 150 percent of the normal operating voltage of the particular circuit.

§ 27.35 Test to determine life of critical components and subassemblies.

Replaceable components shall be subjected to appropriate life tests.

§ 27.36 Test for adequacy of electrical insulation and clearances.

When the operating voltage of any component, subassembly, or complete assembly is 220 volts or more, such component, subassembly, or complete assembly shall be subjected to a potential test of 2.5 times the rated operating voltage for one minute. To meet the requirements, no flash-over shall occur during this test.

§ 27.37 Test to determine adequacy of safety devices for bulbs.

The glass envelope of bulbs shall be broken with the bulbs burning in flammable natural gas-air mixtures in a gallery to determine that the safety device will prevent ignition of the mixtures.

§ 27.38 Test to determine resistance of lenses to impact.

Lenses of glass, plastic, or similar material shall be subjected to the following impact test: A 1¼-inch steel ball weighing 0.25 pound shall be dropped so that it strikes the center of the test sample. The sample shall be mounted horizontally and concentrically on a brass or bronze tube having a wall thickness of 3/16-inch and a diameter ½-inch less than the sample diameter, with the edge supporting the sample rounded to a 3/32-inch radius. To meet the requirements of this test, four samples so tested shall not fracture when the ball is dropped from a height of 7 inches on samples having diameters not exceeding 2½ inches, and from a height of 8 inches on samples having diameters exceeding 2½ inches.

§ 27.39 Tests to determine resistance to vibration.

Components or subassemblies that are to be mounted on permissible equipment shall be subjected to two separate vibration tests, each of 1-hour duration. The first test shall be conducted at a frequency of 30 cycles per second with a total movement per cycle of 1/16 inch. The second test shall be conducted at a frequency of 15 cycles per second with a total movement per cycle of 1/8 inch. Components and subassemblies shall be secured to the vibrating equipment in their normal operating positions (with

shock mounts, if so provided), and each component or subassembly shall function normally during and after each vibration test.

NOTE: The vibrating equipment is designed to impart a circular motion in a plane inclined 45° to the vertical or horizontal.

§ 27.40 Test to determine resistance to physical shock.

This test shall be conducted by mounting the component or subassembly on a shock-test platform in its normal operating position and subjecting the platform to fifty 20 foot-pound blows. The component or subassembly shall function normally after being subjected to the shock test.

§ 27.41 Test to determine resistance to dust.

Components or subassemblies, whose normal functioning might be affected by combustible dust such as coal dust, shall be tested in an atmosphere containing an average concentration (50 million, minus 40 micron particles per cubic foot) of such dust for a continuous period of 4 hours. The component or subassembly shall function normally after being subjected to this test.

§ 27.42 Test to determine resistance to moisture.

Components or subassemblies, whose normal functioning might be affected by moisture, shall be tested in atmospheres of high relative humidity (80 percent or more at 65°-75° F.) for a continuous period of 4 hours. The component or subassembly shall function normally after being subjected to this test.

[F.R. Doc. 61-11114; Filed, Nov. 22, 1961; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Individual Country Regulations

The regulations of the Post Office Department in § 168.5 *Individual country regulations*, as published in the FEDERAL REGISTER of September 19, 1961, at pages 8725-8805, are amended to reflect new mailing regulations adopted by the following countries:

§ 168.5 Amendment.

I. In country "Cuba", under Parcel Post, delete the "note" which immediately follows the tabular information after the item *Air parcel rates*. Packages for Cuba weighing 8 ounces or less may now be accepted as parcel post.

II. In country "Denmark" make the following changes:

A. Under Postal Union Mail, the item *Prohibitions and import restrictions* is amended by deleting "Advertisements, etc., for the sale of articles on the 'snowball' system." As so amended, the item reads as follows:

Prohibitions and import restrictions. Danish and foreign stocks, bonds, and

coupons may not be imported unless the addressee possesses a permit issued by the National Bank of Denmark.

Almanacs (except for single copies) which do not bear the University almanac stamp.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

B. Under Parcel Post, amend the item *Prohibitions* by adding a new paragraph immediately after the first paragraph therein to read as follows:

Dried or powdered milk and food mixtures containing it.

III. In country "Ruanda-Urundi", under Postal Union Mail, the item *Letter packages containing dutiable merchandise* is amended to show that perishable biological materials are accepted in letter packages. As so amended, the item reads as follows:

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable biological materials accepted. See § 111.3(b) (5) of this chapter.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-11125; Filed, Nov. 22, 1961; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Loxahatchee National Wildlife Refuge, Florida

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

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

FLORIDA

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Loxahatchee National Wildlife Refuge, Florida, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 74,492 acres of 49.8 percent of the total area of the refuge, is 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 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, white bass, bream and pickerel and other minor species permitted by State regulations.

(b) Open season: January 1, 1962, through June 30, 1962. One hour before sunrise to one hour after sunset.

(c) Daily creel limits: Largemouth black bass—10; white bass—30; bream,

perch, red finned pike—an aggregate of not more than 35; other minor species as permitted by State regulations.

(d) Methods of fishing:

(1) Attended rod and reel and/or pole and line permitted.

(2) Trot lines, limb lines, nets or other set tackle prohibited.

(3) Boats, including boats with motors, are permitted except that air-thrust boats may be authorized only by special permit issued by the Refuge Manager, and speedboats and racing craft are prohibited except for official purposes. Inboard and outboard motor boats may not be used in areas designated by suitable posting by the Refuge Officer in charge as closed to motor boat operation.

(e) Other provisions:

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

(2) Persons must follow such routes of travel within the area as may be designated by posting by the Refuge Officer in charge.

(3) The Refuge Officer in charge may close any portion of the area open to fishing when a conflict develops between hunting and fishing uses.

(4) A Federal permit is not required to enter the public fishing area.

(5) The provisions of this special regulation are effective to July 1, 1962.

WALTER A. GRESH;

Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 61-11105; Filed, Nov. 22, 1961; 8:47 a.m.]

PART 33—SPORT FISHING

National Wildlife Refuges, North Dakota

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

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

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 2,900 acres or 89 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: December 15, 1961, through March 12, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five

(5), 18-inch size limit on northern pike; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks. Tip-ups may be used, but fishermen must be in attendance within 100 feet of fishing equipment. Spearing or snagging is illegal.

(e) Other provisions:

(1) 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.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 13, 1962.

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to fishing. This open area, comprising 1,300 acres or 100 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: December 15, 1961 through March 12, 1962; daylight hours only.

(c) Daily creel limits. Northern pike—3, walleyes—5, or a combination of five (5), 18-inch size limit on northern pike; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks. Tip-ups may be used, but fishermen must be in attendance within 100 feet of fishing equipment. Spearing or snagging is illegal.

(e) Other provisions:

(1) 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.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 13, 1962.

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10,000 acres or 100 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the

office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: December 15, 1961 through March 12, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch size limit on northern pike; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks. Tip-ups may be used, but fishermen must be in attendance within 100 feet of fishing equipment. Spearing or snagging is illegal.

(e) Other provisions:

(1) 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.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 13, 1962.

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 8,000 acres or 70 percent of the total water area of the refuge, are delineated on a map and described in a leaflet available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: December 15, 1961, through March 12, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch size limit on northern pike; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks. Tip-ups may be used, but fishermen must be in attendance within 100 feet of fishing equipment. Spearing or snagging is illegal.

(e) Other provisions:

(1) 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.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 13, 1962.

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewauckon National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,400 acres or 85 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: December 15, 1961, through March 12, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch size limit on northern pike; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks. Tip-ups may be used, but fishermen must be in attendance within 100 feet of fishing equipment. Spearing or snagging is illegal.

(e) Other provisions:

(1) 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.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 13, 1962.

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 6,000 acres or 39 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: December 15, 1961, through March 12, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five

(5), 18-inch size limit on northern pike; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks. Tip-ups may be used, but fishermen must be in attendance within 100 feet of fishing equipment. Spearing or snagging is illegal.

(2) The use of minnows or any other fish, or part thereof, for bait is prohibited in all waters which lie north of the Lake Darling Dam. Minnows may be used in areas which are south of the Dam.

(e) Other provisions:

(1) 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.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to March 13, 1962.

W. A. ELKINS,

Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 16, 1961.

[F.R. Doc. 61-11106; Filed, Nov. 22, 1961; 8:47 a.m.]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wisconsin

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

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

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 250 acres or 1.2 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, bullheads, and other minor species permitted by State regulations.

(b) Open season: Northern pike—daylight hours from December 15, 1961 through February 15, 1962; bullheads—daylight hours from December 15, 1961 through March 15, 1962; all other species seasons as prescribed by State regulations, except that in no case shall the season extend beyond March 15, 1962.

(c) Daily creel limits: Northern pike—5; bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing:

1. No more than two lines or two poles with one line attached to each pole, and with one hook or bait on each line, may be used for fishing, except that fishermen using only one line or one pole with one line attached thereto may use not more than two lures or two hooks.

2. No snag hook, snag line or snag pole may be used to take fish.

3. One dip net per person may be used for the taking, catching or killing of rough fish, except suckers.

4. No person while operating a dip net for rough fish shall fish for fish in any other manner at that time.

5. All ice fishing tip-ups must be identified with the name of the owner.

6. It shall be unlawful for any person to cut, use or maintain a hole larger than 12 inches in diameter or square for the taking of fish in any manner through the ice, except for dip-netting.

(e) Other provisions:

1. 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.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to March 16, 1962.

W. A. ELKINS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 16, 1961.

[F.R. Doc. 61-11107; Filed, Nov. 22, 1961; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 611) has been filed by Catalin Corporation of America, Fords, New Jersey, proposing the issuance of a regulation to provide for the safe use of colloidal silicon dioxide as an anticaking agent at levels not to exceed 2 percent by weight in butylated hydroxytoluene for animal feed.

Dated: November 15, 1961.

J. K. KIRK,
*Assistant Commissioner
of Food and Drugs.*

[F.R. Doc. 61-11118; Filed, Nov. 22, 1961;
8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 369) has been filed by The B. F. Goodrich Company, 500 South Main Street, Akron 18, Ohio, proposing the issuance of a regulation to provide for the safe use of sodium lauryl sulfate as an emulsifier and/or surface-active

agent employed in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food.

Dated: November 16, 1961.

J. K. KIRK,
*Assistant Commissioner
of Food and Drugs.*

[F.R. Doc. 61-11119; Filed, Nov. 22, 1961;
8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 589) has been filed by E. F. Drew and Company, Inc., 416 Division Street, Boonton, New Jersey proposing the issuance of a regulation to provide for the safe use as emulsifiers in food of esters of polyglycerols from diglycerol to decaglycerol, inclusive.

Dated: November 17, 1961.

J. K. KIRK,
*Assistant Commissioner
of Food and Drugs.*

[F.R. Doc. 61-11120; Filed, Nov. 22, 1961;
8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 615) has been filed by F. G. Okie, Inc., Ambler, Pennsylvania, proposing the issuance of a regulation to provide for the safe use of ammonia, butyl alcohol, cetyl alcohol, cyclohexane, isopropyl alcohol, and polysorbate 80, as solvents and adjuvants in a coloring to be applied to confectionery.

Dated: November 17, 1961.

J. K. KIRK,
*Assistant Commissioner
of Food and Drugs.*

[F.R. Doc. 61-11134; Filed, Nov. 22, 1961;
8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 619) has been filed by Merck and Company, Inc., Rahway, New Jersey, proposing the issuance of a regulation amending § 121.210, to provide for the safe use of not less than 1 gram of procaine penicillin and not less than 3 grams of manganese bacitracin, in combination with amprolium, in medicated poultry feed for growth promotion, provided that the total antibiotic used does not exceed 50 grams per ton of finished feed.

Dated: November 17, 1961.

J. K. KIRK,
*Assistant Commissioner
of Food and Drugs.*

[F.R. Doc. 61-11135; Filed, Nov. 22, 1961;
8:52 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority A-1]

HEAD OF OFFICE OF DEVELOPMENT FINANCING

Delegation of Authority

Pursuant to the authority delegated to me in Delegation of Authority No. 3 from the Administrator, and to the extent consistent with law, I hereby delegate to the head of the Office of Development Financing the following authorities, with authority to redelegate as appropriate:

1. Authority to sign agreements on all loans authorized by the Administrator and on all guaranties which the Administrator authorizes to be issued under sections 221(b)(2) and 224 of the Foreign Assistance Act of 1961, following such review by the Development Loan Committee as may be provided for, and to sign such other related agreements, amendments, and actions as the head of the office may deem necessary or desirable with respect to such loans or guaranties, consistent with the Administrator's authorization of the transaction.

2. Authority to sign all loan agreements and guaranty agreements authorized by the Board of Directors of the corporate Development Loan Fund, as such authorizations may be amended by the Administrator, and to sign such other related agreements, amendments and actions as the head of the office may deem necessary or desirable with respect to such DLF authorization of the transaction as it may be amended by the Administrator.

3. Authority to sign guaranty agreements on all guaranties authorized under the provisions of section 221(b)(1) of the Foreign Assistance Act of 1961 or section 413(b)(4) of the Mutual Security Act of 1954, as amended, and to sign such other related agreements, amendments and actions as the head of the office may deem necessary or desirable with respect to such guaranties.

This delegation of authority is effective immediately.

FRANK M. COFFIN,
Deputy Administrator.

NOVEMBER 4, 1961.

[F.R. Doc. 61-11117; Filed, Nov. 22, 1961;
8:49 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 191, Rev. 1]

DESIGNATION OF DEPUTIES

1. In addition to their other assignments, the following are designated to

serve, at the pleasure of the Secretary, as the respective deputies of the principals indicated:

Principal and Deputy

Under Secretary for Monetary Affairs—
Deputy Under Secretary for Monetary Affairs.

General Counsel—Senior Assistant General Counsel.

Assistant Secretary—Deputy to the Assistant Secretary.

Assistant Secretary (International Finance)—
Deputy Assistant Secretary (International Finance).

Fiscal Assistant Secretary—Assistant to the Fiscal Assistant Secretary.

Administrative Assistant Secretary—Deputy Administrative Assistant Secretary.

2. Each deputy shall have authority to perform, during the absence of his principal, any function his principal is authorized to perform.

3. Treasury Department Order No. 191 is rescinded.

Dated: November 17, 1961.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-11133; Filed, Nov. 22, 1961;
8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 15, 1961.

The United States Forest Service of the Department of Agriculture has filed an application, serial No. Colorado 069933, for the withdrawal of the lands described below from location and entry under the general mining laws, subject to existing valid claims.

The applicant desires the land for use with the Sultan Mountain winter sports area in the San Juan National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Gas and Electric Building, 910 15th Street, Denver 2, Colo.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 41 N., R. 8 W.,
Sec. 13, N $\frac{1}{2}$ S $\frac{1}{2}$.

The area described aggregates 160 acres.

HAROLD T. TYSK,
Chief, Lands and Minerals.

[F.R. Doc. 61-11109; Filed, Nov. 22, 1961;
8:48 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 14, 1961.

The Department of Agriculture has filed an application, serial No. I-012632 for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, except the mineral leasing laws, subject to valid existing rights. The applicant desires the land for a public recreation area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

SALMON NATIONAL FOREST

Trail Creek Recreation Area

A tract of land within unsurveyed Secs. 11 and 12, T. 22 N., R. 18 E., more particularly described as:

Commencing at U.S. Land Marker No. 3428, located in the Trail Creek drainage tributary to Panther Creek in Lemhi County, Idaho; thence S. 56°41' E., 1042.4 feet to the point of beginning; thence N. 65°15' W., 1219.8 feet; thence N. 69°12' W., 841.8 feet; thence N. 77°02' W., 634.5 feet; thence S. 73°11' W., 829.5 feet; thence S. 83°48' W., 1931.6 feet; thence S. 78°42' W., 785.2 feet; thence S. 67°51' W., 917.4 feet; thence S. 62°16' W., 364.4 feet; thence S. 76°53' W., 434.4 feet; thence S. 22°19' E., 237.4 feet; thence N. 77°12' E., 367.0 feet; thence N. 61°59' E., 621.4 feet; thence N. 67°20' E., 664.2 feet; thence N. 86°40' E., 964.6 feet; thence N. 82°23' E., 1580.9 feet; thence N. 81°47' E., 1396.0 feet; thence S. 76°18' E., 907.9 feet; thence S. 58°45' E., 1165.2 feet; thence N. 30°51' E., 295.7 feet to the point of beginning.

Totaling 51.3 acres, more or less.

JOE T. FALLINI,
State Director.

[F.R. Doc. 61-11110; Filed, Nov. 22, 1961;
8:48 a.m.]

10977

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 14, 1961.

The Department of Agriculture has filed an application, serial No. Idaho 012636 for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, except the mineral leasing laws, subject to valid existing rights. The applicant desires the land for public campground sites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

CHALLIS NATIONAL FOREST

Holman Creek Campground

T. 11 N., R. 16 E.,
Sec. 25; N $\frac{1}{2}$ of Lot 7, N $\frac{1}{2}$ of Lot 8;
Sec. 26; Lot 7, E $\frac{1}{2}$ of Lot 8.
Totaling 83.20 acres.

Oster Creek Campground

T. 11 N., R. 16 E.,
Sec. 25; S $\frac{1}{2}$ of Lot 2, S $\frac{1}{2}$ of Lot 3, S $\frac{1}{2}$ of
Lot 4.
Totaling 36.81 acres.

Norton Bar Campground

T. 11 N., R. 16 E.,
Sec. 26; Lots 1, 3, 6, S $\frac{1}{2}$ of Lot 5.
Totaling 80.38 acres.

Mill Creek Campground

T. 11 N., R. 16 E.,
Sec. 26; Lots 2, 4, 9, 10.
Totaling 90.58 acres.

State Creek Campground

T. 11 N., R. 16 E.,
Sec. 27; Lots 2, 4, 6, 7, 10.
Totaling 79.51 acres.

Deer Springs Campground

T. 11 N., R. 16 E.,
Sec. 27; Lots 3, 5.
Totaling 26.14 acres.

Burnt Creek Campground

T. 11 N., R. 16 E.,
Sec. 28; S $\frac{1}{2}$ of Lot 1;
Sec. 29; S $\frac{1}{2}$ of Lot 4.
Totaling 22.36 acres.

Beaver Creek Campground

T. 11 N., R. 16 E.,
Sec. 28; Lots 2, 4, 8, N $\frac{1}{2}$ of Lot 9.
Totaling 56.43 acres.

Cold Spring Campground

T. 11 N., R. 16 E.,
Sec. 29; Lots 7, 9, N $\frac{1}{2}$ of Lot 5, N $\frac{1}{2}$ of Lot 10.
Totaling 77.00 acres.

Snyder Springs Campground

T. 11 N., R. 16 E.,
Sec. 30; S $\frac{1}{2}$ of Lot 2, Lot 10.
Totaling 36.40 acres.

Burnt Log Campground

T. 11 N., R. 16 E.,
Sec. 30; Lots 6, 7, 9, 11.
Totaling 70.16 acres.

Marshall Creek Campground

Beginning at a point which is N. 61° W., 600 feet from an iron stake located at the lower end of the culvert where Marshall Creek crosses U.S. Highway 93; thence N. 08° E., 300 feet; thence S. 45° E., 500 feet; thence N. 72° E., 800 feet; S. 39° E., 1200 feet; thence S. 11° W., 420 feet being a point on the north bank of the Salmon River; thence in a northwesterly direction meander along the Salmon River to the point of beginning, and located wholly within the following described subdivisions of unsurveyed land which will be when surveyed:

T. 11 N., R. 15 E.,
Sec. 27; S $\frac{1}{2}$ NE $\frac{1}{4}$.
Totaling 25.64 acres, more or less.

Stove Pipe Springs Campground

Beginning at a point which is West .76 chs. from an iron stake located at the upper end of the culvert where Stove Pipe Springs crosses U.S. Highway 93; thence S. 62° W., 6.71 chs.; thence N. 24° W., 4.18 chs.; thence N. 67° E., 9.04 chs.; thence S. 20° W., 4.30 chs. to the point of beginning and located wholly within the following described subdivision of unsurveyed land which will be when surveyed:

T. 11 N., R. 15 E.,
Sec. 21; SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Totaling 2.92 acres, more or less.

Robinson Bar Campground

Beginning at Corner No. 1 of H.E.S. No. 419 from whence U.S. Monument No. 5 bears N. 22°29' E., 7.50 chs.; thence following H.E.S. No. 419 N. 45°03' E., 18.12 chs.; thence S. 80° E., 30.21 chs.; thence S. 04°54' W., 16.94 chs.; thence N. 85° E., 5.50 chs.; thence N. 26° E., 23.50 chs. to a point on the south bank of the Salmon River; thence meander in a northwesterly direction along the south bank of the Salmon River; thence S. 66°37' E., 22 chs.; thence N. 05° E., 8.57 chs.; N. 38°49' W., 9.47 chs.; thence N. 49°42' E., 20.33 chs.; thence S. 31°21' E., 11.53 chs. to the point of beginning and located wholly within the following described subdivisions of unsurveyed land which will be when surveyed:

T. 11 N., R. 15 E.,
Sec. 26; SW $\frac{1}{4}$;
Sec. 27; SE $\frac{1}{4}$.
Totaling 156 acres, more or less.

Dutchman Flat Campground

Beginning at a point which bears N. 20° E., 1327 feet from the mouth of Elk Creek; thence S. 46° E., 450 feet; thence S. 68° E., 250 feet; thence S. 83° E., 420 feet; thence N. 09° W., 283 feet; N. 67° W., 1100 feet; thence S. 12° E., 250 feet to the point of beginning and located wholly within the following described subdivision of unsurveyed land which will be when surveyed:

T. 11 N., R. 15 E.,
Sec. 20; NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Totaling 10 acres, more or less.

Elk Creek Campground

Beginning at a point which bears S. 68° E., 208 feet from an iron stake on the east bank of the Elk Creek at its mouth, on the

south bank of the Salmon River; thence S. 60° W., 147 feet; thence S. 41° E., 379 feet; thence south 212 feet; thence N. 82° W., 140 feet; N. 37° W., 171 feet; thence N. 78° W., 282 feet; thence S. 50° W., 200 feet; thence west 1555 feet; thence N. 40° E., 870 feet to a point on the south bank of the Salmon River; thence in an easterly direction meander along the Salmon River to the point of beginning and wholly located within the following unsurveyed subdivision which will be when surveyed:

T. 11 N., R. 15 E.,
Sec. 20; S $\frac{1}{2}$ NE $\frac{1}{4}$.
Totaling 22 acres, more or less.

Five Points Campground

Beginning at a point which bears S. 25° W., 17 chs. from U.S. Location Monument No. 136; thence S. 70° W., 27 chs.; thence N. 17° W., 6 chs. being a point on the south bank of the Salmon River; thence meander in a northeasterly direction along the south bank of the Salmon River 28 chs.; thence S. 09° E., 4 chs. to the point of beginning and located wholly within the following unsurveyed subdivisions which will be when surveyed:

T. 11 N., R. 15 E.,
Sec. 25; SE $\frac{1}{4}$.
Totaling 7.50 acres, more or less.

SALMON NATIONAL FOREST

Cunningham Bar Recreation Area

T. 23 N., R. 14 E.,
Sec. 1; SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Totaling 40 acres.

The areas described aggregate 923.03 acres more or less.

JOE T. FALLINI,
State Director.

[F.R. Doc. 61-11111; Filed, Nov. 22, 1961;
8:48 a.m.]

[New Mexico 0161252]

NEW MEXICO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 17, 1961.

Notice of an application, serial No. New Mexico 0161252 for withdrawal and reservation of lands was published as Federal Register Document 61-4994 on page 4765 of the issue for Tuesday, May 30, 1961. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on December 1, 1961, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 10 N., R. 5 E.,
Sec. 19, Lots 13 through 26, inclusive.

The area described above aggregates 423.53 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 61-11112; Filed, Nov. 22, 1961;
8:49 a.m.]

[Utah (I-36)]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 14, 1961.

The National Park Service, U.S. Department of the Interior, has filed an application, serial No. Utah 073096, for the withdrawal of the lands described below from all forms of appropriation, including the general mining laws and the mineral leasing laws, subject to valid existing rights. The land is to be under the jurisdiction of that agency.

The applicant agency desires the withdrawal of these lands for the proposed expansion of the Hovenweep National Monument. The proposed developments on this land will consist of residences, campground, a utility area and an access road. Grazing will be permitted until the land is actually made a part of the monument.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or comments in writing to the State Director for Utah, Bureau of Land Management, Darling Building, P.O. Box 777, Salt Lake City 10, Utah. If any objections are filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced; where opponents to the proposed withdrawal may state their views, and where proponents may explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 39 S., R. 26 E.,
Sec. 21: W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 280 acres.

DEWANE JENSON,
Acting State Director.

[F.R. Doc. 61-11113; Filed, Nov. 22, 1961; 8:49 a.m.]

[Utah (I-37)]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 17, 1961.

The Bureau of Public Roads has filed an application, serial No. U-062518, for the withdrawal of the lands described below, from location and entry under the public land laws, including the general mining laws, but not the mineral leasing laws. Grazing administration will be continued by the Bureau of Land Management.

The applicant desires the withdrawal of the lands for future right-of-way pur-

poses for locating an interstate highway, the location of which has not definitely been determined. Upon determination of the location of the highway, the excess lands will be restored.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, P.O. Box 777, Salt Lake City 10, Utah.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands requested for withdrawal are as follows:

SALT LAKE MERIDIAN, UTAH

T. 21 S., R. 13 E. (unsurveyed),
Sec. 34: S $\frac{1}{2}$;
Sec. 35: S $\frac{1}{2}$.
T. 22 S., R. 13 E. (unsurveyed),
Sec. 1: All;
Sec. 2: All;
Sec. 3: All;
Sec. 4: All;
Sec. 7: S $\frac{1}{2}$;
Sec. 8: All;
Sec. 9: All;
Sec. 17: N $\frac{1}{2}$;
Sec. 18: All.
T. 21 S., R. 14 E.,
Sec. 13: All;
Sec. 21: SE $\frac{1}{4}$;
Sec. 22: All;
Sec. 23: All;
Sec. 24: All;
Sec. 27: All;
Sec. 28: E $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31: All (unsurveyed);
Sec. 32: All;
Sec. 33: All.
T. 22 S., R. 14 E.,
Sec. 6: All.
T. 21 S., R. 15 E.,
Sec. 13: Lots 1, 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 14: S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 15: S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 17: NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18: All;
Sec. 19: Lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 21: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 22: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$.
T. 21 S., R. 16 E.,
Sec. 14: All;
Sec. 15: All;
Sec. 17: All;
Sec. 18: All;
Sec. 22: Lots 1, 2, 3, 4, 5, 6, 9, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23: All;
Sec. 24: All;
Sec. 25: All.
T. 21 S., R. 17 E.,
Sec. 19: All;
Sec. 28: All;
Sec. 29: All;
Sec. 30: SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 33: All;
Sec. 34: All;
Sec. 35: All.
T. 22 S., R. 17 E.,
Sec. 1: All.
T. 22 S., R. 18 E.,
Sec. 4: Lots 6, 7, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 5: All;
Sec. 6: All;
Sec. 7: N $\frac{1}{2}$;
Sec. 8: N $\frac{1}{2}$;
Sec. 9: Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 21 S., R. 19 E.,
Sec. 25: S $\frac{1}{2}$;
Sec. 26: S $\frac{1}{2}$.
T. 25 S., R. 6 W.,
Sec. 19: All;
Sec. 20: All;
Sec. 21: All;
Sec. 29: NW $\frac{1}{4}$;
Sec. 30: All.
T. 25 S., R. 7 W.,
Sec. 14: All;
Sec. 23: All;
Sec. 35: All.
T. 26 S., R. 7 W.,
Sec. 11: S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 14: Lots 3, 4, 5, 6, 7, 8, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 35: SE $\frac{1}{4}$.
T. 28 S., R. 7 W.,
Sec. 4: Lot 3, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 5: Lots 1, 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 17: All;
Sec. 20: N $\frac{1}{2}$;
Sec. 33: N $\frac{1}{2}$, SW $\frac{1}{4}$.
T. 29 S., R. 7 W.,
Sec. 4: Lots 3, 4;
Sec. 33: NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 30 S., R. 7 W.,
Sec. 4: Lot 4;
Sec. 9: SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 15: W $\frac{1}{2}$;
Sec. 21: All;
Sec. 22: N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26: All;
Sec. 27: All;
Sec. 34: All;
Sec. 35: All.
T. 31 S., R. 7 W.,
Sec. 1: Lots 3, 4, 5, 6, 11, 12, SW $\frac{1}{4}$;
Sec. 10: All;
Sec. 11: All;
Sec. 15: All;
Sec. 20: NE $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 21: All;
Sec. 29: All;
Sec. 30: All;
Sec. 31: Lots 1, 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 32 S., R. 7 W.,
Sec. 6: Lots 1, 2, 3, 4, 5, 6, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.
T. 41 S., R. 14 W.,
Sec. 13: S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 14: SE $\frac{1}{4}$;
Sec. 23: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 26: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27: SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 33: All;
Sec. 34: E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.
T. 42 S., R. 14 W.,
Sec. 4: Lots 1, 3, 4, 6, 7, 8, 9, 10, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 5: All;
Sec. 6: N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 7: Lots 2, 3, 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$.
T. 42 S., R. 15 W.,
Sec. 12: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The above area aggregates 48,918.64 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 61-11121; Filed, Nov. 22, 1961; 8:50 a.m.]

[Classification No. 205]

NEVADA

Small Tract Classification

1. Pursuant to authority delegated by Bureau Order No. 684, dated August 28 1961 (26 F.R. 8216), and the State director August 30, 1961 (26 F.R. 8468), I hereby classify the following described public lands, totaling 300 acres in

Ormsby County, Nev., as suitable for sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended:

MOUNT DIABLO MERIDIAN, NEVADA

T. 15 N., R. 20 E.,
Sec. 14, NE $\frac{1}{4}$, E $\frac{1}{2}$ N $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

Containing 300 acres of which 5 acres are covered by one application from a person entitled to preference under 43 CFR 257.5(a).

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. The one valid application, filed prior to November 16, 1961, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

DANIEL P. BAKER,
Chief, Division of Lands
and Minerals Management.

NOVEMBER 16, 1961.

[F.R. Doc. 61-11137; Filed, Nov. 22, 1961;
8:52 a.m.]

[Classification No. 209]

NEVADA

Small Tract Classification

1. Pursuant to authority delegated by Bureau Order 684, dated August 28, 1961 (26 F.R. 8216) and the State director August 30, 1961 (26 F.R. 8468), I hereby classify the following described public lands, totaling 575 acres in Lyon County, Nev., as suitable for disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 N., R. 21 E.,
Sec. 28, W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 29, E $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, NE $\frac{1}{4}$;
Sec. 33, NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 575 acres of which approximately 445 acres are covered by 93 applications from persons entitled to preference under 43 CFR 275.5(a).

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to November 17, 1961, will be granted as

soon as possible, the preference right provided for by 43 CFR 257.5.

DANIEL P. BAKER,
Chief, Division of Lands
and Minerals Management.

NOVEMBER 17, 1961.

[F.R. Doc. 61-11138; Filed, Nov. 22, 1961;
8:52 a.m.]

[W-0150190]

WYOMING

Notice of Proposed Withdrawal and
Reservation of Lands

NOVEMBER 17, 1961.

The Forest Service, U.S. Department of Agriculture, has filed an application, serial No. Wyoming 0150190, for withdrawal of the lands described below from location and entry under the general mining laws of the United States.

The applicant desires the lands for roadside zones.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyo.

If the circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BIG HORN NATIONAL FOREST

United States Highway No. 16 Roadside
Zone

A strip of land 200 feet on each side of the centerline of U.S. Highway No. 16 through the following legal subdivisions:

T. 50 N., R. 83 W.,
Sec. 5: S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 6: Lot 4;
Sec. 7: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 8: N $\frac{1}{2}$ N $\frac{1}{2}$.
T. 48 N., R. 84 W.,
Sec. 2: SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 3: NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 6: Lot 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 8: S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10: N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$.
T. 49 N., R. 84 W.,
Sec. 1: Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 2: Lots 1, 2, 3, 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 3: Lots 1, 2, 3;
Sec. 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 12: W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 13: W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 14: E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 23: E $\frac{1}{2}$;
Sec. 25: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 26: NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 36: W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 50 N., R. 84 W.,
Sec. 1: Lot 7, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11: S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 12: Lot 1, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 14: W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 15: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$,
SE $\frac{1}{4}$;
Sec. 22: NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$,
SE $\frac{1}{4}$;
Sec. 27: N $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 34: NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$;
Sec. 35: S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 36: SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 48 N., R. 85 W.,

Sec. 1: Lot 11, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 2: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 3: SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 4: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 5: Lot 8, S $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 6: Lots 8, 9, 10, 11, 12, S $\frac{1}{2}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 9: N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 10: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 12: Lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 48 N., R. 86 W.,

Sec. 1: Lots 5, 6, 7, 8, 9, 10, 11, 12,
SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 2: Lots 11, 12, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$;
Sec. 3: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$,
SE $\frac{1}{4}$;
Sec. 4: Lots 6, 7, 8, 9, 10, 11, 12 S $\frac{1}{2}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 6: Lots 11, 13, 14, 19, 20, 23;
Sec. 7: Lots 5, 7, 8, 10, 12;
Sec. 10: N $\frac{1}{2}$ NE $\frac{1}{4}$.

T. 49 N., R. 86 W.,

Sec. 28: N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32: N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 33: N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 34: SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 48 N., R. 87 W.,

Sec. 1: Lots 13, 17;
Sec. 12: Lots 4, 7;
Sec. 13: Lots 1, 4, 5, 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$,
SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 23: Lots 1, 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 24: Lot 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$,
SW $\frac{1}{4}$;
Sec. 26: N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33: Lots 1, 2, 3, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$,
SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34: N $\frac{1}{2}$ NW $\frac{1}{4}$.

MEDICINE BOW NATIONAL FOREST

Wyoming State Highway No. 130 Roadside
Zone

A strip of land 300 feet on each side of the center line of Wyoming State Highway No. 130 through the following legal subdivisions:

T. 16 N., R. 79 W.,
Sec. 15: SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 16: N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 17: NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 19: Lots 3, 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 20: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 16 N., R. 80 W.,
Sec. 24: SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
W $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26: W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35: N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$.

Total area 2941.8 acres, more or less.

EDWARD W. STUEBING,
Acting Manager.

[F.R. Doc. 61-11139; Filed, Nov. 22, 1961;
8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115-3]

CONSUMERS PUBLIC POWER DISTRICT, POWER DEMONSTRATION REACTOR PROJECT

Order Granting Request for Prehearing Conference

On November 17, 1961, the Staff filed a request, concurred in by North American Aviation, Inc., that a prehearing conference be convened in this proceeding on November 29, 1961, in order to agree upon procedural matters such as (a) the sequence and procedures for submittal of written testimony and exhibits, (b) the proposed findings and order, (c) discussion of a proposed motion to make the decision and order effective immediately, and (d) any other relevant and appropriate matters.

The Commission has set this proceeding for hearing on November 30, 1961.

The Presiding Officer finds: Adequate time does not remain to permit formal answer to this request for prehearing conference from the other participants in this hearing and also permit adequate public notice given of the convening of a prehearing conference.

The Presiding Officer orders:

(A) Subject to presentation of objections thereto and a determination of the merits of such objections, the request of the Staff is granted and a prehearing

conference shall convene in this proceeding at 2:00 p.m. on November 29, 1961, in the conference room of the auditorium of the U.S. Atomic Energy Commission at Germantown, Maryland, for the purposes above stated as contained in the request of the Staff.

(B) Public notice of this order shall include publication in the FEDERAL REGISTER.

Issued November 20, 1961, Germantown, Md.

SAMUEL W. JENSCH,
Presiding Officer.

[F.R. Doc. 61-11130; Filed, Nov. 22, 1961; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

November 1961 Monthly Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the CCC Monthly Sales List for November 1961 is amended as set forth below:

The entire section relating to oats, bulk, is deleted and replaced with the following:

Oats, bulk.....	Domestic: Storable:				
	A. General sales: Market price basis in store, ¹ but not less than 105 percent of the applicable 1961 support price ² for the class, grade, and quality of the grain plus the amount shown below applicable to the storage point involved. For grain in store at other than the point of production the freight from point of production to the present point of storage will also be added.				
Unit	In store at—		Examples of minimum prices (exrail or or barge)		
	Point of production	Other point	Terminal	Class and grade	Price
Bushel.....	Cents 7	Cents 9	Chicago.....	No. 3.....	\$0.84½
Available: At bin sites through ASCS County Offices. In States in which emergency areas have been designated bin sites storable oats will be available only under the Livestock Feed Program and to stockmen and livestock (including poultry) owners who use this grain for feeding their livestock and poultry. At other locations through the Evanston, Dallas, and Kansas City ASCS Commodity Offices. Storable oats will not be available for sale by the Minneapolis ASCS Commodity Office.					
B. Redemption of 1961 Feed Grain Program certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of oats that will be made available or redemption. CCC also reserves the right to restrict the availability of oats for such redemption, at any location whenever such action is deemed necessary.					
Available: Portland ASCS Commodity Office.					
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated above.					

¹ On bin site sales delivery basis shall be f.o.b. buyers conveyance at the bin site.
² To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight for grain stored at other than the point of production.
³ Includes paid in freight from Woodford County, Illinois.

The section relating to "Available" under Barley, bulk, Domestic, B. Redemption of 1961 Feed Grain Program Certificates is deleted and replaced with the following:

As available: From bin sites through ASCS County Offices in the Minneapolis area and at other locations through the Minneapolis and Portland ASCS Commodity Offices.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on November 17, 1961.

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

[F.R. Doc. 61-11123; Filed, Nov. 22, 1961; 8:51 a.m.]

FEDERAL AVIATION AGENCY

RECONSIDERATION OF WARSAW CONVENTION AND THE HAGUE PROTOCOL

Extension of Time for Public Comment

The date for the receipt of written comments regarding the consideration of the relationship of the United States to the Warsaw Convention and The Hague Protocol has been extended from November 15, 1961 to December 1; and the date for the presentation of oral statements has been extended from December 4 to December 18. Presentations will be made beginning at 9:30 a.m., in the Main Conference Room (1309A), New State Building 22d and C Streets NW., Washington, D.C.

Persons and organizations desiring to be heard on December 18 should notify, by December 1, 1961, Mr. W. C. Hanne-mann, Staff Officer, Interagency Group on International Aviation, c/o Federal Aviation Agency, 1711 New York Avenue, Washington 25, D.C.

There has been established a public docket which will contain all pertinent comments received on the relationship of the United States to the Warsaw Convention and The Hague Protocol thereto.

The comments result from an IGIA letter of inquiry, dated September 22, a Department of State press release, and a notice in the FEDERAL REGISTER, Volume 26, Number 198, dated October 13, 1961.

The docket is available in the Office of the General Counsel, Federal Aviation Agency, Miss R. Chesley Prioleau, GC-2, Room C-226, 1711 New York Avenue, Washington, D.C., telephone WOrth 7-3324.

W. C. HANNEMANN,
Staff Officer, Interagency Group
on International Aviation.

[F.R. Doc. 61-11169; Filed, Nov. 22, 1961; 8:56 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[List No. 28; FCC 61-1366]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

NOVEMBER 20, 1961.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on December 27, 1961, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106 (b) (1) and § 1.361 (c) of the Commission rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on December 26, 1961 which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. by whichever date is earlier: (a) The close of business on December 26, 1961 or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.359 (f) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

Applications from the top of the processing line

BP-14479 KGHS, International Falls, Minn. International Falls Broadcasting Co., Inc.
Has: 1230 kc, 100 w, U.
Req: 1230 kc, 250 w, U.

BP-14480 New, Donalson, Ga. Seminole Broadcasting Co.
Req: 1500 kc, 1 kw, Day.

BP-14482 WMOU, Berlin, N.H. The Berlin Broadcasting Co.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-14483 New, Calhoun, Ga. Reliable Broadcasting Co.
Req: 1500 kc, 500 w, Day.

BP-14484 New, Apopka, Fla. Adair Charities, Inc.
Req: 1520 kc, 5 kw, DA, Day.

BP-14485 KFLJ, Welsenburg, Colo. Floyd Jeter.
Has: 1380 kc, 1 kw, Day.
Req: 1380 kc, 5 kw, Day.

BP-14489 New, Littleton, N.H. The Berlin Broadcasting Co.
Req: 1400 kc, 250 w, U.

BP-14492 New, Brownsville, Tenn. Haywood County Broadcasting Co.
Req: 1280 kc, 5 kw, DA, Day.

BP-14494 WCTC, New Brunswick, N.J. Raritan Valley Broadcasting Co., Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-14495 KWOC, Poplar Bluff, Mo. Poplar Bluff Broadcasting Co.
Has: 930 kc, 500 w, 1 kw-LS, DA-N, U.
Req: 930 kc, 500 w, 5 kw-LS, DA-N, U.

BP-14496 KRNR, Roseburg, Ore. News-Review Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14497 KSLO, Opelousas, La. KSLO Broadcasting Co.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-14498 New, Blythe, Calif. Riverside Broadcasting Co.
Req: 1380 kc, 500 w, Day.

BP-14499 WCRL, Oneonta, Ala. Blount County Broadcasting Service, Inc.
Has: 1570 kc, 250 w, Day.
Req: 1570 kc, 1 kw, Day.

BP-14500 KLTF, Little Falls, Minn. Little Falls Broadcasting Co.
Has: 960 kc, 500 w, Day.
Req: 960 kc, 5 kw, Day.

BP-14502 New, Crystal City, Tex. Dr. Charles H. Haggard and Kenneth R. Rogers.
Req: 1320 kc, 500 w, Day.

BP-14506 WCMN, Arecibo, P.R. Caribbean Broadcasting Corp.
Has: 1280 kc, 1 kw, U.
Req: 1280 kc, 1 kw, 5 kw-LS, U.

BP-14507 KNND, Cottage Grove, Ore. Radio Station KOMB.
Has: 1400 kc, 250 w, S.H.
Req: 1400 kc, 250 w, 1 kw-LS, S.H.

BP-14510 WDBQ, Dubuque, Iowa. WDBQ Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14516 New, Grants, N. Mex. Alfred Ray Fuchs.
Req: 560 kc, 500 w, Day.

BP-14519 New, Kemmerer, Wyo. Lincoln Broadcasting Co.
Req: 950 kc, 1 kw, Day.

BP-14520 KVOE, Emporia, Kans. Bluestem Broadcasting Co., Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14521 New, Doniphan, Mo. Jack G. Hunt.
Req: 1500 kc, 1 kw, Day.

BP-14522 New, Lindstrom, Minn. Chicago County Broadcasting Co.
Req: 1380 kc, 500 w, Day.

BP-14523 New, Coos Bay, Ore. Ukiah Radio.
Req: 1290 kc, 5 kw, Day.

BP-14524 New, Sturgis, S. Dak. Sturgis Radio, Inc.
Req: 1280 kc, 1 kw, Day.

BP-14526 WAMV, East St. Louis, Ill. Stanlin, Inc.
Has: 1490 kc, 250 w, 500 w-LS, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14527 New, Travelers Rest, S.C. Piedmont Broadcasting Co.
Req: 1580 kc, 500 w, Day.

BP-14530 New, Edwardsville, Ill. Leader Broadcasting Co.
Req: 1350 kc, 500 w, DA, Day.

BP-14531 WRDO, Augusta, Maine. WRDO, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14533 WFKY, Frankfort, Ky. Frankfort Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14541 KYRO, Potosi, Mo. Franklin County Broadcasting Co., Inc.
Has: 1280 kc, 500 w, Day.
Req: 1310 kc, 500 w, Day.

BP-14548 KLPW, Union, Mo. Franklin County Broadcasting Co., Inc.
Has: 1220 kc, 1 kw, Day.
Req: 1280 kc, 1 kw, Day.

BP-14549 WCNF, Weldon, N.C. Twin City Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14554 WDOW, Dowagiac, Mich. Dowagiac Broadcasting Co., Inc.
Has: 1440 kc, 500 w, Day.
Req: 1440 kc, 1 kw, Day.

BMP-9275 WRSC, State College, Pa. Suburban Broadcasting Corp.
Has: 1390 kc, 500 w, Day.
Req: 1390 kc, 1 kw, Day.

BP-14556 New, Huntingdon, Tenn. Huntingdon Broadcasting Co.
Req: 1580 kc, 250 w, Day.

BP-14561 WBRB, Mount Clemens, Mich. Wright & Maltz, Inc.
Has: 1430 kc, 500 w, DA, Day.
Req: 1430 kc, 500 w, DA-1, U.

BP-14562 WSDR, Sterling, Ill. Blackhawk Broadcasting Co.
Has: 1240 kc, 100 w, U.
Req: 1240 kc, 100 w, 500 w-LS, U.

BP-14563 New, Jacksonville, Ark. Lad Broadcasting Co.
Req: 1580 kc, 500 w, Day.

BP-14564 New, Oak Ridge, Tenn. Oak Ridge Broadcasting Co.
Req: 1520 kc, 1 kw, Day.

BP-14565 KOLE, Port Arthur, Tex. Radio Southwest, Inc.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-14567 KOLO, Reno, Nev. Western Broadcasting Co.
Has: 920 kc, 1 kw, DA-N, U.
Req: 920 kc, 1 kw, 5 kw-LS, DA-N, U.

BP-14568 New, Boca Raton, Fla. Boca Broadcasters.
Req: 740 kc, 1 kw, DA, Day.

BP-14571 New, Prattville, Ala. Prattville Broadcasting Co.
Req: 1330 kc, 1 kw, DA, Day.

BP-14575 KYND, Tempe, Ariz. KYND Radio Corp.
Has: 1580 kc, 10 kw, Day.
Req: 1580 kc, 50 kw, 10 kw (CR), Day.

BP-14576 WAPF, McComb, Miss. The Southwestern Broadcasting Co. of Mississippi.
Has: 980 kc, 1 kw, Day.
Req: 980 kc, 5 kw, Day.

BP-14577 WRKM, Carthage, Tenn. Carthage Broadcasting Co., Inc.
Has: 1350 kc, 500 w, Day.
Req: 1350 kc, 1 kw, Day.

BP-14578 WOGA, Chattanooga, Tenn. Middle South Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-14579 New, Mount Airy, N.C. Woma Typa Broadcasting Co.
Req: 1240 kc, 250 w, U.

[F.R. Doc. 61-11153; Filed, Nov. 22, 1961; 8:55 a.m.]

[Docket No. 14393; FCC 61-1363]

W. E. BAYSDEN

Order Designating Application for Hearing on Stated Issues

In re application of W. E. Baysden
Jacksonville, North Carolina, requests:

1290 kc, 1 kw, Day, Docket No. 14393, File No. BP-12300; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of November 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that, except for matters involved in the issues set forth below, the applicant is in all respects qualified to construct and operate its proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. Applicant's responses to section II, paragraph 10(d) of the application and the Commission's letter of September 4, 1959, are such as to raise the question of misrepresentation and omission of material facts.

2. Information in the possession of the Commission and conceded to by Applicant by letter of September 18, 1959, and by amendment of September 6, 1960, concerning violations of certain laws of the State of North Carolina and possible violation of a Federal statute raises a question as to Applicant possessing the requisite character qualifications to be a licensee of a standard broadcast station.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applicant is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the subject application filed by W. E. Baysden contained misrepresentations and omissions of material facts.

2. To determine whether W. E. Baysden has the requisite character qualifications to be a licensee of a standard broadcast station.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the man-

ner prescribed by such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: November 20, 1961.

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

[F.R. Doc. 61-11145; Filed, Nov. 22, 1961;
8:54 a.m.]

[Docket No. 14379]

WILLIAM HUMBERT, JR.

Licenses for Citizens Radio Stations

In the matter of William Humbert, Jr., Tampa, Florida, Docket No. 14379; order to show cause why there should not be revoked the licenses for Citizens radio stations 7W0464 and 7W2827.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Citizens radio station 7W0464;

It appearing that, on July 15, 1959, the Commission issued to William Humbert, Jr., a license authorizing the operation of a Citizens radio station under the call sign 7W0464; and

It further appearing that, on July 5, 1960, the Commission issued to William E. Humbert a license authorizing the operation of a Citizens radio station under the call sign 7W2827; and

It further appearing that William Humbert, Jr., and William E. Humbert are names used by the same person and that William Humbert, Jr., alias William E. Humbert, is the licensee of Citizens Radio Stations 7W0464 and 7W2827; and

It further appearing that, at various times between August 30, 1959, and December 11, 1960, and particularly on August 30, 1959, September 14, 1959, January 27, 1960, February 7, 1960, May 16, 1960, and December 11, 1960, the licensee operated radio apparatus in the Citizens radio service with a frequency deviation in excess of the permissible limitations, in violation of § 19.33 of the Commission's rules; and

It further appearing that, at various times between June 16, 1960, and October 26, 1960, and particularly on June 16, 1960, and October 26, 1960, the licensee operated apparatus in the Citizens radio service without providing for the reception of the Conelrad Alert and Conelrad All Clear signals, in violation of § 19.102 of the Commission's rules; and

It further appearing that, at various times between December 11, 1960, and June 18, 1961, and particularly on December 11, 1960, and June 18, 1961, the licensee transmitted messages primarily dependent upon skywave reflection and beyond the direct groundwave coverage range of his station, in violation of § 19.61(g) of the Commission's rules; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated §§ 19.33, 19.102, and 19.61(g) of the Commission's rules:

It is ordered, This 17th day of November 1961, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291 (b) (8) of the Commission's Statement of Delegations of Authority, that the licensee show cause why the licenses for Citizens Radio Stations 7W0464 and 7W2827 should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order to William Humbert, Jr., 10932 Lantana Avenue, Tampa, Florida.

Released: November 20, 1961.

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

[F.R. Doc. 61-11146; Filed, Nov. 22, 1961;
8:54 a.m.]

[Docket No. 14076 etc.; FCC 61-1350]

KENT-RAVENNA BROADCASTING CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Kent-Ravenna Broadcasting Co., Kent, Ohio, et al., Docket No. 14076, File No. BP-13749 et al.; for construction permits.

1. The Commission has before it for consideration a petition to enlarge, change, and clarify issues, filed May 15, 1961, by Carnegie Broadcasting Corporation; pleadings filed in response thereto; and a motion to strike, motion for leave to file reply, and reply, tendered June 23, 1961, by Carnegie.

2. This proceeding was designated for hearing by Commission order, 26 F.R. 3658, April 28, 1961. The instant pleadings principally involve four applications:

Petty Durwood Johnson, tr/as Radio Trumbull, Niles, Ohio. Requests: 1510 kc, 500 w, D. Monroeville Broadcasting Company, Monroeville, Pennsylvania. Requests: 1510 kc, 250 w, D.

Carnegie Broadcasting Corporation, Pittsburgh, Pennsylvania. Requests: 1510 kc, 50 kw, DA, D.

Miners Broadcasting Service, Inc. (WBMA), Ambridge-Alliquippa, Pennsylvania. Has: 1460 kc, 500 w, DA, D (Ambridge, Pennsylvania). Requests: 1510 kc, 10 kw, DA, D (Ambridge, Alliquippa, Pennsylvania).

SECTION 307(b) CONSIDERATIONS

3. A number of the hearing issues in this proceeding look toward a determination of various matters relating to the ultimate determination under section 307 (b) of the act, quoted in paragraph 6, infra. These issues read substantially as follows:¹

¹ By order, FCC 61M-829, May 11, 1961, an application for Green Tree, Pennsylvania, was dismissed and reference thereto in the issues has been deleted. By memorandum opinion and order, 26 F.R. 5378, June 15, 1961, an issue was added and existing issues 8-16 were renumbered 9-17 (the cited issues reflect this renumbering).

9. To determine, in light of their location and urban and industrial characteristics, and other relevant factors, whether Monroeville, Pennsylvania, is a separate community with respect to Pittsburgh, Pennsylvania, for the purposes of 47 U.S.C. 307(b);

10. To determine, in the light of 47 U.S.C. 307(b), which of the instant proposals would best provide a fair, efficient, and equitable distribution of radio services;

11. To determine, if Monroeville is a separate community with respect to Pittsburgh, and if Monroeville is selected as having the greater need for a new facility, whether the proposal of Carnegie Broadcasting Corporation will provide service to Monroeville;

12. To determine, if (a) Monroeville and Pittsburgh are separate communities, and (b) Monroeville is deemed to have a greater need for the new facility, and (c) Carnegie Broadcasting Corporation will provide service to Monroeville, which of the proposals of Monroeville Broadcasting Company or Carnegie Broadcasting Corporation would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station;

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station; and

(c) The programming service proposed in each of the said applications;

13. To determine, if Monroeville is found not to be a separate community, whether the proposal therefor will provide service to Pittsburgh;

14. To determine, if (a) Monroeville is not a separate community, and (b) the proposal for Monroeville provides service to Pittsburgh, and (c) Pittsburgh is determined to have the greater need for the new facility, which of the proposals of Monroeville Broadcasting Company or Carnegie Broadcasting Corporation would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station;

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station; and

(c) The programming service proposed in each of the said applications.

4. Alleging that certain of the foregoing issues need revision and clarification, and that further issues should be added, Carnegie contends:

a. There should be a "separate community" issue and a "contingent standard comparative" issue with respect to Pittsburgh vis-a-vis Ambridge-Aliquippa;

b. The comparison contemplated by issue 12 would literally come into play even if Carnegie's 50 kw proposal were to be ultimately preferred under 307(b) (because of greater "efficiency"), and thus, it should be made clear that this comparison becomes necessary only if section 307(b) is not determinative;

c. Engineering (coverage) factors are relevant to the contingent standard comparative issues and this should be made clear;

d. The issues overlook the possibility that Pittsburgh and Monroeville may be

separate, that Pittsburgh may have the greater need and that the Monroeville applicant may serve Pittsburgh, thus requiring comparison of Carnegie and Monroeville; and

e. In Issue 14, if Monroeville and Pittsburgh are not separate, there would be no choice to make, and therefore, clause (c) should be deleted.

5. Consideration of the matters at hand requires an analysis of 47 U.S.C. 307 (a) and (b) which state:

(a) The Commission, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act.

(b) In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.

The heart of 47 U.S.C. 307(b) is the mandate "to provide a fair, efficient, and equitable distribution of radio service", and to do so "among the several States and communities". Read in the light of the requirement of 47 U.S.C. 307(a) that an application may be granted only if the "public convenience, interest, or necessity" would be served thereby, it is axiomatic that the requirements of 307(b) must be a constant consideration of the Commission and that the Commission must look to these directives in reviewing applications for broadcasting facilities. In making a choice between mutually exclusive applications, it is essential that all those relevant considerations which bear on "fair, efficient, and equitable distribution" must be weighed and balanced on the particular facts of each individual proceeding. We will here review some of those considerations and will discuss them as they relate to "fair and equitable" and "efficient" distribution.

6. The Commission has by rule² established, in the standard broadcast band, three broad classes of channels, designating one class for primarily local service and two classes for primarily wide area and regional service. Commission rules require each applicant to make a definitive showing of the entire area it proposes to serve, to specify some community and State as its station location, and requires certain engineering specifications to be met for such station location or "principal city". Implicit in these rules is the requirement that every station provide two types of service—a reception service for its entire proposed service area and a transmission service (i.e., outlet for local expression) for its proposed community of station location. It is recognized that some proposals may be so designed that the entire service area does not extend to any appreciable degree beyond the principal community itself; and that other proposals may contemplate an entire service area and population considerably greater than its station location. In each case, however, every proposal must look to providing

both a transmission and reception service. In determining the relative needs of the proposed service areas for the respective proposed reception services where multiple applications are involved, principal reliance is had on the relative populations and extent of the areas proposed to be served and the number of reception services presently available to each of the proposed service areas and portions thereof.

7. The relative needs for a transmission service are weighed primarily in the light of the number of standard broadcast facilities in each of the communities and the populations of these communities. Whether a given concentration of population constitutes a community for purposes of 307(b) must, of course, be decided under the facts of each case and in accordance with the provisions of our Rules. It is not necessary for present purposes to list the various indicia of a "community"; that this question is present at some stage in every 307(b) determination is, however, clear. In this connection, see § 3.30 of our rules, and on order cited in 1 RR 53,156(a) (FCC 61-1157). In determining equitable distribution of broadcast facilities, the Commission will look to the relative needs of the respective proposed service areas for a reception service, and will also look to the relative needs of each of the principal communities for a new transmission service.

8. In determining which of the mutually exclusive proposals (whether for the same community or different communities) best meets the "efficient" distribution requirement of section 307(b), the types or classes of frequencies involved, the areas which would receive service, and the power and hours of operation proposed are relevant. Material to this consideration is whether a regional or local frequency is proposed for a regional or local use, as the case may be, or whether the power proposed for the frequency applied for is not suited to the use which is proposed. The importance of the transmission aspects may diminish where the proposal is designed to serve a wide area, and the importance of the reception aspects of the proposed service may be considerably secondary to its transmission aspects where the use of local channels is contemplated. In every case the amount of interference such proposals will cause and receive is relevant.

9. The application of these criteria has been complicated by the fact that in recent years there have been increasing numbers of applications for suburban area communities which conflicted with applications for those suburbs' principal cities. See, for example, Huntington Broadcasting Company, 6 RR 569 (1950); Manchester Broadcasting Co., 14 RR 219 (1958); Michigan Broadcasting Company, 20 RR 221 (1960). Recognizing the Commission's traditional view of attaching great importance to proposals that would provide a community with its first transmission service, central city applicants frequently have raised questions as to whether the suburb was in fact a community separate from the central city, and issues have been requested to permit the central city applicant to

² 47 CFR 3.21.

show that actually the suburb did not have that identity of interest which required a first transmission outlet, or that if it did, the proposal therefor was an inefficient use of frequency. As in the instant proceeding, such requested issues are complex and presuppose facts which are often in dispute. Since the problems underlying such requested issues are part of the overall 307(b) question, the Commission will in the future consider them as encompassed by the standard 307(b) issue. This will serve to relieve both the parties and the Commission of the necessity of attempting to predict the course of the proceeding by tailoring issues to facts not yet established, and will leave in the Hearing Examiner the responsibility of determining, on the basis of a showing made by any of the parties to the proceeding, what facets of the problem should be explored at the hearing. Should it be determined that the suburb is a separate community for 307(b) purposes, a choice between mutually exclusive proposals for the city and its suburb is to be made in the light of the criteria pertinent to a determination of which proposal would provide the more efficient and equitable distribution of broadcast facilities.

10. A second problem which has been presented with increasing frequency is the so-called reciprocal service consideration, e.g., where applicant A will by engineering standards provide primary service to applicant B's community. In some such instances, where B's community was favored under 307(b), applicant A has contended that it is entitled to comparative consideration with applicant B. To be entitled to comparative consideration, applicant A must not only provide primary service to B's community, but must also meet the same requirements imposed on applicant B by § 3.30 of our rules as to studio location and program origination. In the usual case, the latter requirements could not be met by applicant A, and should it desire comparative consideration with B it would in most instances be necessary for it to request an issue as to whether the requirements of § 3.30 should be waived. A request for such issue should be directed to the Commission. If, under such issue, it is determined that the requirements of that Section should be waived, and if applicant A provides primary service to community B, comparative consideration of the two applicants is in order.

11. We wish to emphasize that those equitable and efficient factors relevant to any particular proceeding can be determined only with regard to the particular facts of the case, and they must be weighed and balanced to reach an ultimate conclusion as to which applications would best serve the public interest, convenience, and necessity. In such cases as are designated for hearing it will be necessary for the Hearing Examiner to determine, under the designated 307(b) issue, the necessity for inquiry into any particular facet of this problem as it relates to the circumstances before him and to what extent any proffered evidence is desirable or necessary. When considering the multiple and complex

questions involved with regard to mutually exclusive applicants, whether for the same or different communities, only in those situations in which, after the balancing of all those factors necessary in any particular case, neither proposal can be awarded a significant preference under section 307(b), will the Commission look to the standard comparative issue to make a choice between the proposals.³

12. With the foregoing discussion as a guide, we will now consider the specific questions raised by Carnegie. Its requested separate community issue, paragraph 4a, supra, is unnecessary, since it would only determine whether a designated station community has such identity of interest as to require a transmission service and whether the proposal for that community constitutes an efficient use of frequencies. Henceforth, the Commission regards this matter as encompassed within the standard 307(b) issue, here Issue 10. In conformity with this view, Issue 9 will be deleted as unnecessary. Carnegie asserts, paragraph 4b, supra, that Issue 12 requires that it be compared with Monroeville under the standard comparative issue even if it is ultimately preferred on 307(b) grounds. Should it be determined that separate communities are not involved, and that the two "communities" are only one community in contemplation of Section 307(b), the efficient and equitable requirements nonetheless continue to be applicable.⁴ As we have noted, if an applicant obtains a significant ultimate preference on a 307(b) issue, a further comparison of the applicants is unnecessary. Should it appear that a significant preference cannot be awarded under section 307(b), a comparison of the applicants under the standard comparative issue would be necessary; if such an issue was not included as a contingent issue in the designation order, a request for the addition of such an issue should be addressed to the Commission. Since, under the circumstances presented in this case, 307(b) considerations might not in every instance be decisive, we will add a contingent standard comparative issue, applicable to all applicants of this proceeding that must resort thereto. This action also meets Carnegie's request, paragraph 4a, supra, for a new

³ As in the past, a contingent comparative issue will be included among the issues specified in the designation order where, under the facts then available, it appears that 307(b) considerations may not be determinative. Should such an issue not be included in the designation order, the Commission will, upon request of any of the parties, consider the addition of a contingent comparative issue should it subsequently appear that 307(b) considerations may not be determinative.

⁴ Because different service areas would usually be involved in the two proposals, the equitable considerations are applicable. *Television Corporation of Michigan v. FCC*, 21 RR 2107 (C.A. D.C., 1961).

⁵ Should it be determined that the two communities are not separate, a question may arise as to whether either, or both, of the proposals continue to meet the requirements of the rules as to the service to be provided to the single, larger community.

standard comparative issue. In view of the scope of the matters subject to consideration under the standard 307(b) issue, and in view of our inclusion of the contingent standard comparative issue as to all of the applicants, there is no need for Issues 11 through 16, and they will accordingly be deleted. Carnegie seeks assurance, paragraph 4(c), supra, that engineering (coverage) factors will be relevant to the standard comparative issue; it is clear, from an examination of the contingent standard comparative issue, that a choice between applicants is to be made not only under the standard comparative criteria but also in the light of the "foregoing" issues, which includes the 307(b) issue and, hence, coverage considerations. The question of "reciprocal service", paragraph 4d, supra, is already encompassed by the 307(b) issue, and a separate issue is not necessary. In view of the deletion of Issue 14, Carnegie's contention in paragraph 4e, supra, becomes moot.

FINANCIAL QUALIFICATIONS

13. Carnegie seeks financial issues with regard to both Radio Trumbull and Miners. The petition in this respect fails to comply with 47 CFR 1.12(a)(2);⁶ these questions are not properly addressed to the Commission and will not be considered, as neither will Carnegie's motion to strike, motion for leave to file reply, and reply; and pursuant to 47 CFR 1.12(c) the parties will be required to file additional copies with the Chief Hearing Examiner for his action.

Accordingly, it is ordered, This 15th day of November 1961, that the petition to enlarge, change, and clarify issues, filed May 15, 1961, by Carnegie Broadcasting Corporation is granted to the extent indicated by the foregoing discussion and following ordering clauses, and is denied in all other respects:-

It is further ordered, That Issues 9, 11, 12, 13, 14, 15, and 16 are deleted; Issue 10 is redesignated as Issue 9; Issue 17 is redesignated as Issue 12, and the following issues are added:

10. To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the instant proceeding, and, if so, whether a choice between the applications herein can be reasonably based thereon, and, if so,

⁶ 47 CFR 1.12 states: "(a) A separate pleading should be filed: * * * (2) For each request which, under Part O, the Commission's Statement of Organization, Delegations of Authority, and Other Information, will be acted upon by different Bureaus or Offices * * *"

"(c) Where pleadings are filed containing requests which should be acted upon under said Part O by different Bureaus or Offices, the petitioner may, except in case of a request for stay, be requested to file additional copies of the original pleading within a specified period of time. In such case the action on the pleading will be held in abeyance during the period so specified. In case of failure to timely comply with said request, the original pleading will be returned without consideration. The time within which responsive pleadings to such pleadings should be filed will be computed from the date of timely compliance with said request."

whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of radio service.

11. To determine, in the event it is concluded that a choice between the instant applications cannot be made on considerations relating to section 307 (b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station;

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station;

(c) The programming service proposed in each of the instant applications;

It is further ordered, That additional copies, expressly directed to the attention of the Chief Hearing Examiner, of the foregoing petition and related pleadings and Carnegie's motion to strike, motion for leave to file reply, and reply, tendered June 23, 1961, are to be filed within seven days of the release of this memorandum opinion and order.

Released: November 20, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11147; Filed, Nov. 22, 1961;
8:54 a.m.]

[Docket No. 14399]

HAROLD A. MARARIAN
License for Radio Station

In the matter of Harold A. Mararian, 19 Arch Street, Providence, Rhode Island, Docket No. 14399; order to show cause why there should not be revoked the license for Radio Station 1A2035 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Citizens Radio Station 1A2035;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation mailed on June 22, 1961, alleging that on June 11, 1961, Citizens radio station 1A2035 was observed operating in violation of § 19.61(g) of the Commission's rules (communications were addressed to specific persons or stations beyond the direct groundwave coverage of station 1A2035).

It further appearing that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated July 25, 1961, and

sent by Certified Mail—Return Receipt Requested (33584), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that, receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Harold H. Mararian, on August 5, 1961, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 17th day of November 1961, pursuant to Section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: November 20, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11148; Filed, Nov. 22, 1961;
8:54 a.m.]

[Docket No. 14381; FCC 61-1361]

**PATCHOGUE BROADCASTING CO.,
INC. (WAPC)**

**Memorandum Opinion and Order
Designating Application for Oral
Argument**

In re application of Patchogue Broadcasting Company, Inc. (WAPC), Riverhead, New York, Docket No. 14381, File No. BP-11663, Requests: 1570 kc, 1 kw DA, Day; for construction permit.

1. The Commission has before it for consideration (a) a "Protest" filed on August 14, 1959, by Interstate Broadcasting Company, Inc., licensee of WQXR, New York, New York (hereinafter referred to as "Interstate" or WQXR) pursuant to section 309(c) of the Communications Act of 1934, as amended prior to September 13, 1960, directed against the Commission's action of July 15, 1959, granting without hearing the above-captioned application; (b) the "Opposition to Protest" filed on Au-

gust 24, 1959 by Patchogue Broadcasting Company, Inc. (hereinafter referred to as "applicant" or "Patchogue"); (c) "Reply to Opposition to Protest" filed by Interstate on September 8, 1959; (d) the Commission's Memorandum Opinion and Order adopted September 9, 1959 (FCC 59-936),¹ dismissing said protest on the grounds that the protestant had not shown itself to be a "party in interest" and had not shown that the Commission's action of July 15, 1959, was improperly made or was otherwise not in the public interest; (e) the Commission's Order adopted September 23, 1959 (FCC 59-988) reaffirming the dismissal adopted September 9, 1959; (f) the decision in the case of Interstate Broadcasting Company, Inc. v. Federal Communications Commission,² No. 15,406, decided November 17, 1960 by the United States Court of Appeals for the District of Columbia Circuit reversing the Commission's action of September 9, 1959, dismissing the instant protest and remanding the case to the Commission; and (g) a "Petition for Action" dated October 20, 1961 by Patchogue requesting "action as is required under law".

2. Interstate alleged that WQXR would suffer interference to a part of its interference-free broadcast service "between its 500 microvolt per meter contour and its interference-free groundwave field strength contour", from the proposed adjacent channel signal of Patchogue. Interstate further alleged that its present programming would better serve the public interest, convenience and necessity, than the applicant's proposal because WQXR's programming is based on certain guiding principles, i.e., all programs are either cultural, educational, informative and interesting (or a combination of these features); its stress on classical music; its extended news coverage; and its sustaining public service programming.

3. The Court of Appeals in the case of Interstate Broadcasting Co., Inc., supra, stated that:

We hold, therefore, that Interstate sufficiently pleaded grievance to show it was a party in interest within the meaning of Section 309(c) of the Communications Act of 1934, as amended. Consequently, the orders appealed from will be set aside, so the Commission may conduct a hearing on Patchogue's application, at which Interstate will be a party. We emphasize the fact that we intimate no opinion on the merits of the protest.

In view of the Court's decision quoted in part above, we believe that the protestant should be accorded an oral argument before the Commission to determine whether the facts alleged, assuming them to be true, constitute grounds for setting aside the instant grant, and, if so, to determine the scope of the evidentiary hearing which should then be necessary.

In view of the foregoing: *It is ordered*, That pursuant to section 309(c) of the Communications Act of 1934, as amended, prior to September 13, 1960, the above-entitled application is desig-

¹ 18 Pike and Fischer RR, 862a.

² 285 F. 2d, 20 Pike and Fischer RR, 2112.

nated for oral argument at the offices of the Commission in Washington, D.C. on the following question: To determine whether, if the facts alleged in the protest were proven, grounds have been presented for setting aside the grant of the instant application, and if an evidentiary hearing is required, the scope thereof.

It is further ordered. That the protestant is hereby made a party to the proceeding and that:

(a) The oral argument shall commence at 10:00 a.m. on the 15th day of December 1961, and shall be held before the Commission en banc;

(b) That the parties intending to participate in said oral argument shall file their appearances not later than December 5, 1961;

(c) The parties have until the date of oral argument to file and exchange briefs and memoranda of law.

It is further ordered. That the Petition for Action filed by Patchogue Broadcasting Company, Inc. is hereby dismissed as moot.

Adopted: November 15, 1961.

Released: November 20, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11149; Filed, Nov. 22, 1961;
8:54 a.m.]

[Docket No. 14015 etc.; FCC 61-1854]

SANDS BROADCASTING CORP. ET AL.

Memorandum Opinion and Order

In re applications of Sands Broadcasting Corporation, Indianapolis, Indiana, Docket No. 14015, File No. BP-12700, et al.; for construction permits.

1. The Commission has before it for consideration a petition to intervene or for alternative relief, filed August 7, 1961, by The Hearst Corporation (WISN); Petition for extension of time, filed August 21, 1961, by Independent Indianapolis Broadcasting Corporation; a Motion to strike, filed September 6, 1961, by Independent; pleadings properly filed in response to the foregoing; and an Order, FCC 61M-1413, August 30, 1961.

2. The instant proceeding involves the four mutually exclusive applications for new standard broadcasting station construction permits for 1150 kc, D DA-D, 1 kw, of (a) Sands Broadcasting Corporation, (b) WIFE Corporation, (c) Hoosier Broadcasting Corporation, and (d) Independent, Indianapolis, Indiana.

3. Petitioner requests leave to intervene or in the alternative requests the Commission to condition any grant made in this proceeding as follows: "To the extent that it permits operation with daytime facilities prior to local sunrise, Section 3.87 of the Commission's Rules is not applicable to this authorization, and such operation is prohibited." Apparently for the reason that the petitioner requests alternative relief, only one form of which may be acted upon by the Chief Hearing Examiner (i.e., intervention), the Acting Chief Hearing Exam-

iner referred the pleadings to the Commission for determination.

4. Petitioner shows that 47 CFR 3.87 (a) permits standard broadcast stations, subject to certain limitations not here applicable, to transmit programs with their authorized daytime facilities between 4 a.m. and local sunrise, and that in the absence of a specific condition to the license, the only limitation that would be applicable to the proposed operations in the instant proceeding, is contained in 47 CFR 3.87(b) which requires those stations to cease such operation when notified by the Commission that they are causing undue interference to other stations.

5. WISN, supported by engineering affidavits, contends undue interference would be caused to its present operation during the months of September through March by the instant proposed operations. By independent examination, pursuant to the procedure set forth in Reese Broadcasting Corp., 20 RR 1136, December 29, 1960, the Commission has determined that undue interference to WISN's authorized operation would be caused by presunrise operation of any applicant herein.

6. It is therefore apparent that the requested condition should be added to any grant made herein, *WBEN, Inc. v. Federal Communications Commission*, 290 F.2d 743, 21 RR 2036, May 4, 1961, limited to those months during which petitioner is operating presunrise. Hoosier's opposition lacks merit, see our Memorandum Opinion and Order in Lynne-Yvette Broadcasting Company, Docket No. 14089, released today. Although Independent shows good cause for some delay in filing its motion to strike, it fails completely to show good cause for the exceptional delay which it requested, and thus its petition for extension of time will be denied and its motion to strike dismissed. We note in passing, however, that Independent completely misinterprets its cited cases; that because of the nature of the relief requested the petitioner's engineering affidavit is sufficient to bring the question before the Commission; and that the potential interference constitutes a modification of WISN's license without regard to the operation of other stations operating with daytime power.

Accordingly, it is ordered. This 15th day of November 1961, that the petition to intervene filed by The Hearst Corporation (WISN), is granted to the extent indicated by the following ordering clause and in all other respects is denied; that the petition for extension of time filed by Independent Indianapolis Broadcasting Corporation is denied; that the motion to strike filed by Independent is dismissed; and

It is further ordered. That the designation order in this proceeding, 26 F.R. 2996, April 7, 1961, is amended to add the following:

It is further ordered. That in the event of a grant of any application the construction permit shall contain the following condition: To the extent it permits operation with daytime facilities prior to local sunrise, 47 CFR 3.87 is not applicable to this authorization, and such

operation is prohibited during the months of September through March.

Released: November 20, 1961.

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

[F.R. Doc. 61-11150; Filed, Nov. 22, 1961;
8:54 a.m.]

[Docket No. 14277; FCC 61M-1802]

SULLIVAN TRAIL COAL CO.

License for Special Industrial Radio Station

In the matter of Sullivan Trail Coal Company, West Pittston, Pennsylvania, Docket No. 14277; order to show cause why there should not be revoked the license for special industrial radio station KGF 213.

It is ordered. This 17th day of November 1961, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 3, 1962, in Washington, D.C.

Released: November 17, 1961.

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

[F.R. Doc. 61-11151; Filed, Nov. 22, 1961;
8:54 a.m.]

[Docket No. 14377]

AL TURCHIARO

License for Radio Station in Citizens Radio Service

In the matter of Al Turchiaro, 4433 DeRemier Avenue, Bronx, N.Y. Docket No. 14377; order to show cause why there should not be revoked the license for Radio station 2W2922 in the Citizens radio service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Citizens radio station 2W2922;

It appearing that pursuant to § 1.76 of the Commission's rules, written notices of violation of the Commission's rules were served upon the licensee as follows:

(1) Official Notice of Violation mailed on June 29, 1961, alleging that on June 19, 1961, Citizens radio station 2W2922 was observed operating in violation of § 19.61 (a), (c), (f), and (g) of the Commission's rules in that the communications transmitted were not substantive messages relating to personal or business activities of the licensee; transmissions exceeded five minutes in duration; and points of communication were not within the direct groundwave coverage of the station; and

(2) Official Notice of Violation mailed July 13, 1961, alleging that on June 10, 1961, Citizens radio station 2W2922 was observed in violation of § 19.61 (a), (c) and (g) of the Commission's rules; and

(3) Official Notice of Violation mailed July 21, 1961, alleging that on July 14, 1961, Citizens radio station 2W2922 was observed in violation of § 19.33—operating with excessive frequency deviation; § 19.62—failure to identify the station by complete call sign at beginning and end of communications; and § 19.61 (a) and (g); and

(4) Official Notice of Violation, mailed August 10, 1961, alleging that on August 6, 1961, Citizens radio station 2W2922 was observed in violation of § 19.61 (a) and (g) of the Commission's rules.

It further appearing that the licensee received the above-described Official Notices but did not reply thereto, whereupon the Commission by letters dated July 31, 1961, August 17, 1961, August 22, 1961, and September 6, 1961, sent by Certified Mail—Return receipt requested (Certified Nos. 33589, 347477, 347480, and 366157), brought this matter to the attention of the licensee and requested that such licensee respond to the foregoing letters within fifteen days from the date of their receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letters might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that the Commission's letter of July 31, 1961, was returned unopened with a Post Office Department notation that it had been refused;

It further appearing that receipt of the Commission's letter of August 17, 1961, was acknowledged by the signature of the licensee's agent, Marie Mazzocchi, on August 19, 1961, to a Post Office Department return receipt card; that receipt of the Commission's letter of August 22, 1961, was acknowledged by the licensee's agent, Michael Turchiaro, on August 24, 1961, to a Post Office Department return receipt card, and receipt of the Commission's letter of September 6, 1961, was acknowledged by the signature of the licensee's agent, Michael Turchiaro, on September 8, 1961, to a Post Office Department return receipt card; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letters of August 17, August 22, and September 6, 1961, no response was made to any of them; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 16th day of November, 1961, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291 (b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: November 20, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11152; Filed, Nov. 22, 1961;
8:55 a.m.]

FEDERAL MARITIME COMMISSION

M.A.N.Z. LINE JOINT SERVICE AND ALCOA STEAMSHIP CO., INC.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8744, between the carriers comprising the M.A.N.Z. Line joint service (operating under approved Agreement 7814) and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from ports in Australia, New Zealand, Cook Islands and adjacent South Sea Islands to the Virgin Islands, with transshipment at New York or Baltimore.

Agreement 8746, between the carriers comprising the M.A.N.Z. Line joint service (operating under approved Agreement 7814) and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from ports in Australia, New Zealand, Cook Islands and adjacent South Sea Islands to Puerto Rico, with transshipment at New York or Baltimore.

Agreement 8747, between the carriers comprising the M.A.N.Z. Line joint service (operating under approved Agreement 7814) and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from ports in Australia, New Zealand, Cook Islands and adjacent South Sea Islands to Puerto Rico, with transshipment at New Orleans or Mobile.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 20, 1961.

By order of the Federal Maritime
Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-11140; Filed, Nov. 22, 1961;
8:52 a.m.]

T. R. SPEDDEN AND T. J. HANSON

Agreement Filed for Approval

Notice is hereby given that Agreement No. 8743 has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Parties to the agreement are T. R. Spedden, New Orleans, La. and T. J. Hanson, Beaumont, Tex., freight forwarders who, pending issuance of licenses, are operating under the registration numbers during the 120-day period provided for in Public Law 87-254.

The agreement is a cooperative working arrangement under which each party will perform freight forwarding services for the other. The entire forwarding fee will be retained by the party performing the services. On shipments handled under the agreement, the ocean freight brokerage will be divided equally.

The agreement may be cancelled by either party giving written notice to the other of its desire to terminate the arrangement, cancellation to become effective 30 days after date of such notice.

This agreement enables each party to use the services of the other in connection with its shipments moving through New Orleans or Beaumont respectively.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington 25, D.C. and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: November 20, 1961.

By order of the Federal Maritime
Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-11141; Filed, Nov. 22, 1961;
8:53 a.m.]

STOCKTON PORT DISTRICT AND STOCKTON ELEVATORS, INC.

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8695, between the Stockton Port District and Stockton Elevators, Inc., provides that the Port District grant to Stockton Elevators a franchise to operate a shipside grain terminal elevator in the Port of Stockton for a three year period subject to renewal for one additional three year period.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference

to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 20, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-11142; Filed, Nov. 22, 1961; 8:53 a.m.]

T. R. SPEDDEN AND H. S. THIELSEN, INC.

Agreement Filed for Approval

Notice is hereby given that Agreement No. 8748 has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Parties to the agreement are T. R. Spedden, New Orleans, La., and H. S. Thielen, Inc., Lake Charles, La., freight forwarders who, pending issuance of licenses, are operating under their registration numbers, during the 120-day period provided for in Public Law 87-254.

The agreement is a cooperative working arrangement under which each party will perform freight forwarding services for the other. The entire forwarding fee will be retained by the party performing the services. On shipments handled under the agreement, the ocean freight brokerage will be divided equally.

The agreement may be cancelled by either party giving written notice to the other of its desire to terminate the arrangement, cancellation to become effective 30 days after date of such notice.

This agreement enables each party to use the services of the other in connection with its shipments moving through New Orleans or Lake Charles, respectively.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: November 20, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-11143; Filed, Nov. 22, 1961; 8:53 a.m.]

EFFECTIVE TARIFF SCHEDULES

Notice of Change in Title Page

In order to reflect the change in name of this agency created under Reorganization Plan No. 7 of 1961 (26 F.R. 7315, August 12, 1961), the Federal Maritime Commission on November 16, 1961, approved, and authorized publication of,

the notice set forth below in the FEDERAL REGISTER.

On or before December 31, 1961, all persons engaged in the operation of vessels in the common carriage of persons or property in the domestic offshore trades required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission, shall amend the title page of all currently effective tariffs by the publication of the following notice:

In reading (here show tariff), all reference to Federal Maritime Board (FMB) should be read as Federal Maritime Commission (FMC).

and subsequent supplements to, revised pages of, and/or reissues of such tariffs shall be filed in the present tariff series under a FMC number.

Dated: November 16, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-11144; Filed, Nov. 22, 1961; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. DA-495-Oregon]

LANDS WITHDRAWN IN POWER SITE CLASSIFICATION NO. 378

Determination for Highway Right-of-Way

NOVEMBER 16, 1961.

An application (Oregon 010318) was filed by the Oregon State Highway Commission through the Bureau of Land Management, United States Department of the Interior, for a highway right-of-way under the Act of August 27, 1958 (72 Stat. 885, 916), requiring a determination under section 24 of the Federal Power Act with respect to the affected portion of the following-described lands:

WILLAMETTE MERIDIAN, OREGON
T. 2 N., R. 16 E.,
Sec. 18, lots 4 and 5.

The above-described lands, which are located on the south bank of the Columbia River, about 12 miles above The Dalles dam, are withdrawn in Power Site Classification No. 378, dated February 10, 1948, and are also reserved for the use of the Corps of Engineers in connection with The Dalles project.

Applicant proposes to use the lands for the relocation of a segment of the Big Eddy-Rufus section of the Columbia River Highway (U.S. No. 30), part of the Federal Aid System.

The application relocates the proposed right-of-way with respect to which the Commission issued a determination on May 3, 1961 (Docket No. DA-491-Oregon). The application previously considered (bearing the same serial register number) placed the road north of the tracks of the Union Pacific Railroad and partly within The Dalles flowage. The present application, based on a survey made under the direction of the Corps of Engineers, now locates the right-of-way south of the railroad tracks and further

removed from possible interference with The Dalles project. Use of the lands as proposed will not affect adversely their power value.

The Commission determines: The value of the affected portion of the above-described lands not already legally occupied by virtue of rights acquired prior to withdrawal of the lands for power purposes will not be injured or destroyed for purposes of power development by location thereon of the proposed highway right-of-way, subject to the provisions of section 24 of the Federal Power Act.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11100; Filed, Nov. 22, 1961; 8:46 a.m.]

[Docket No. CP62-68]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

NOVEMBER 17, 1961.

Take notice that on September 18, 1961, The Ohio Fuel Gas Company (Applicant), 99 North Front Street, Columbus 15, Ohio, filed an application in Docket No. CP62-68, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary to render retail natural gas service in the incorporated Village of Cheshire, Gallia County, Ohio, and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to tap its Line F-258 and to construct and operate 75 feet of 2-inch pipeline at an estimated cost of \$450. Applicant states that it will also construct and operate a distribution system within and adjacent to Cheshire at an estimated cost of \$40,892.

The estimated requirements for the proposed service to Cheshire are:

	Year		
	First	Second	Third
Annual, Mcf.	17,666	24,142	25,344
Peak day, Mcf.	182	230	249

The cost of constructing the proposed facilities will be financed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rule and regulations and to that end:

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 on December 21, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by

such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR.1.8 or 1.10) on or before December 11, 1961. Failure of any party to appear and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11101; Filed, Nov. 22, 1961; 8:47 a.m.]

[Project No. 400]

WESTERN COLORADO POWER CO.
Notice of Application for Amendment of License

NOVEMBER 17, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Western Colorado Power Company, P.O. Box 899, Salt Lake City 10, Utah, licensee for Project No. 400, for amendment of its license for the project located on Lake Fork and Howards Fork of the San Miguel River in San Miguel County, Colorado, and affecting lands of the United States within San Juan National Forest.

The amendment would exclude from the project a portion of the project improvement referred to as the aerial tramway at the Tacoma plant which has not been used since 1949 and is considered unsafe.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 8, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-11102; Filed, Nov. 22, 1961; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING ASSISTANT COMMISSIONER FOR TECHNICAL STANDARDS

Designation

The officers appointed to the following listed positions in the Urban Renewal

Administration, Housing and Home Finance Agency, are hereby designated to serve as Acting Assistant Commissioner for Technical Standards during the absence of the Assistant Commissioner for Technical Standards, with all the powers, functions, and duties delegated or assigned to the Assistant Commissioner, provided that no officer is authorized to serve as Acting Assistant Commissioner for Technical Standards unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Director, Project Planning and Engineering Branch.
2. Director, Real Estate Acquisition Branch.

This designation supersedes the designation of Acting Assistant Commissioner for Technical Standards and Services effective January 24, 1958 (23 F.R. 491).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 23d day of November 1961.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 61-11131; Filed, Nov. 22, 1961; 8:51 a.m.]

RAILROAD RETIREMENT BOARD

PROCLAMATION REGARDING RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

Pursuant to section 8(a) of the Railroad Unemployment Insurance Act, as amended, the Railroad Retirement Board has determined, and hereby proclaims, that as of the close of business on September 30, 1961, there was a deficit of \$228,833,649.17 in the railroad unemployment insurance account. The underlying figures relating to the computation of this deficit follow:

Unexpended amount in the railroad unemployment insurance account-----	\$19,156,108.12
Deduct:	
Amounts borrowed from the Railroad Retirement Account which have not been repaid -----	-216,004,000.00
Accrued interest on such borrowed amounts -----	-5,878,473.92
Repayable advances from the U.S. Department of the Treasury -----	-30,000,000.00
Deficit in railroad unemployment insurance account proper-----	-232,726,365.80
Add:	
Balance in railroad unemployment insurance administration fund -----	+3,892,716.63
Deficit in railroad unemployment insurance account -----	-\$228,833,649.17

In witness whereof the members of the Railroad Retirement Board have

hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 15th day of November, 1961.

HOWARD W. HABERMEYER,
Chairman.

[SEAL] HORACE W. HARPER,
Member.

THOMAS M. HEALY,
Member.

Railroad Retirement Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 61-11116; Filed, Nov. 22, 1961; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Carolina Dress Co., Allen Street, Woodruff, S.C.; effective 11-13-61 to 11-12-62 (women's and children's blouses).

Champ Trouser Co., Inc., Winfield, Ala.; effective 11-10-61 to 11-9-62 (men's dress slacks).

Ely and Walker, a division of Burlington Industries, Canton, Miss.; effective 11-20-61 to 11-19-62 (men's and boys' sport shirts).

Frisco Sportswear Co., Inc., Frisco City, Ala.; effective 11-13-61 to 11-12-62 (ladies' slacks).

The H. W. Gossard Co., 105 North Franklin Street, Bicknell, Ind.; effective 11-11-61 to 11-10-62 (women's foundation garments).

Henson Garment Co., 248 Oconee Street, Athens, Ga.; effective 11-7-61 to 11-6-62 (men's work pants, shirts and jackets).

Knickerbocker Manufacturing Co., West Point, Miss.; effective 11-9-61 to 11-8-62. Ten percent of the total number of factory workers engaged in the production of men's woven sleepwear (men's woven sleepwear).

Pollak Brothers, Inc., 227 West Main Street, Fort Wayne, Ind.; effective 11-10-61 to 11-9-62 (dresses).

Puritan Fashions Corp., Factory No. 45, Bonne Terre, Mo.; effective 11-9-61 to 11-8-62 (women's sportswear).

Vanderbilt Shirt Co., 29-31 Walnut Street, Asheville, N.C.; effective 11-12-61 to 11-11-62 (men's western and sport shirts).

Wentworth Manufacturing Co., Blanding Street, Lake City, S.C.; effective 11-9-61 to 11-8-62 (women's housedresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Brunswick Dress Co., Brunswick, Maine; effective 11-8-61 to 11-7-62; 10 learners (women's dresses).

Hicks-Ponder Co., Yuma, Ariz.; effective 11-13-61 to 11-12-62; 10 learners (men's and boys' utility pants and casual slacks).

Town Dress Co., Lewiston, Maine; effective 11-9-61 to 11-8-62; 5 learners (women's dresses).

Victoria Sportswear, Inc., 204 First Avenue South, Seattle 4, Wash.; effective 11-10-61 to 11-9-62; 10 learners (men's jackets and sport shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Frisco Sportswear Co., Inc., Frisco City, Ala.; effective 11-13-61 to 5-12-62; 25 learners (ladies' slacks).

Glenridge Trouser Corp., Tipton, Mo.; effective 11-7-61 to 5-8-62; 20 learners (men's sport and dress slacks).

Pollak Brothers, Inc., 227 West Main Street, Fort Wayne, Ind.; effective 11-10-61 to 5-9-62; 20 learners (dresses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Huffman Finishing Co., Granite Falls, N.C.; effective 11-9-61 to 5-8-62; 15 learners for plant expansion purposes (seamless).

Powell Knitting Co., Spartanburg, S.C.; effective 11-8-61 to 11-7-62; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Bluemont Knitting Mills, Inc., Galax, Va.; effective 11-6-61 to 5-5-62; 125 learners for plant expansion purposes (men's and boys' knit shirts and pajamas).

Ilena Mills, Inc., Manufacturers Road, Chattanooga, Tenn.; effective 11-14-61 to 11-13-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, boys' and children's underwear).

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa.; effective 11-8-61 to 5-7-62; 20 learners for plant expansion purposes (ladies' underwear).

Kain-Murphey Corp., Manufacturers Road, Chattanooga 5, Tenn.; effective 11-14-61 to 11-13-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Knickerbocker Manufacturing Co., West Point, Miss.; effective 11-9-61 to 11-8-62; 5 percent of the total number of factory production workers engaged in the production of men's woven underwear for normal labor turnover purposes (men's woven underwear).

Roanoke Mills, Inc., 505 Sixth Street, SW., Roanoke, Va.; effective 11-8-61 to 11-7-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (sportswear and underwear).

Signal Knitting Mills, Manufacturers Road, Chattanooga, Tenn.; effective 11-14-61 to 11-13-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knitted sleeping garments).

Wonder Maid, Inc., Jefferson and Front Streets, Washington, Mo.; effective 11-9-61 to 9-20-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's slips) (replacement certificate).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 258 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 14th day of November 1961.

ROBERT G. GRONWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 61-11115; Filed, Nov. 22, 1961; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 20, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37449: *Iron or steel reinforcing bars to Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8109), for interested rail carriers; Rates on iron or steel reinforcing bars, in carloads, subject to aggregate minimum weight of 420,000 pounds per shipment, from Chicago, Joliet and Lemont, Ill., to Houston, Tex.

Grounds for relief: Water competition. Tariff: Supplement 222 to Southwestern Freight Bureau tariff I.C.C. 4308.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37450: *Iron or steel reinforcing bars to Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8110), for interested rail carriers; Rates on iron or steel reinforcing bars, in carloads, subject to aggregate mini-

mum weight of 420,000 pounds per shipment, from Chicago, Joliet and Lemont, Ill., to Houston, Tex.

Grounds for relief: Maintenance of depressed rates published to meet water competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 222 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-11126; Filed, Nov. 22, 1961; 8:51 a.m.]

ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS

Miscellaneous Amendments

NOVEMBER 20, 1961.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167 and 8434), effective November 23, 1961, in the following particulars:

Under the heading "Assignment of Duties to Divisions", revise Item 4.1 to read as follows:

4.1 Work, business, and functions of the Commission are assigned and referred to the respective divisions for action thereon except as otherwise provided in Item 7, as follows:

Under the heading "Assignment to Boards":

(1) Amend Item 7.6, *Finance Boards*, by relettering sub-items (d) and (e) as sub-items (e) and (f), respectively, and interpolate the following new sub-item (d):

(d) *Finance Review Board.* Determination of matters in proceedings under the provisions of law set forth in Item 4.4 hereof, in cases or types of cases specified from time to time by the Chairman of Division 3, which have involved (other than by the board) the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits,

(2) Amend Item 7.11, *Operating Rights Boards*, by relettering sub-items (c) and (d) as sub-items (d) and (e) respectively, and interpolate the following new sub-item (c):

(c) *Operating Rights Review Board.* Determination of matters in proceedings under the provisions of law set forth in Item 4.2 hereof, in cases or types of cases specified from time to time by the Chairman of Division 1, which have involved (other than by the board) the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(3) Add the following new text:

7.12 *Rates and Practices Review Board.* Determination of matters in proceedings under the provisions of law

set forth in Item 4.3 hereof, in cases or types of cases specified from time to time by the Chairman of Division 2, which have involved (other than by the board) the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The board may certify to Division 2 any matter which, in the board's judgment, should be passed upon by that division, and Division 2 may recall any matter from the Rates and Practices Review Board.

Under the heading "Rehearings and Further Proceeding", amend Items 8.4, 8.5 and 8.6 to read as follows:

8.4 Division 1 is hereby designated as an appellate division to which applications or petitions for reconsideration or review, based on an allegation of error on the merits, in whole or in part, of any order, action, or requirement of the Temporary Authorities Board under paragraphs (a) and (b) of Item 7.4, of the Motor Carrier Boards under paragraphs (a), (b), and (c), of Item 7.8, and of the Operating Rights Boards and Operating Rights Review Board under paragraphs (a), (b), and (c), of Item 7.11 shall be assigned or referred for disposition (except at otherwise provided in Item 7.4(a)), and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission. All other petitions seeking modification of any order, action, or requirement of any such Board, or supplementary authority in the proceeding, shall be determined by the Board, whose order, action, or requirement is sought to be modified.

8.5 Division 2 is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Fourth Section Board under Item 7.2, the Board of Suspension under Item 7.3, the Special Permission Board under Item 7.9, the Released Rates Board under Item 7.10, or the Rates and Practices Review Board under Item 7.12, shall be assigned or referred for consideration and action. When so acting, it shall have all authority which the Board is authorized to exercise. Decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission. If a petition seeking reconsideration or re-

view of an order, action, or requirement of the Rates and Practices Review Board is not based on an allegation of error on the merits, in whole or in part, such petition, or supplementary authority in such proceeding, shall be determined by that Board.

8.6 Division 3 is hereby designated as an appellate division—

(a) To which applications or petitions for reconsideration or review, based on an allegation of error on the merits, in whole or in part, of any order, action, or requirement of The Transfer Board under Item 7.5(a), or the Finance Boards and the Finance Review Board under Items 7.6 (a), (b), (c), and (d), shall be assigned or referred for disposition, and the decisions or orders of the appellate division shall not be subject to review by the Commission. All other petitions, seeking modification of any order, action, or requirement of any such Board, or supplementary authority in the proceeding, shall be determined by the Board, whose order, action, or requirement is sought to be modified.

(b) To which applications or petitions for reconsideration or review of any order, action, or requirement of the Safety and Service Boards under Item 7.7 (a) and (b) shall be assigned or referred for disposition and the decisions or orders of the appellate division shall be administratively final and not be subject to review by the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-11174; Filed, Nov. 22, 1961;
8:56 a.m.]

[Notice 569]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 21, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), 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 64639. By order of November 21, 1961, the Transfer Board approved the transfer to Gateway Transportation Co., Inc., LaCrosse, Wis., of Certificates Nos. MC 80430, MC 80430 Sub 39, MC 80430 Sub 42, MC 80430 Sub 43, MC 80430 Sub 44, MC 80430 Sub 45, MC 80430 Sub 47, MC 80430 Sub 48, MC 80430 Sub 49, MC 80430 Sub 50, MC 80430 Sub 51, MC 80430 Sub 59, MC 80430 Sub 62, MC 80430 Sub 63, MC 80430 Sub 65, MC 80430 Sub 66, MC 80430 Sub 67, MC 80430 Sub 73, MC 80430 Sub 74, MC 80430 Sub 75, MC 80430 Sub 76, MC 80430 Sub 77, MC 80430 Sub 78, MC 80430 Sub 80, MC 80430 Sub 81, MC 80430 Sub 83, MC 80430 Sub 85, MC 80430 Sub 86, MC 80430 Sub 87, MC 80430 Sub 90, MC 80430 Sub 92, MC 80430 Sub 93, MC 80430 Sub 95, and MC 80430 Sub 96, issued September 15, 1949, May 9, 1955, July 15, 1949, July 25, 1949, September 12, 1949, January 13, 1950, January 25, 1951, July 3, 1951, May 28, 1951, September 20, 1951, March 12, 1952, May 26, 1955, November 10, 1953, June 28, 1954, March 3, 1955, June 14, 1954, July 27, 1954, December 13, 1956, October 13, 1955, December 7, 1955, March 7, 1956, August 6, 1956, February 27, 1956, September 24, 1957, February 4, 1960, April 4, 1957, May 7, 1957, September 24, 1957, July 21, 1958, September 10, 1958, September 12, 1960, June 26, 1959, April 4, 1960, and April 14, 1961, respectively, to Gateway Transportation Co., LaCrosse, Wis., authorizing the transportation of: General commodities, usually excluding household goods, and commodities in bulk, and certain specified commodities of a general commodity nature, between points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Drew L. Carraway, 618 Perpetual Building, Washington 4, D.C., Attorney for applicants.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-11175; Filed, Nov. 22, 1961;
8:56 a.m.]

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FEDERAL REGISTER

VOLUME 26 1934 NUMBER 226
 OF THE UNITED STATES

Washington, Thursday, November 23, 1961

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury
[CGFR 61-44]

SHIPBOARD CARGO GEAR, POWER-OPERATED INDUSTRIAL TRUCKS AND MISCELLANEOUS AMENDMENTS RESPECTING DANGEROUS CARGOES

The Merchant Marine Council held a public hearing on March 27, 1961, for the purpose of receiving comments, views and data with respect to proposals regarding shipboard cargo gear, power-operated industrial trucks, and the handling of certain dangerous cargoes. The notice of proposed rule making was published in the FEDERAL REGISTER on February 15, 1961 (26 F.R. 1278-1286). The Merchant Marine Council Public Hearing Agenda (CG-249), dated March 27, 1961, set forth the proposed regulations in detail and copies thereof were furnished to all who indicated an interest in the subjects set forth therein. In this Agenda, Item I dealt with "Shipboard Cargo Gear," while Item II dealt with "Power-Operated Industrial Trucks." A large number of comments were received. In response to many requests for additional time to submit additional comments, a second notice of proposed rule making was published in the FEDERAL REGISTER on May 2, 1961 (26 F.R. 3775-3778), granting the additional time requested as well as additional proposals or revisions being considered, which were based in part on comments already considered. All comments with respect to Items I and II submitted were considered, and the Coast Guard is most appreciative of these comments submitted and assistance in drafting revised regulations intended to promote safety on board commercial vessels.

This document is the ninth of a series regarding the regulations and actions considered at the March 27, 1961 Public Hearing and Annual Session of the Merchant Marine Council. This document contains the final actions taken with respect to the proposals in Items I and II. The seventh document in this series contained the miscellaneous amendments to

the vessel inspection regulations and was published in the FEDERAL REGISTER of September 30, 1961 (26 F.R. 9253-9304). In this document was a description of the actions taken to date with respect to the various items on the agenda. The eighth document dealt with smoke detecting systems on passenger vessels (Item VIII, portion), and was published in the FEDERAL REGISTER of September 23, 1961 (26 F.R. 8979). Item VI regarding "Bulk Grain Cargoes" (CG-249), (pp. 142-159), is still under consideration.

The proposals in Item I regarding "Shipboard Cargo Gear" as revised are approved. The proposals in Item II regarding "Power-Operated Industrial Trucks" as revised are approved. Most of the regulations were modified in some way and in many instances redesignated. The following table lists the revised regulations as adopted and the source of the proposal to assist those who commented on the proposals in determining changes adopted.

SOURCE OF REGULATIONS

Adopted regulation	CG-249 (March 27, 1961)
30.01-5(e)	30.01-5(e) * (II, p. 33).
31.01-1(b)(1)	31.01-1(b)(1) (I, p. 12).
31.10-5(a)(1)	31.10-5(a)(1) * (I, p. 21).
31.10-16	31.01-1(b), 31.10-16 (I, pp. 12, 14).
31.37-1	31.01-1(b), 31.10-16(a) (I, pp. 12, 14).
31.37-3	31.10-16 (a)(2), (b)(1), (d)(2) ** (I, p. 12).
31.37-5	31.01-1(b) (I, p. 14).
31.37-15	31.10-16(b)(1) (I, p. 14).
31.37-20	31.10-16(b)(2) (I, p. 14).
31.37-25	31.10-16(c) (I, p. 15).
31.37-30	31.10-16(d) ** (I, p. 15).
31.37-35	31.10-16(e) (I, p. 16).
31.37-40	31.10-16(f) ** (I, p. 17).
31.37-45	31.10-16 (g), (h) ** (I, pp. 18, 19).
31.37-50	31.10-16(i) (I, p. 19).
31.37-55	31.10-16(j) * (I, p. 19).
31.37-60	31.10-16(k) * (I, p. 20).
31.37-65	31.10-16(m) * (I, p. 20).
31.37-70	31.10-16(n) (I, p. 20).
31.37-75	31.10-16(o) (I, p. 21).
31.37-80	31.10-16(p)(1) (I, p. 21).
31.37-85	31.10-16(p)(2) (I, p. 21).
35.30-40	35.30-40 **.
35.70-1	35.70-1 ** (II, p. 34).
35.70-3	
35.70-5	35.70-1(c) **.
35.70-7	35.70-5 ** (II, p. 34).
35.70-10	35.70-10 ** (II, p. 35).

SOURCE OF REGULATIONS—Continued

Adopted regulation	CG-249 (March 27, 1961)
35.70-15	35.70-15 ** (II, p. 36).
35.70-20	35.70-20 (II, p. 36).
35.70-25	35.70-25 ** (II, p. 37).
35.70-30	35.70-30 (II, p. 38).
35.70-35	35.70-35 (II, p. 39).
71.25-25 (a)(5), (b), (c), (d), (e).	71.25-25(a) (5), (6) ** (I, p. 22).
71.47-1	71.47-1 (I, p. 24).
71.47-3	71.47-1(b), 71.47-15(a)(2) ** (I, pp. 24, 26).
71.47-5	71.47-1 (I, p. 24).
71.47-10	71.47-1(c) **.
71.47-15	71.47-5 (I, p. 24).
71.47-20	71.47-5 (I, p. 24).
71.47-25	71.47-10 ** (I, p. 25).
71.47-30	71.47-15 ** (I, p. 25).
71.47-35	71.47-20 ** (I, p. 26).
71.47-40	71.47-25 ** (I, p. 27).
71.47-45	71.47-30 ** (I, p. 28).
71.47-50	71.47-35 ** (I, p. 29).
71.47-55	71.47-40 (I, p. 29).
71.47-60	71.47-45 ** (I, p. 30).
71.47-65	71.47-50 (I, p. 30).
71.47-70	71.47-55 ** (I, p. 31).
71.47-75	71.47-60 ** (I, p. 31).
71.47-80	71.47-65(a) (I, p. 31).
71.47-85	71.47-65(b) (I, p. 31).
71.65-5(b)(13)	71.65-5(b)(13) * (I, p. 31).
78.80-1	78.70-1 (II, p. 45).
78.80-3	
78.80-5	78.70-1(c).
78.80-7	78.70-5 ** (II, p. 45).
78.80-10	78.70-10 ** (II, p. 45).
78.80-15	78.70-15 ** (II, p. 45).
78.80-20	78.70-20 ** (II, p. 45).
78.80-25	78.70-25 * (II, p. 45).
78.80-30	78.70-30 ** (II, p. 45).
78.80-35	78.70-35 ** (II, p. 45).
91.25-25 (a)(3), (b), (c), (d), (e).	91.25-25(a) (3), (4) ** (I, p. 2).
91.37-1	91.37-1 ** (I, p. 4).
91.37-3	91.37-1(b), 91.37-15(a)(2) ** (I, p. 5).
91.37-5	91.37-1 (I, p. 4).
91.37-10	91.37-1(c) **.
91.37-15	91.37-5 (I, p. 4).
91.37-20	91.37-5 (I, p. 4).
91.37-25	91.37-10 ** (I, p. 5).
91.37-30	91.37-15 ** (I, p. 5).
91.37-35	91.37-20 ** (I, p. 6).
91.37-40	91.37-25 ** (I, p. 7).
91.37-45	91.37-30 ** (I, p. 8).
91.37-50	91.37-35 ** (I, p. 9).
91.37-55	91.37-40 (I, p. 9).
91.37-60	91.37-45 ** (I, p. 10).
91.37-65	91.37-50 * (I, p. 10).
91.37-70	91.37-55 ** (I, p. 10).
91.37-75	91.37-60 ** (I, p. 10).
91.37-80	91.37-65(a) (I, p. 11).
91.37-85	91.37-65(b) (I, p. 11).
91.55-5(b)(13)	91.55-5(b)(13) * (I, p. 11).

SOURCE OF REGULATIONS—Continued

Adopted regulation	CG-249 (March 27, 1961)
97.70-1	97.70-1 (II, p. 40).
97.70-3	
97.70-5	97.70-1(c) (II, p. 40).
97.70-7	97.70-5** (II, p. 40).
97.70-10	97.70-10** (II, p. 41).
97.70-15	97.70-15** (II, p. 42).
97.70-20	97.70-20** (II, p. 43).
97.70-25	97.70-25* (II, p. 43).
97.70-30	97.70-30** (II, p. 44).
97.70-35	97.70-35** (II, p. 44).
146.04-5	
146.09-15	146.09-15** (II, p. 45).
146.20-3(q)	
146.20-11(y)	
146.20-35	146.20-35 (II, p. 51).
146.20-100	
146.20-200	
146.21-57	146.21-57 (II, p. 51).
146.21-100	
146.22-7	146.22-7 (II, p. 52).
146.22-25(b)(1)	
146.22-100	
146.23-13	146.23-13 (II, p. 52).
146.23-100	
146.24-15(h)	
146.24-20(i)	
146.24-27	146.24-27 (II, p. 52).
146.24-100	
146.25-5	
146.25-43	146.25-43 (II, p. 53).
146.25-55(b)(1)	
146.25-100	
146.25-200	
146.26-35	146.26-35 (II, p. 53).
146.27-35	146.27-35 (II, p. 53).

*Adopted proposed regulation without major change.

**Portions of the proposals were also included in the notice of proposed rule making published in the FEDERAL REGISTER dated May 2, 1961 (26 F.R. 3775-3778).

The provisions of R.S. 4472, as amended (46 U.S.C. 170), require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practical. The provisions in 46 CFR 146.02-18 and 146.02-19 make the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Interstate Commerce Commission in Change Order Nos. 48, 49, 50 and 51 has made changes in the ICC regulations with respect to definitions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification for certain dangerous cargoes, which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations of the Interstate Commerce Commission which govern the land transportation of the same commodities. For those changes in 46 CFR Part 146, which involved changes other than shippers' requirements, the proposed amendments were considered at the Merchant Marine Council Public Hearing held on March 27, 1961.

The amendments to 46 CFR Part 146, which were not described in the FEDERAL REGISTER of February 15, 1961 (26 F.R. 1280), are considered to be interpretations of law, or revised requirements to

agree with existing ICC regulations, or relaxations of previous requirements, or editorial in nature, and it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is unnecessary with respect to such changes.

In connection with the revision of requirements for shipboard cargo gear, the acceptances of certificates and/or registers issued by the American Bureau of Shipping, National Cargo Bureau, Inc., The International Cargo Gear Bureau, Inc., and the Universal Cargo Gear Survey and Certification Bureau, Inc., are continued in effect, and the notices of acceptance shall be amended to show references to 46 CFR 31.10-16, 71.25-25, and 91.25-25. Such certificates and/or registers currently in effect as of the date of publication of this document in the FEDERAL REGISTER shall be accepted as prima facie evidence of the condition and suitability of such gear by the Coast Guard when performing inspections of vessels as further provided in 46 CFR Parts 31, 71, and 91. When these non-profit organizations or associations renew or reevaluate conditions with respect to shipboard cargo gear as evidenced by certificates and/or registers, the standards followed for such shipboard cargo gear shall be reflected in the certificates by also indicating compliance with the standards for shipboard cargo gear as set forth in the "Convention Concerning the Protection Against Accidents of Workers Employed in Loading or Unloading Ships" (revised) (International Labor Organization Convention No. 32).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-9, dated August 3, 1954 (19 F.R. 5915), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), and 167-38, dated October 26, 1959 (24 F.R. 8857), the following actions are ordered:

1. The vessel inspection regulations shall be amended in accordance with the changes in this document.

2. The regulations in this document shall become effective on and after the date of publication in the FEDERAL REGISTER and may be complied with in lieu of existing requirements, and compliance therewith shall be in accordance with the conditions in paragraph 3 for shipboard cargo gear and the conditions in paragraph 4 for power-operated industrial trucks and their use on board vessels.

3. There shall be full compliance with the shipboard cargo gear requirements in this document as follows:

a. For new vessels at the completion of the first Coast Guard inspection for certification on or after January 1, 1962.

b. For existing vessels at the completion of the Coast Guard inspection for certification at the first annual or biennial inspection for certification made on or after January 1, 1963 (all inspected and certificated U.S. flag passenger vessels will be in full com-

pliance by December 31, 1963 and all U.S. flag tank vessels and dry cargo vessels will be in full compliance by December 31, 1964): *Provided*, That on an individual vessel basis the owner, master or agent may apply in writing for an extension of time to the Commandant who may authorize an extension upon such terms and conditions as he deems necessary.

4. There shall be full compliance attained with respect to requirements for power-operated industrial trucks and for vessels using such trucks as follows:

a. Where both the power-operated industrial truck and the vessel are in full compliance with the requirements in this document, no prior specific approval of the Commandant will be required; however, any variation from the requirements in the regulations will require a prior specific approval of the Commandant.

b. With respect to tank vessels, both the power-operated industrial trucks and the vessels on which used shall be in full compliance with the requirements in 46 CFR Part 35 prior to the use of such trucks on the vessels and any variation from these requirements requires the prior specific approval of the Commandant; however, vessels already carrying power-operated industrial trucks under Coast Guard permits are in substantial compliance with these requirements, but such trucks must be in full compliance with the safety features applicable thereto not later than July 1, 1963.

c. With respect to vessels carrying dangerous or hazardous articles described in 46 CFR Part 146 in this document, both the power-operated industrial trucks and the vessels on which used shall be in full compliance with the applicable requirements in 46 CFR Parts 78, 97 and 146 prior to the use of such trucks on board such vessels and any variation from these requirements requires the prior specific approval of the Commandant.

d. For dry cargo vessels not carrying dangerous or hazardous articles described in 46 CFR Part 146 in this document the applicable ventilation requirements in 46 CFR Part 97 shall be met and power-operated industrial trucks in safe operating condition may be used immediately on such vessels in those spaces not containing such dangerous or hazardous cargoes. The minimum safety features required for all power-operated industrial trucks must be installed on these trucks at the earliest opportunity and in all cases not later than July 1, 1963: *Provided*, That on an individual vessel basis the owner, master or agent may apply in writing for an extension of time to the Commandant who may authorize an extension upon such terms and conditions as he deems necessary.

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

Subpart 30.01—Administration

1. Section 30.01-5(e) is amended by revising the first sentence only to read as follows:

§ 30.01-5 Application of regulations—TB/ALL.

(e) This subchapter shall be applicable to all foreign flag vessels indicated in Column 3 of Table 30.01-5(d) while in the navigable waters over which the United States has jurisdiction or while undergoing repairs involving fire-producing operations in a port or place in the United States including its territories and possessions insofar as meeting the general intent of the special operating requirements set forth in § 35.01-1 and the safety and cargo handling requirements set forth in Subparts 35.30, 35.35 and 35.70 of this subchapter. * * *

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 31—INSPECTION AND CERTIFICATION

Subpart 31.01—General

1. Section 31.01-1(b) is amended by adding at the end thereof a new subparagraph (1) reading as follows:

§ 31.01-1 Inspections required—TB/ALL.

(b) * * *

(1) See § 31.10-16 and Subpart 31.37 for the required inspection and certification of cargo gear.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 31.10—Inspections

2. Section 31.10-5(a) is amended by adding at the end thereof a new subparagraph (1) reading as follows:

§ 31.10-5 Inspection of new tank vessels—TB/ALL.

(a) Plans. * * *

(1) On and after January 1, 1962, the plans and specifications shall include the arrangement of the cargo gear. The principal details of the gear and the safe working load for each component part shall be shown. (See § 31.10-16 and Subpart 31.37 for applicable requirements.)

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

3. Subpart 31.10 is amended by inserting after § 31.10-15 a new § 31.10-16 reading as follows:

§ 31.10-16 Inspection and certification of cargo gear—TB/ALL.

(a) An inspection of the cargo gear shall be required. The inspection may consist of tests and examinations to determine the condition and suitability of

the cargo gear. Current valid certificates and registers of cargo gear, issued by recognized nonprofit organizations or associations approved by the Commandant may be accepted as prima facie evidence of the condition and suitability of the cargo gear. Cargo gear certificates and registers will not be issued by the Coast Guard.

(b) Every acceptable cargo gear certificate and/or register shall be properly executed by a person authorized to do so and shall:

(1) Certify as to the tests and examinations conducted;

(2) Show the dates on which the tests and examinations were conducted; and,

(3) Indicate that the cargo gear therein described complies with standards equal to or exceeding those set forth in Subpart 31.37.

(c) Competent persons for the purposes of this section and Subpart 31.37 are:

(1) Coast Guard marine inspectors;

(2) Surveyors of the organizations or associations approved by the Commandant;

(3) Such other persons as are authorized by the regulations in Subpart 31.37 as may be required; and,

(4) Responsible officials or employees of the testing laboratories, companies, or organizations who conduct tests of pieces of loose cargo gear, wire rope, or the annealing of gear as may be required.

(d) The registers issued in connection with cargo gear certification must have all required entries fully completed as of the dates indicated, shall be kept current, and shall include the following:

(1) A register of the cargo handling machinery and the gear accessory thereto carried on the vessel named therein;

(2) Certification of the testing and examination of winches, derricks, and their accessory gear;

(3) Certification of the testing and examination of cranes, hoists, and their accessory gear;

(4) Certification of the testing and examination of chains, rings, hooks, shackles, swivels, and blocks;

(5) Certification of the testing and examination of wire rope;

(6) Certification of the heat treatment of chains, rings, hooks, shackles, and swivels which require such treatment; and,

(7) Certification of the annual thorough examinations of gear not required to be periodically heat treated.

(e) It is the responsibility of the master to have a ship's officer inspect cargo gear when required by Subpart 31.37. For those inspected vessels which do not have valid cargo gear certificates and registers as provided by this section, such vessels will be required to have their shipboard cargo gear undergo tests and inspections in accordance with the provisions of Subpart 31.37.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 31.37—Inspection of Cargo Gear

4. Part 31 is amended by inserting after Subpart 31.35 a new Subpart 31.37 entitled "Inspection of Cargo Gear," consisting of §§ 31.37-1 to 31.37-85, inclusive, which reads as follows:

- Sec.
- 31.37-1 When made—TB/ALL.
 - 31.37-3 Definitions of terms and words used in this subpart—TB/ALL.
 - 31.37-5 Tests and examinations of shipboard cargo gear—TB/ALL.
 - 31.37-15 Cargo gear plans required when plans are not approved by a classification society—TB/ALL.
 - 31.37-20 Cargo gear plans approved by a classification society—TB/ALL.
 - 31.37-25 Factors of safety—TB/ALL.
 - 31.37-30 Loose gear certificates and tests—TB/ALL.
 - 31.37-35 Test and certification of wire rope—TB/ALL.
 - 31.37-40 Proof test of cargo gear as a unit—TB/ALL.
 - 31.37-45 Marking of booms and cranes—TB/ALL.
 - 31.37-50 Use of wire rope and chains—TB/ALL.
 - 31.37-55 Annealing—TB/ALL.
 - 31.37-60 Additions to gear—TB/ALL.
 - 31.37-65 Alterations, renewals, or repairs of cargo gear—TB/ALL.
 - 31.37-70 Responsibility of ship's officer for inspection of cargo gear—TB/ALL.
 - 31.37-75 Records regarding cargo gear—TB/ALL.
 - 31.37-80 Advance notice that cargo gear testing is desired—TB/ALL.
 - 31.37-85 Responsibility for conducting required tests and examinations—TB/ALL.

AUTHORITY: §§ 31.37-1 to 31.37-85 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

§ 31.37-1 When made—TB/ALL.

(a) The specific tests and examinations shall be made at the intervals stated in the regulations in this subpart.

(b) A thorough examination of the assembled gear shall be made at least once in every year.

(c) An inspection to determine the condition and suitability of shipboard cargo gear will be made by a marine inspector at each inspection for certification. Inspections may be made at such other times as considered necessary by the Officer in Charge, Marine Inspection.

(d) For vessels fitted with cargo gear, an initial inspection of the assembled units under proof loads shall be conducted, followed by a complete dismantling or disassembling of such gear and a thorough examination of the parts to ascertain its condition. Subsequent tests of the assembled units under proof loads, followed by a dismantling or disassembling of such gear and a thorough examination shall be made once every 4 years, or oftener if necessary.

§ 31.37-3 Definitions of terms and words used in this subpart—TB/ALL.

(a) *Cargo gear.* The term "cargo gear" includes masts, stays, booms, winches, cranes, elevators, conveyors, standing and running gear forming that part of the shipboard cargo gear used in connection with the loading or unloading of dry cargo. This term does not include the gear used for handling cargo hoses or ship stores' only.

(b) *Dismantling or disassembling of gear.* The "dismantling" or "disassembling" of gear contemplated is the taking apart of units of gear to the extent necessary to determine the suitability of such gear for continued service and as may be specifically required to carry out the intent of a particular provision in this subpart. After proof load tests, the disassembling need not include the sheaves and pins of the blocks included in the test unless there appears to be evidence of deformation or failure.

(c) *Thorough examination.* The "thorough examination" contemplated is a visual examination, supplemented if necessary by other means such as by a hammer test or by a test with electronic or ultrasonic devices.

(d) *Ton.* The word "ton" means a ton of 2,240 pounds.

(e) *Safe working load.* The "safe working load" (SWL) contemplated is the load the gear is approved to lift, excluding the weight of the gear itself.

§ 31.37-5 Tests and examinations of shipboard cargo gear—TB/ALL.

(a) For vessels fitted with cargo gear and without valid cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard, inspections shall be made by those competent persons described in § 31.10-16(c) (1) and (2), to determine the condition and suitability of the shipboard cargo gear. For the initial and subsequent quadrennial inspections, all the cranes, winches, hoists, derrick booms, derrick and mast bands, and all parts used in loading or unloading cargo shall be assembled in units and such assembled units shall then be tested under proof loads. The proof loads shall be handled for various types of units as required by specific regulations in this subpart. After the proof load tests of the assembled units of gear have been made, such gear shall be disassembled or dismantled so as to permit them to be thoroughly examined. The sheaves and pins of the blocks included in these proof load tests need not be removed unless there appears to be evidence of deformation or failure.

(b) For vessels fitted with cargo gear and holding valid cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard, the marine inspectors may accept such certificates as prima facie evidence of compliance with the requirements in this subpart. If an Officer in Charge, Marine Inspection, is in doubt as to the condition and suitability of shipboard

cargo gear for such a vessel, the tests and examinations, or such portions thereof as deemed necessary, provided for in this subpart will be required.

(c) If any part or portion of the gear fails or becomes defective during such tests, such defective equipment shall be satisfactorily repaired or replaced.

§ 31.37-15 Cargo gear plans required when plans are not approved by a classification society—TB/ALL.

(a) For a new vessel or a vessel applying for initial inspection, the following plans of cargo gear are required to be submitted in triplicate to the Officer in Charge, Marine Inspection, for approval:

(1) Plans showing a stress diagram with the principal details of the gear.

(2) Plans containing a diagram showing the arrangement of the assembled gear and indicating the safe working load for each component part.

(b) The safe working load on which the design of any component part of the cargo gear is to be based, shall be taken as the maximum resultant load upon the component part in the design conditions assumed. The safe working load of the assembly is the load the gear is approved to lift, excluding the weight of the gear itself.

(c) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 31.37-20 Cargo gear plans approved by a classification society—TB/ALL.

(a) The plans required by § 31.37-15 (a) need not be submitted to the Officer in Charge, Marine Inspection, for approval if such plans are or have been approved by the American Bureau of Shipping or similar classification society recognized by the Commandant.

(b) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 31.37-25 Factors of safety—TB/ALL.

(a) In the design of the cargo gear, the safety factors in Table 31.37-25(a) taken in association with suitable design assumptions for actual loading conditions, shall be used and regarded as minima.

TABLE 31.37-25(a)

Safe working loads for component parts	Safety factors based on—		
	Ultimate strength	Yield point	Breaking test load
All metal structural parts, except steel booms:			
When the working load of the assembled gear is 10 tons or less.....	15		
When the working load of the assembled gear is 13 tons or over.....	14		
Steel booms:			
When the working load of the assembled gear is 10 tons or less.....		13	
When the working load of the assembled gear is 13 tons or over.....		12½	
Wooden structural parts.....	8		
Chains.....	4½		
Wire rope:			
For working loads 10 tons or under.....			5
For working loads over 10 tons.....			4
Fiber rope:			
When intended for running rigging.....	7		
When intended for fixed gear and vangs.....	5		

¹ For working loads between 10 and 13 tons, intermediate values of safety factors may be used.

(b) The Commandant will give consideration to the use of factors of safety differing from those given in Table 31.37-25(a) where special materials or cargo gear of special design are to be used.

§ 31.37-30 Loose gear certificates and tests—TB/ALL.

(a) (1) Evidence of compliance with the proof load test requirements in this section for all chains, rings, hooks, links, shackles, swivels, blocks, and any other loose gear whether accessory to a machine or not, but which is used as ship's cargo gear, shall be listed on an appropriate certificate.

(2) This evidence of test and the recording thereof is required only once with respect to each article of gear so long as each article is identified and the certificates required are available on the vessel.

(3) Proof loads applied to the articles of loose gear shall be as shown in Table 31.37-30(a) (3).

TABLE 31.37-30(a) (3)

Article of gear	Proof load
Chains, rings, hooks, links, shackles, swivels.....	Twice the safe working load.
Single sheave block.....	Four times the safe working load. ¹
Multiple sheave block with safe working load up to and including 20 tons.....	Twice the safe working load.
Multiple sheave block with safe working load over 20 tons up to and including 40 tons.....	20 tons in excess of the safe working load.
Multiple sheave block over 40 tons.....	One and a half times the safe working load.
Chain fall blocks used with roller chains (pitched chains), and rings, hooks, shackles, or swivels permanently attached thereto.	Do.

¹ The proof load applied to the block is equivalent to twice the maximum resultant load on the eye or pin when lifting the safe working load attached to a rope which passes around the sheave of the block. The proof load is, therefore, equal to four times the safe working load or twice the safe working load when the load is attached directly to the block instead of a rope passing around the sheave.

(b) All chains, rings, hooks, links, shackles, swivels, blocks and any other loose gear, whether accessory to a machine or not, but which are used or intended for use as ship's cargo gear, shall bear a mark or number by which each piece can be identified when listed on a loose gear certificate. The safe working load "SWL" shall be marked on all blocks.

(c) The loose gear certificate shall show the distinguishing number or mark applied to the article of gear; a description of the article of gear; the date when the test proof load was applied; and the safe working load. The forms for loose gear certificates shall be as prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes described in this section.

(d) After being tested, all of the gear shall be examined to ascertain whether any part has been damaged, permanently deformed by the test, or has other visible defects. The pins and sheaves of all tested blocks shall be removed for this purpose. If damaged during these tests, such gear shall be satisfactorily repaired or replaced.

(e) The required examinations as set forth in paragraph (d) of this section may be accomplished by mechanical, electrical or other means provided the method employed is equal in efficiency to the visual examination of disassembled gear.

§ 31.37-35 Test and certification of wire rope—TB/ALL.

(a) All wire rope used as shipboard cargo gear shall be able to withstand a breaking test load of at least five times the safe working load. In the case of gear with a lifting capacity of over 10 tons, the breaking test load of wire rope shall be at least four times the safe working load. All wire rope shall be identified and described in a wire rope certificate. Such certificate shall be furnished and attested to by the manufacturer or a testing agency and shall certify:

(1) The breaking test load of a sample of the wire rope, which should be at least five times the safe working load or at least four times the safe working load if part of gear with a lifting capacity of over 10 tons;

(2) The name and address of the manufacturer;

(3) The diameter of the rope in inches and/or fractions thereof;

(4) The number of strands and the number of wires in each strand;

(5) The quality of the wire (e.g., improved plow steel);

(6) The date of the test; and,

(7) The load at which the sample broke.

(b) The forms for the wire rope certificate shall be prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes described in this section.

(c) In addition to the manufacturers' or testing agencies' attestations, a sample of the wire rope may be tested to destruction if required by the marine inspector when a visual inspection indicates an apparent defective condition.

§ 31.37-40 Proof test of cargo gear as a unit—TB/ALL.

(a) Winches with their accessory gear, including the derricks and attachments, at least once in each four years, shall be tested as a unit with proof loads exceeding the safe working load as set forth in Table 31.37-40(a).

TABLE 31.37-40(a)

Safe working load of assembled gear	Proof load
Not exceeding 20 tons.	25 percent in excess.
Over 20 tons but not exceeding 50 tons.	5 tons in excess.
Over 50 tons.	10 percent in excess.

(b) The proof load applied to winches and their gear shall be lifted with the ship's normal tackle, including the winches, and with the boom at an angle which should not be greater than 15 degrees to the horizontal or to the lowest angle approved in association with the design, or when these angles are impracticable, to the lowest practicable angle. When the load has been lifted, it shall be swung as far as possible in both directions.

(1) Where electrical winches are fitted with electromagnetic brakes, or where electrohydraulic winches are fitted with electromagnetic or hydraulic brakes at the winch, mechanical brakes for manual operation will not be required, but if so fitted shall be in satisfactory operating condition.

(2) Current for electric winch operation during the test shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

(c) Cranes and other hoisting machines with their accessory gear at least once in each four years, shall be tested, with a proof load which shall exceed the safe working load as set forth in Table 31.37-40(a).

(d) The proof load applied to cranes and hoists shall be lifted, topped, and swung (slewed) as far as possible in each direction. If the boom of the crane has a movable radius, it shall be tested with a proof load as set forth in this section at the maximum and minimum radii of the boom. In the case of hydraulic cranes whose capacity is limited by pressure, and with which it is not possible to lift a load 25 percent in excess of the safe working load, the greatest possible load in excess of the safe working load shall be used. These tests and the amounts of the loads shall be recorded.

(e) After satisfactory completion of the proof load testing of the cargo gear in accordance with paragraphs (a) through (d) of this section, the cargo gear and all component parts shall be given a thorough visual examination, supplemented as necessary by other means such as a hammer test or with electronic or ultrasonic devices, to determine if any of the parts were damaged, deformed, or otherwise rendered unsafe for further use. If found defective, such gear shall be replaced.

(1) When the test is being conducted for the first time on a vessel, accessory gear shall be dismantled or disassembled for examination after the test.

The sheaves and pins of the blocks included in this test need not be removed unless there appears to be evidence of deformation or failure.

(2) For subsequent tests such parts of the machinery and gear shall be dismantled and/or disassembled after the test as necessary to determine its suitability for continued service.

(f) Appropriate means shall be provided to prevent the foot of the boom from being accidentally lifted from the socket during the test.

(g) Vessels whose cargo gear has been in use but are without the valid registers and certificates described in § 31.10-16 will be inspected for defective cargo gear. The gear shall then be tested and examined as prescribed in this section. If the movable weights for proof testing are not reasonably available, a spring or hydraulic scale certified for accuracy may be used. Whenever such scales are used, the proof load shall be applied with the boom swung out as far as possible in one direction and then in the other direction, and at such intermediate positions as may be indicated. At any position, the indicator of the scale must maintain a constant reading under the proof load for a period of five minutes.

(h) On all types of winches and cranes efficient means shall be provided to stop and hold the proof load in any position, and the efficiency of such means shall be demonstrated.

(1) Electric winches, electrohydraulic winches fitted with electromagnetic or hydraulic brakes at the winch, or cranes shall be equipped so that a failure of the electric power shall stop the motion and set the brakes without any action on the part of the operator.

(2) Current for electric winches and cranes operation during the tests shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

§ 31.37-45 Marking of booms and cranes—TB/ALL.

(a) The safe working load (abbreviated "SWL") for the assembled gear shall be marked on the heel of each boom, with the minimum angle to the horizontal for which the gear is designed. These letters and figures shall be in contrasting colors to the background and at least one inch in height.

(b) Where booms are rated at varying capacities depending on the radii, tables indicating the maximum safe working loads for the various working angles of the boom and the maximum and minimum radii at which the boom may be safely used shall be conspicuously posted near the controls and visible to the operator when working the gear.

§ 31.37-50 Use of wire rope and chains—TB/ALL.

(a) An eye splice made in any wire rope used as cargo gear, with or without a thimble, shall have at least three tucks with whole strands and two tucks with one half of the wire cut from the tucking strand: *Provided*, That this requirement shall not preclude the use of any other form of splice or connection if it is as efficient as the splice specified.

(b) Single wire rope cargo falls, wire rope pendants, topping lifts and preventers shall consist of clear lengths without splices except at the working ends. Wire rope clips shall not be used to form eyes in the working ends of single wire rope cargo falls.

(c) Wire rope shall not be used for shipboard cargo gear if in any length of 8 diameters, the number of visible broken wires exceeds ten percent of the total number of wires in the rope, or if the rope shows other signs of excessive wear, corrosion, kinking, or defect.

(d) Hoisting or sling chains used for shipboard cargo gear shall not be used if a length of chain has been stretched more than five percent of the original length, or the chain has become unsafe through overloading or faulty heat treatment, or whenever other external defects are evident.

(e) Chains used for shipboard cargo gear shall not be shortened by knotting, bolting, or wiring the links. The use of chains having a knot or kink as shipboard cargo gear is prohibited.

§ 31.37-55 Annealing—TB/ALL.

(a) Chains, hooks, rings, links, shackles, and swivels of wrought iron used as cargo gear shall be annealed at the following intervals:

(1) Wrought iron chains and gear in general use and of one half inch or less, at least once in every six months.

(2) All other wrought iron chains and gear, including topping lift chains, in general use, at least once in every twelve months.

(b) The annealing shall be done in a suitable closed oven and not over an open fire. Wrought iron shall be annealed at a temperature of between 1100° and 1200° Fahrenheit for a period of between 30 and 60 minutes. After being annealed, the article shall be allowed to cool slowly and shall be then tested completely for defects.

(c) Heat treatment of the cargo gear shall be done only by reputable firms having suitable equipment and personnel trained for this purpose. A certificate attesting to the annealing shall be furnished for all gear so treated.

(d) The heat treatment of chains, hooks, rings, links, shackles, and swivels of materials other than wrought iron used as cargo gear, if required, shall be effected in accordance with the manufacturer's instructions.

§ 31.37-60 Additions to gear—TB/ALL.

(a) When articles of loose gear and/or wire rope conforming with the requirements in this subpart are added to installed gear, or used as replacements in such gear from time to time, a record shall be maintained on the vessel which shall identify each article and the certificate accompanying it.

§ 31.37-65 Alterations, renewals, or repairs of cargo gear—TB/ALL.

(a) Whenever important repairs, renewals, or alterations are indicated or intended for the masts, booms, and permanent fittings of the cargo gear, such repairs, renewals, or alterations shall be undertaken only after compliance with § 31.10-25.

(b) Tests and examinations of the repairs, renewals, or alterations will be in accordance with § 31.37-40.

(c) When welding is used to lengthen, alter, or repair chains, rings, hooks, links, shackles, or swivels, they shall be properly heat treated and shall, before being again put into use, be tested and examined in accordance with the provisions of § 31.37-30.

§ 31.37-70 Responsibility of ship's officer for inspection of cargo gear—TB/ALL.

(a) All wire rope, chains other than bridle chains attached to booms or masts, and all rings, hooks, links, shackles, swivels, and blocks used in loading or unloading shall be visually inspected by a ship's officer designated for that purpose by the master.

(b) These inspections by a ship's officer shall be made at frequent intervals, and in any event not less than once in each month.

(c) Immediately after such an inspection by a ship's officer notations of such an inspection shall be made in record form which shall be in or kept with the cargo gear register if carried. In addition, the same notations of inspections together with the dates shall be entered in the Official Logbook for those vessels required to carry this record, or such information shall be kept with the log records maintained on vessels not required to carry the Official Logbook. (See § 31.37-75 for entries required to be kept.)

§ 31.37-75 Records regarding cargo gear—TB/ALL.

(a) The cargo gear records described in this subpart shall be maintained on the vessel and shall be made available to Coast Guard officials upon request. These records shall be kept for the periods of time they are valid and, in addition, until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained on the vessel so long as the gear described in such certificates is on board the vessel.

(b) The records of all the inspections of cargo gear made by the ship's officers in accordance with § 31.37-70 shall be maintained on the vessel for periods of time which agree with those periods as covered by the current Coast Guard certificate of inspection issued to the vessel. These records shall show the dates of inspections, identify articles inspected, the conditions observed, and the name of the officer performing the inspection.

(c) The records of all tests and examinations conducted by or under the supervision of surveyors of the organizations or associations approved by the Commandant shall be maintained on the vessel.

(d) The Coast Guard will not issue cargo gear certificates and/or registers. The Coast Guard's records of inspections, tests, and examinations of a particular vessel's cargo gear made by a marine inspector or conducted under the supervision of the Coast Guard will be maintained in the Office of the Officer in Charge, Marine Inspection, having juris-

isdiction over the vessel at the time such work was performed. The original certificates or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear shall be maintained on the vessel.

§ 31.37-80 Advance notice that cargo gear testing is desired—TB/ALL.

(a) The owner, agent, or master of a vessel shall give an advance notice when it is desired that the tests and examinations of cargo gear be made by or under the supervision of the marine inspectors. This advance notice shall be given to the Officer in Charge, Marine Inspection in whose marine inspection zone the vessel is available for such inspection and examination.

(b) For the initial inspection and examination of cargo gear by the Coast Guard, the advance notice shall be to the cognizant Officer in Charge, Marine Inspection, as early as possible and shall include sketches and/or drawings showing each unit of cargo gear, the identification of component parts and the safe working loads. Copies of original certificates of manufacturers and/or testing laboratories, companies, or organizations maintained on the vessel may be accepted by the cognizant Officer in Charge, Marine Inspection, when satisfied such certificates properly describe the qualities of the component parts of the gear in question.

§ 31.37-85 Responsibility for conducting required tests and examinations—TB/ALL.

(a) The vessel's owners and/or operators shall furnish and pay the expense required in conducting the tests and examinations prescribed by the regulations in this subpart, including the supplying of all instruments, other equipment, and personnel including personnel supervision for performance of all work required.

(b) The Coast Guard's participation in these required tests and examinations shall be confined to witnessing required tests and examinations with the view to determining whether or not the gear is satisfactory for the purpose intended. In the event it is determined that the gear is defective or unable to meet the standards set forth in this subpart, such gear, or portions thereof, shall be replaced to the satisfaction of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel.

PART 35—OPERATIONS

Subpart 35.30—General Safety Rules

1. Subpart 35.30 is amended by adding at the end thereof a new section reading as follows:

§ 35.30-40 Flammable liquid and gas fuels as ship's stores—TB/ALL.

(a) Flammable liquids and gases to be used as fuels for industrial trucks, lifeboats and other approved equipment shall be marked, labeled and stowed as follows:

(1) They shall be stowed in ICC specification containers, A.S.M.E. containers, or portable safety containers having the approval of a recognized testing laboratory, which containers are authorized for the contents.

(2) Containers shall be marked with the name of contents and shall be labeled in accordance with ICC requirements as follows:

(i) Flammable liquids—"Red Label"; or,

(ii) Flammable gases—"Red Gas label".

(3) Containers shall be stowed on or above the weather deck in locations designated by the master. ICC specification containers, A.S.M.E. containers, or portable safety containers having the approval of a recognized testing laboratory may be stowed below the weather deck in a paint or lamp locker provided such containers do not exceed 5 gallons capacity each.

(b) Diesel fuel shall be stowed in locations designated by the master.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 35.70—Power-Operated Industrial Trucks

2. Part 35 is amended by adding at the end thereof a new Subpart 35.70, entitled "Power-Operated Industrial Trucks," and consisting of §§ 35.70-1 to 35.70-35, reading as follows:

Sec.	
35.70-1	Application—TB/ALL.
35.70-3	Alternates—TB/ALL.
35.70-5	Definitions of terms used in subpart—TB/ALL.
35.70-7	Approved power-operated industrial trucks—TB/ALL.
35.70-10	Permissible areas of use—TB/ALL.
35.70-15	Types of cargo permitted to be handled by trucks—TB/ALL.
35.70-20	Special operating conditions—TB/ALL.
35.70-25	Refueling—TB/ALL.
35.70-30	Charging or replacing batteries—TB/ALL.
35.70-35	Stowage of trucks aboard a vessel—TB/ALL.

AUTHORITY: §§ 35.70-1 to 35.70-35 issued under R.S. 4405, as amended, 4417a, as amended, and 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply R.S. 4472, as amended, 4488, as amended, 4491, as amended, and sec. 3, 68 Stat. 675; 46 U.S.C. 170, 481, 489, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

§ 35.70-1 Application—TB/ALL.

(a) Power-operated industrial trucks.

(1) Power-operated industrial trucks when carried on board vessels as part of the vessel's equipment for handling materials of any kind shall be in compliance with the applicable provisions of this subpart.

(2) Power-operated industrial trucks placed on board vessels for handling materials of any kind shall be in compliance with the applicable provisions of this subpart when such vessels are within the navigable waters of the United States, its territories and possessions but not including the Panama Canal Zone.

(b) Vessels. (1) Vessels shall be in compliance with the applicable provisions of this Subpart during those periods of time when power-operated industrial trucks are on board as a part of the vessel's equipment or when such trucks are placed on board for handling materials of any kind.

NOTE: As set forth in § 30.01-5(e), the regulations in this subpart are also applicable to foreign flag tank vessels.

§ 35.70-3 Alternates—TB/ALL.

(a) In cases of undue hardship resulting from unavoidable delays in bringing existing power-operated industrial trucks into compliance with the applicable provisions of this subpart, the Commandant may permit the use of alternate equipment, apparatus, or arrangement for such period of time, and to such extent, and upon such conditions as will assure, to the Commandant's satisfaction, a degree of safety consistent with the minimum standards as set forth in this subpart.

(b) The methods and procedures adopted in connection with the modification of existing equipment to meet required laboratory designations will be taken into consideration in granting permission to use alternate arrangements for a limited period of time.

§ 35.70-5 Definitions of terms used in subpart—TB/ALL.

(a) Power-operated industrial trucks are considered to be tractors, lift trucks and other specialized industrial trucks used for material handling on board a vessel.

(b) For the purposes of the regulations in this subpart, the words "flammable" and "inflammable" are interchangeable or synonymous terms.

§ 35.70-7 Approved power-operated industrial trucks—TB/ALL.

(a) Where approved power-operated industrial trucks are required by the regulations in this subchapter, such approved trucks shall have a specific designation of a recognized testing laboratory except in case of trucks powered by compressed air. The following laboratories are recognized for the specific type designations listed:

(1) Underwriters' Laboratories, Inc. (Mailing address, P.O. Box 247, Northbrook, Illinois) for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D, and DS.

(2) Factory Mutual Laboratories, Engineering Division, 1115 Boston-Providence Turnpike, Norwood, Massachusetts for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D, and DS.

(b) Trucks powered by compressed air which is received through a flexible hose from a fixed source and having the air supply hose of the grounded type shall be considered of the approved type for purposes of this subpart.

(c) Description of recognized testing laboratory type designations are as follows:

(1) The "E" designated units are electrically powered units that have mini-

mum acceptable safeguards against inherent fire hazards.

(2) The "EE" designated units are electrically powered units that have, in addition to all of the requirements for the "E" units, the electric motors and all other electrical equipment completely enclosed. In certain locations the "EE" unit may be used where the use of an "E" unit may not be considered safe.

(3) The "EX" designated units are electrically powered units that differ from the "E" and "EE" units in that the electrical fittings and equipment are so designed constructed and assembled that the units may be used in certain atmospheres containing flammable vapors or dusts.

(4) The "G" designated units are gasoline powered units having minimum acceptable safeguards against inherent fire hazards.

(5) The "GS" designated units are gasoline powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where the use of a "G" unit may not be considered safe.

(6) The "LP" designated units are similar to the "G" units except that they are liquefied petroleum gas engine powered instead of gasoline powered.

(7) The "LPS" designated units are units similar to the "GS" units except that liquefied petroleum gas is used for fuel instead of gasoline.

(8) The "D" designated units are units similar to the "G" units except that they are diesel engine powered instead of gasoline engine powered.

(9) The "DS" designated units are diesel powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where a "D" unit may not be considered safe.

(d) In addition to the construction and design safety features required in order to obtain a recognized laboratory type designation, approved power-operated industrial trucks shall have at least the following minimum safety features where applicable.

(1) Power-operated industrial trucks shall be equipped with a warning horn, whistle, or gong, or other device that can be heard clearly above the normal shipboard noises.

(2) Wherever power-operated industrial truck operation exposes the operator to danger from falling objects, the truck shall be equipped with a driver's overhead guard. Where overall height of the truck with forks in the lowered position is limited by head room conditions the overhead guard may be omitted.

NOTE: This overhead guard is only intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application. It is impractical to build a guard of sufficient strength to withstand the impact of a capacity load since such a guard would constitute a safety hazard because its structure would be so large that it might interfere with good visibility and would weigh so much that it might make the truck top-heavy and unstable.

RULES AND REGULATIONS

TABLE 35.70-15(a)

Type of truck	Grade of packaged petroleum product				
	A	B	C	D	E
E.....				D	E
EE.....		B	C	D	E
EX.....	A	B	C	D	E
LP.....		B	C	D	E
LPS.....		B	C	D	E
G.....				D	E
GS.....		B	C	D	E
D.....		B	C	D	E
DS.....		B	C	D	E
Compressed air.....	A	B	C	D	E

(3) Power-operated fork lift trucks which handle small objects or unstable loads shall be equipped with a vertical load back rest or rack which shall have height, width and strength sufficient to prevent the load, or part of it, from falling toward the mast when the mast is in a position of maximum backward tilt.

(4) The forks on power-operated fork lift trucks shall be secured to the carriage so that unintentional lifting of the toe shall not occur on such application where this lifting may create a hazard. The factor of safety of forks shall be at least 3 to 1, based on the elastic limit of the material.

(5) Fork extensions or other attachments shall be suitably secured to prevent unintentional lifting or displacement on primary forks.

(6) All exposed wheels shall be provided with guards to prevent the wheels from throwing particles at the operator.

(7) Unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin, the steering knob, if used, shall be of a mushroom type to engage the palm of the operator's hand, or shall be arranged in some other manner to prevent injury. The knob shall be mounted within the perimeter of the wheel.

(8) All steering controls shall be confined within the clearances of the truck, or so guarded that movement of the controls shall not result in injury to the operator when passing obstructions, stanchions, etc.

§ 35.70-10 Permissible areas of use—TB/ALL.

(a) When the area on deck or in the hold in which power-operated industrial trucks are to be used has no bulk cargo vapors when tested but is an area in which such vapors could accumulate, these trucks may be used subject to the following conditions:

(1) Trucks used shall be suitable for type of cargo to be handled in accordance with § 35.70-15.

(2) Trucks used shall be suitable for areas in which vapors could accumulate in accordance with Table 35.70-10(a).

TABLE 35.70-10(a)

Type of truck	Grade of bulk cargo/vapors in vessel				
	A	B	C	D	E
E.....				D	E
EE.....		B	C	D	E
EX.....	A	B	C	D	E
LP.....		B	C	D	E
LPS.....		B	C	D	E
G.....				D	E
GS.....		B	C	D	E
D.....		B	C	D	E
DS.....		B	C	D	E
Compressed air.....	A	B	C	D	E

(b) When a vessel is gas free, any approved truck can be used in any space except for restrictions as to types of cargo handled as specified in § 35.70-15.

§ 35.70-15 Types of cargo permitted to be handled by trucks—TB/ALL.

(a) Power-operated industrial trucks used for handling of packaged petroleum products shall be in accordance with Table 35.70-15(a).

(b) Where dry cargo other than packaged petroleum products is to be handled by power-operated industrial trucks on board a tank vessel, types of trucks used shall be in accordance with § 97.70-10 of Subchapter I (Rules and Regulations for Cargo and Miscellaneous Vessels) of this Chapter, except that all trucks shall be approved.

(c) The use of power-operated industrial trucks may be further restricted due to bulk cargo and/or vapors as set forth in Table 35.70-10(a).

§ 35.70-20 Special operating conditions—TB/ALL.

(a) Permission shall be obtained from the senior deck officer on board before placing power-operated industrial trucks in operation on a tank vessel.

(b) The senior deck officer shall ascertain by portable carbon monoxide and explosive vapor meters, if necessary, that no hazardous gas concentrations exist before granting permission to operate power trucks.

(c) When power-operated industrial trucks are in use on board vessels subject to the regulations in this subchapter, they shall be in a safe operating condition.

(d) Spaces exposed to carbon monoxide or other hazardous vapors from the exhausts of power-operated industrial trucks shall have adequate ventilation. The concentration of carbon monoxide shall be kept below 100 parts per million in the holds and intermediate decks where persons are working. When necessary, portable blowers of adequate size and location shall be utilized.

(e) The parts and/or equipment of any power-operated industrial truck requiring replacement shall be replaced only by parts and/or equipment equivalent in safety when installed with those used in the original design.

(f) Any truck that emits sparks or flames from the exhaust system shall immediately be removed from service, and not again returned to service until the cause for the emission of such sparks or flames has been eliminated.

(g) When the temperature of any part of the truck is found to be in excess of a safe operating temperature, the truck shall be removed from service until such overheating has been corrected.

(h) Operation of trucks shall be halted immediately and the engines or motors secured, whenever an emergency condition arises aboard the vessel.

(i) Operation of trucks shall be halted immediately and the engines or motors secured in the event of breakage or leak-

age of containers used for the carriage of flammable liquids, flammable solid or oxidizing materials.

(j) The rated capacity of a truck shall at all times be posted on the truck in conspicuous place and such capacity shall not be exceeded.

(k) At least one approved 2-pound dry chemical hand portable fire extinguisher, or its approved equivalent shall be affixed to the truck in a readily accessible position or kept in close proximity available for immediate use.

(l) Vessel's fire-fighting equipment both fixed (where installed) and portable, in vicinity of space being worked shall be kept ready for immediate use.

§ 35.70-25 Refueling—TB/ALL.

(a) *When permitted.* Power-operated industrial trucks are not permitted to be refueled in the hold of vessel or on the weather deck except under the following conditions:

(1) Trucks using gasoline as fuel may be refueled in the hold or on the weather deck of a vessel only when such refueling is done with an acceptable portable non-spilling fuel handling system of not over 5 gallons capacity. Transfer of gasoline to these portable non-spilling fuel handling devices is not permitted on board the vessel.

(2) Power-operated industrial truck using liquefied petroleum gas as fuel may be refueled in the hold or on the weather deck of a vessel only when fitted with removable tanks and provided the hand-operated shut-off valve of the depleted tank is closed and the engine is run until it stalls from lack of fuel before the quick disconnect fitting is opened. In addition, the quick disconnect fitting shall be attached to the fuel tank before the hand-operated shut-off valve is reopened.

(3) Power-operated industrial truck using diesel oil as fuel may be refueled on the weather deck or in the hold of a vessel by means of portable container of not over 5-gallon capacity. These trucks may also be refueled on the weather deck of a vessel or portable containers refilled from a larger container provided a suitable pump is used for the transfer operation and a drip pan of adequate size is supplied.

(b) *General requirements.* The following conditions must be met when refueling power-operated industrial truck in the hold of a vessel or on the weather deck under the circumstances listed in paragraph (a) of this section:

(1) Refueling shall be under the direct supervision of an experienced and responsible person specifically designated for such job by the person in charge of the loading or unloading of the vessel.

(2) No refueling shall be undertaken with less than 2 persons specifically assigned and present for the complete operation, at least one of whom shall be experienced in using the portable fire extinguishers required in the fueling area.

(3) At least one approved 4-pound dry chemical hand portable fire extinguisher or its approved equivalent shall be provided at the scene of the fueling area.

This is in addition to the portable extinguisher affixed to the truck in accordance with § 35.70-20(k).

(4) The location for refueling trucks shall be designated by the master or senior deck officer on board the vessel. "No Smoking" signs shall be posted in the area and smoking shall be prohibited.

(5) The location designated for refueling shall be adequately ventilated so as to insure against accumulation of a hazardous concentration of vapors. The ventilation requirements of § 35.70-20(d) when trucks are operating shall also apply when trucks are being refueled.

(6) Truck engines of all trucks in the same hold shall be stopped before any truck in that hold is refueled and before any fuel handling devices or unmounted liquefied petroleum gas cylinders are placed in the hold.

(7) All fuel handling devices and unmounted liquefied petroleum gas containers shall be removed from the hold before any truck engine is started and the trucks again placed in operation.

§ 35.70-30 Charging or replacing batteries—TB/ALL.

(a) Battery charging or battery replacement on electric powered trucks shall not be accomplished on board the vessel in locations where vapors from Grades "A," "B," "C," or "D" cargo could accumulate.

(b) Locations on board vessel for battery charging or replacement shall be designated by the master of the vessel.

(c) Battery charging on board vessel shall be accomplished in accordance with the following provisions:

(1) The batteries shall be housed in a suitable, ventilated, portable metal container with a suitable outlet at the top for connection of a portable air hose, or shall be placed directly beneath a suitable metal hood with a suitable outlet at the top for connection of a portable air hose. The air hose shall be permanently connected to an exhaust duct leading to the open deck and terminate in a gooseneck or other suitable weather head. If natural ventilation is not practicable or adequate, mechanical means of exhaust shall be employed in conjunction with the duct. The air outlet on the battery container shall be equipped with an interlock switch so arranged that the charging of the battery cannot take place unless the air hose is properly connected to the box.

(2) If mechanical ventilation is used, an additional interlock shall be provided between the fan and the charging circuit so that the fan must be in operation in order to complete the charging circuit for operation. It is preferable that this interlock switch be of a centrifugal type driven by the fan shaft.

(3) The charging facilities may be part of the truck equipment or may be separate from the truck and located inside or outside the cargo hold. The supply or charging circuit (whichever method is used) shall be connected to the truck by a portable plug connection of

the break-away type. This portable plug shall be so engaged with the truck battery charging outlet that any movement of the truck away from the charging station will break the connection between the plug and receptacle without exposing any live parts to contact with a conducting surface or object, and without the plug falling to the deck where it may become subject to injury.

(d) Suitable materials handling equipment shall be employed and adequate precautions taken to avoid damaging or short circuiting batteries and to avoid spillage of electrolyte.

(e) All unmounted batteries shall be removed from the hold where trucks will be operated before such operation commences.

§ 35.70-35 Stowage of trucks aboard a vessel—TB/ALL.

(a) Power-operated industrial trucks may be stowed in any location aboard a vessel provided the following conditions are met:

(1) Gasoline powered trucks shall have all the fuel expended from the system.

(2) Liquefied petroleum gas powered trucks shall have the fuel tanks removed and all the fuel expended from the system.

(b) Power-operated industrial trucks not meeting the conditions set forth in paragraph (a) of this section shall be stowed on the open deck except for intervals such as lunch hours, between work shifts, interdock and intraport movements. If stowed in a fixed metal enclosure located on or above the weather deck, such enclosure shall have access from the weather deck only and shall have adequate ventilation, so arranged as to remove vapors from both the upper and lower portions of the space.

SUBCHAPTER H—PASSENGER VESSELS

PART 71—INSPECTION AND CERTIFICATION

Subpart 71.25—Annual Inspection

1. Section 71.25-25 is amended by revising paragraph (a)(5) and by adding new paragraphs (b), (c), (d), and (e), reading as follows:

§ 71.25-25 Hull equipment.

(a) * * *

(5) An inspection of the cargo gear shall be required. The inspection may consist of tests and examinations to determine the condition and suitability of the cargo gear. Current valid certificates and registers of cargo gear issued by non-profit organizations or associations approved by the Commandant, may be accepted as prima facie evidence of the condition and suitability of the cargo gear. Cargo gear certificates and registers will not be issued by the Coast Guard.

(b) Every acceptable cargo gear certificate and/or register shall be properly executed by a person authorized to do so and shall:

(1) Certify as to the tests and examinations conducted;

(2) Show the dates on which the tests and examinations were conducted; and,

(3) Indicate that the cargo gear therein described complies with standards equal to or exceeding those set forth in Subpart 71.47.

(c) Competent persons for the purposes of this section and Subpart 71.47 are:

(1) Coast Guard marine inspectors;

(2) Surveyors of the organizations or associations approved by the Commandant;

(3) Such other persons as are authorized by the regulations in Subpart 71.47 as may be required; and,

(4) Responsible officials or employees of the testing laboratories, companies, or organizations who conduct tests of pieces of loose cargo gear, wire rope, or the annealing of gear as may be required.

(d) The registers issued in connection with cargo gear certification must have all required entries fully completed as of the dates indicated, shall be kept current, and shall include the following:

(1) A register of the cargo handling machinery and the gear accessory thereto carried on the vessel named therein;

(2) Certification of the testing and examination of winches, derricks, and their accessory gear;

(3) Certification of the testing and examination of cranes, hoists, and their accessory gear;

(4) Certification of the testing and examination of chains, rings, hooks, shackles, swivels, and blocks;

(5) Certification of the testing and examination of wire rope;

(6) Certification of the heat treatment of chains, rings, hooks, shackles, and swivels which require such treatment; and,

(7) Certification of the annual thorough examinations of gear not required to be periodically heat treated.

(e) It is the responsibility of the master to have a ship's officer inspect cargo gear when required by Subpart 71.47. For those inspected vessels which do not have valid cargo gear certificates and registers as provided by this section, such vessels will be required to have their shipboard cargo gear undergo tests and examinations in accordance with the provisions of Subpart 71.47.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, as amended; 46 U.S.C. 391, 392, 404, 481, 482, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 71.47—Inspection of Cargo Gear

2. Part 71 is amended by inserting after Subpart 71.45 a new Subpart 71.47, entitled "Inspection of Cargo Gear," consisting of §§ 71.47-1 to 71.47-85, inclusive, which reads as follows:

- Sec.
 71.47-1 When made.
 71.47-3 Definitions of terms and words used in this subpart.
 71.47-5 Tests and examinations of shipboard cargo gear.
 71.47-10 Cargo gear of special design and limited use.
 71.47-15 Cargo gear plans required when plans are not approved by a classification society.
 71.47-20 Cargo gear plans approved by a classification society.
 71.47-25 Factors of safety.
 71.47-30 Loose gear certificates and tests.
 71.47-35 Test and certification of wire rope.
 71.47-40 Proof test of cargo gear as a unit.
 71.47-45 Marking of booms and cranes.
 71.47-50 Use of wire rope and chains.
 71.47-55 Annealing.
 71.47-60 Additions to gear.
 71.47-65 Alterations, renewals, or repairs of cargo gear.
 71.47-70 Responsibility of ship's officer for inspection of cargo gear.
 71.47-75 Records regarding cargo gear.
 71.47-80 Advance notice that cargo gear testing is desired.
 71.47-85 Responsibility for conducting required tests and examinations.

AUTHORITY: §§ 71.47-1 to 71.47-85 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

§ 71.47-1 When made.

(a) The specific tests and examinations shall be made at the intervals stated in the regulations in this subpart.

(b) A thorough examination of the assembled gear shall be made at least once in every year.

(c) An inspection to determine the condition and suitability of shipboard cargo gear will be made by a marine inspector at each inspection for certification. Inspections may be made at such other times as considered necessary by the Officer in Charge, Marine Inspection.

(d) For vessels fitted with cargo gear, an initial test of the assembled units under proof loads shall be conducted, followed by a complete dismantling or disassembling of such gear and a thorough examination of the parts to ascertain its condition. Subsequent tests of the assembled units under proof loads, followed by a dismantling or disassembling of such gear and a thorough examination shall be made once every 4 years, or oftener if necessary.

§ 71.47-3 Definitions of terms and words used in this subpart.

(a) *Cargo gear.* The term "cargo gear" includes masts, stays, booms, winches, cranes, elevators, conveyors, standing and running gear forming that part of the shipboard cargo gear used in connection with the loading or unloading of a vessel. This term does not include material handling gear and rig-

ging of special design vessels used solely in dredging, pile driving, drilling for mineral deposits, and construction work.

(b) *Dismantling or disassembling of gear.* The "dismantling" or "disassembling" of gear contemplated is the taking apart of units of gear to the extent necessary to determine the suitability of such gear for continued service and as may be specifically required to carry out the intent of a particular regulation in this subpart. After proof load tests the disassembling need not include the sheaves and pins of the blocks included in the test unless there appears to be evidence of deformation or failure.

(c) *Thorough examination.* The "thorough examination" contemplated is a visual examination, supplemented if necessary by other means such as by a hammer test or by a test with electronic or ultrasonic devices.

(d) *Ton.* The word "ton" means a ton of 2,240 pounds.

(e) *Safe working load.* The "safe working load" (SWL) contemplated is the load the gear is approved to lift, excluding the weight of the gear itself.

§ 71.47-5 Tests and examinations of shipboard cargo gear.

(a) For vessels fitted with cargo gear and without valid cargo gear certificates and registers issued by organizations or associations, recognized by the Coast Guard, inspections shall be made by those competent persons described in § 71.25-25(c) (1) and (2), to determine the condition and suitability of the shipboard cargo gear. For the initial and subsequent quadrennial inspections, all the cranes, winches, hoists, derrick booms, derrick and mast bands, and all parts used in loading or unloading cargo shall be assembled in units and such assembled units shall then be tested under proof loads. The proof loads shall be handled for various types of units as required by specific regulations in this subpart. After the proof load tests of the assembled units of gear have been made, such gear shall be disassembled or dismantled so as to permit them to be thoroughly examined. The sheaves and pins of the blocks included in these proof load tests need not be removed unless there appears to be evidence of deformation or failure.

(b) For vessels fitted with cargo gear and holding valid cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard, the marine inspectors may accept such certificates as prima facie evidence of compliance with the requirements in this subpart. If an Officer in Charge, Marine Inspection, is in doubt as to the condition and suitability of shipboard cargo gear for such a vessel, the tests and examinations, or such portions thereof as deemed necessary, provided for in this subpart will be required.

(c) If any part or portion of the gear fails, or becomes defective during such tests, such defective equipment shall be satisfactorily repaired or replaced.

§ 71.47-10 Cargo gear of special design and limited use.

(a) The regulations in this subpart shall apply to cargo gear of special design and limited use (derrick barge rigged for heavy lifts, cargo booms or self unloaders, etc.) only to the extent that it is practicable to do so. These requirements may be modified by the Officer in Charge, Marine Inspection where the inspection is performed, according to the design characteristics of such cargo gear.

(b) Nondestructive tests, such as radiography, ultrasonic, electronic or other methods, may be utilized to determine the condition of heavy lift gear after it has been unit tested, provided such methods are acceptable to the Officer in Charge, Marine Inspection, having cognizance of the tests. However no deviations or modifications shall be permitted to lessen the requirements for cargo gear inspection as set forth in § 71.47-70 and the maintenance of the applicable cargo gear records as set forth in § 71.47-75.

§ 71.47-15 Cargo gear plans required when plans are not approved by classification society.

(a) For a new vessel or a vessel applying for initial inspection, the following plans of cargo gear shall be submitted in triplicate to the Officer in Charge, Marine Inspection, having jurisdiction for approval:

(1) Plans showing a stress diagram with the principal details of the gear.

(2) Plans containing a diagram showing the arrangement of the assembled gear and indicating the safe working load for each component part.

(b) The safe working load on which the design of any component part of the cargo gear is to be based, shall be taken as the maximum resultant load upon the component part in the design condition assumed. The safe working load of the assembly is the load the gear is approved to lift, excluding the weight of the gear itself.

(c) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 71.47-20 Cargo gear plans approved by a classification society.

(a) The plans required by § 71.45-1 (a) need not be submitted to the Officer in Charge, Marine Inspection, for approval if such plans are or have been approved by the American Bureau of Shipping or similar classification society recognized by the Commandant.

(b) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 71.47-25 Factors of safety.

(a) In the design of the cargo gear, the safety factors in Table 71.47-25(a) taken in association with suitable design assumptions for actual loading conditions, shall be used and regarded as minima.

TABLE 91.47-25(a)

Safe working loads for component parts	Safety factors based on—		
	Ultimate strength	Yield point	Breaking test load
All metal structural parts, except steel booms:			
When the working load of the assembled gear is 10 tons or less	1.5		
When the working load of the assembled gear is 13 tons or over	1.4		
Steel booms:			
When the working load of the assembled gear is 10 tons or less		1.3	
When the working load of the assembled gear is 13 tons or over		1.2½	
Wooden structural parts	8		
Chains	4½		
Wire rope:			
For working loads 10 tons ¹ or under			5
For working loads over 10 tons ¹			4
Fiber rope:			
When intended for running rigging	7		
When intended for fixed gears and vang	5		

¹ For working loads between 10 and 13 tons, intermediate values of safety factors may be used.

TABLE 71.47-30(a) (3)

Article of gear	Proof load
Chains, rings, hooks, links, shackles, swivels	Twice the safe working load.
Single sheave block	Four times the safe working load. ¹
Multiple sheave block with safe working load up to and including 20 tons. ¹	Twice the safe working load.
Multiple sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple sheave block over 40 tons	One and a half times the safe working load.
Roller chains (pitched chains) used with hand operated chain falls, and rings, hooks, shackles, or swivels permanently attached thereto.	Do.
Chain fall blocks used with roller chains (pitched chains), and rings, hooks, shackles, or swivels permanently attached thereto.	Do.

¹ The proof load applied to the block is equivalent to twice the maximum resultant load on the eye or pin when lifting the safe working load attached to a rope which passes around the sheave of the block. The proof load is, therefore, equal to four times the safe working load or twice the safe working load when the load is attached directly to the block instead of a rope passing around the sheave.

(b) All chains, rings, hooks, links, shackles, swivels, blocks, and any other loose gear whether accessory to a machine or not, but which is used or intended for use as ship's cargo gear, shall bear a mark or number by which each piece can be identified and shall be listed on a loose gear certificate. The safe working load "SWL" shall be marked on all blocks.

(c) The loose gear certificate shall show the distinguishing number or mark applied to the article of gear; a description of the article of gear; the date when the test proof load was applied; and the safe working load. The forms for loose gear certificates shall be as prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes of this section.

(d) After being tested all of the gear shall be examined to ascertain whether any part has been damaged, permanently deformed by the test or has other visible defects. The pins and sheaves of all tested blocks shall be removed for

(b) The Commandant will give consideration to the use of factors of safety differing from those given in Table 71.47-25(a) where special materials or cargo gear of special design are to be used.

§ 71.47-30 Loose gear certificates and tests.

(a) (1) Evidence of compliance with the proof load test requirements in this section for all chains, rings, hooks, links, shackles, swivels, blocks, and any other loose gear whether accessory to a machine or not, but which is used as ship's cargo gear, shall be listed on an appropriate certificate.

(2) This evidence of test and the recording thereof is required only once with respect to each article of gear so long as each article is identified and the certificates required are available on the vessel.

(3) Proof loads applied to the articles of loose gear shall be as shown in Table 71.47-30(a) (3).

least five times the safe working load or at least four times the safe working load if part of gear with a lifting capacity of over 10 tons;

(2) The name and address of the manufacturer;

(3) The diameter of the rope in inches and/or fractions thereof;

(4) The number of strands and the number of wires in each strand;

(5) The quality of the wire (e.g. improved plow steel);

(6) The date of the test; and,

(7) The load at which the sample broke.

(b) The forms for the wire rope certificates shall be as prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes described in this section.

(c) In addition to the manufacturers' or testing agencies' attestations, a sample of the wire rope may be tested to destruction if required by the marine inspector when a visual inspection indicates an apparent defective condition.

§ 71.47-40 Proof test of cargo gear as a unit.

(a) Winches with their accessory gear, including the derricks and attachments, at least once in each four years, shall be tested as a unit with proof loads exceeding the safe working load as set forth in Table 71.47-40(a).

TABLE 71.47-40(a)

Safe working load of assembled gear	Proof load
Not exceeding 20 tons	25 percent in excess.
Over 20 tons but not exceeding 50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

(b) The proof load applied to winches and their gear shall be lifted with the ship's normal tackle, including the winches, and with the boom at an angle which should not be greater than 15 degrees to the horizontal or to the lowest angle approved in association with the design, or when these angles are impracticable to the lowest practicable angle. When the load has been lifted, it shall be swung as far as possible in both directions.

(1) Where electrical winches are fitted with electromagnetic brakes, or where electrohydraulic winches are fitted with electromagnetic or hydraulic brakes at the winch, mechanical brakes for manual operations will not be required, but if so fitted shall be in satisfactory operating condition.

(2) Current for electric winch operation during the test shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

(c) Cranes and other hoisting machines with their accessory gear, at least once in each four years, shall be tested with a proof load which shall exceed the safe working load as set forth in Table 71.47-40(a).

(d) The proof load applied to cranes and hoists shall be lifted, topped and swung (slewed) as far as possible in each direction. If the boom of the crane has a movable radius, it shall be tested with a proof load as set forth in this section

this purpose. If damaged during these tests, such gear shall be satisfactorily repaired or replaced.

(e) The required examinations as set forth in paragraph (d) of this section may be accomplished by mechanical, electrical, or other means provided the method employed is equal in efficiency to the visual examination of disassembled gear.

§ 71.47-35 Test and certification of wire rope.

(a) All wire rope used as shipboard cargo gear shall be able to withstand a breaking test load of at least five times the safe working load. In the case of gear with a lifting capacity of over 10 tons, the breaking test load of wire rope shall be at least four times the safe working load. All wire rope shall be identified and described in a wire rope certificate. Such certificate shall be furnished and attested to by the manufacturer or a testing agency and shall certify:

(1) The breaking test load of a sample of the wire rope, which should be at

at the maximum and minimum radii of the boom. In the case of hydraulic cranes whose capacity is limited by pressure, and with which it is not possible to lift a load 25 percent in excess of the safe working load, the greatest possible load in excess of the safe working load, shall be used. These tests and the amounts of the loads shall be recorded.

(e) After satisfactory completion of the proof load testing of the cargo gear in accordance with paragraphs (a), (b), (c), and (d) of this section, the cargo gear and all component parts shall be given a thorough visual examination, supplemented as necessary by other means such as a hammer test or with electronic or ultrasonic devices, to determine if any of the parts were damaged, deformed, or otherwise rendered unsafe for further use. If found defective, such gear shall be replaced.

(1) When the test is being conducted for the first time on a vessel, accessory gear shall be dismantled or disassembled for examination after the test. The sheaves and pins of the blocks included in this test need not be removed unless there appears to be evidence of deformation or failure.

(2) For subsequent tests such parts of the machinery and gear shall be dismantled and/or disassembled after the test as necessary to determine its suitability for continued service.

(f) Appropriate means shall be provided to prevent the foot of the boom from being accidentally lifted from the socket during the test.

(g) Vessels whose cargo gear has been in use but are without the valid registers and certificates described in § 71.25-25 will be inspected for defective cargo gear. The gear shall then be tested and examined as prescribed in this section. If the movable weights for proof testing are not reasonably available, a spring or hydraulic scale certified for accuracy may be used. Whenever such scales are used, the proof load shall be applied with the boom swung out as far as possible in one direction and then in the other direction, and at such intermediate positions as may be indicated. At any position, the indicator of the scale must maintain a constant reading under the proof load for a period of five minutes.

(h) On all types of winches and cranes efficient means shall be provided to stop and hold the proof load in any position, and the efficiency of such means shall be demonstrated.

(1) Electric winches, electrohydraulic winches fitted with electromagnetic or hydraulic brakes at the winch, or cranes shall be equipped so that a failure of the electric power shall stop the motion and set the brakes without any action on the part of the operator.

(2) Current for electric winch and crane operations during the tests shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

§ 71.47-45 Marking of booms and cranes.

(a) The safe working load (abbreviated "SWL") for the assembled gear shall be marked on the heel of each boom with

the minimum angle to the horizontal for which the gear is designed. These letters and figures shall be in contrasting colors to the background and at least one inch in height.

(b) Where booms are rated at varying capacities depending on the radii, tables indicating the maximum safe working loads for the various working angles of the boom and the maximum and minimum radii at which the boom may be safely used shall be conspicuously posted near the controls and visible to the operator when working the gear.

§ 71.47-50 Use of wire rope and chains.

(a) An eye splice made in any wire rope used as cargo gear, with or without a thimble, shall have at least three tucks with whole strands and two tucks with one half of the wire cut from the tucking strand: *Provided*, That this requirement shall not preclude the use of any other form of splice or connection if it is as efficient as the splice specified.

(b) Single wire rope cargo falls, wire rope pendants, topping lifts and preventers shall consist of clear lengths without splices except at the working ends. Wire rope clips shall not be used to form eyes in the working ends of single wire rope cargo falls.

(c) Wire rope shall not be used for shipboard cargo gear if in any length of 8 diameters, the number of broken wires exceeds ten percent of the total number of wires in the rope, or if the rope shows other signs of excessive wear, corrosion, kinking or defect.

(d) Hoisting or sling chains used for shipboard cargo gear shall not be used if a length of chain has been stretched more than five percent of the original length, or the chain has become unsafe through overloading or faulty heat treatment, or whenever other external defects are evident.

(e) Chains used for shipboard cargo gear shall not be shortened by knotting, bolting, or wiring the links. The use of chains having a knot or kink as shipboard cargo gear is prohibited.

§ 71.47-55 Annealing.

(a) Chains, hooks, rings, links, shackles, and swivels of wrought iron used as cargo gear shall be annealed at the following intervals:

(1) Wrought iron chains and gear in general use and of one half inch or less, once at least in every six months.

(2) All other wrought iron chains and gear, including topping lift chains, in general use, at least once in every twelve months.

(b) The annealing shall be done in a suitable closed oven and not over an open fire. Wrought iron shall be annealed at a temperature of between 1100° and 1200° Fahrenheit for a period of between 30 and 60 minutes. After being annealed, the article shall be allowed to cool slowly and shall be then tested completely for defects.

(c) Heat treatment of the cargo gear shall be done only by reputable firms having suitable equipment and personnel trained for this purpose. A certificate attesting to the annealing of all gear heat treated shall be furnished to the vessel.

(d) The heat treatment of chains, hooks, rings, links, shackles, and swivels of materials other than wrought iron used as cargo gear, if required, shall be effected in accordance with the manufacturer's instructions.

§ 71.47-60 Additions to gear.

(a) When articles of loose gear and/or wire rope conforming with the requirements in this subpart are added to installed gear, or used as replacements in such gear from time to time a record shall be maintained on the vessel which shall identify each article and the certificate accompanying it.

§ 71.47-65 Alterations, renewals, or repairs of cargo gear.

(a) Whenever important repairs, renewals, or alterations are indicated or intended for the masts, booms, and permanent fittings of the cargo gear, such repairs, renewals, or alterations shall be undertaken only after compliance with the applicable provisions of § 71.55-1.

(b) Tests and examinations of the repairs, renewals, or alterations will be in accordance with the provisions of § 71.47-40.

(c) When welding is used to lengthen alter, or repair chains, rings, hooks, links shackles, or swivels, they shall be properly heat treated and shall before being again put into use, be tested and examined in accordance with the provision of § 71.47-30.

§ 71.47-70 Responsibility of ship's officer for inspection of cargo gear.

(a) All wire rope, chains other than bridle chains attached to booms or masts and all rings, hooks, links, shackles swivels and blocks used in loading or unloading shall be visually inspected by a ship's officer designated for that purpose by the master.

(b) These inspections by a ship's officer shall be made at frequent intervals and in any event not less than once in each month.

(c) Immediately after such an inspection by a ship's officer notations of such an inspection shall be made in record form which shall be in or kept with the cargo gear register if carried. In addition, the same notations of inspections together with the dates shall be entered in the Official Logbook for those vessels required to carry this record, or such information shall be kept with the log records maintained on vessels not required to carry the Official Logbook. (See § 71.47-75 for entries required to be kept.)

§ 71.47-75 Records regarding cargo gear.

(a) The cargo gear records describe in this subpart shall be maintained on the vessel and shall be made available to Coast Guard officials upon request. These records shall be kept for the periods of time they are valid and, in addition, until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained on the vessel so long as the gear described in such certificates is on board the vessel.

(b) The records of all the inspections of cargo gear made by the ship's officers in accordance with § 71.47-70 shall be maintained on the vessel for periods of time which agree with those periods as covered by the current Coast Guard certificate of inspection issued to the vessel. These records shall show the dates of inspections, identify articles inspected, the conditions observed, and the name of the officer performing the inspection.

(c) The records of all tests and examinations conducted by or under the supervision of surveyors of the organizations or associations approved by the Commandant shall be maintained on the vessel.

(d) The Coast Guard will not issue cargo gear certificates and/or registers. The Coast Guard's records of inspections, tests, and examinations of a particular vessel's cargo gear made by a marine inspector or conducted under the supervision of the Coast Guard will be maintained in the office of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel at the time such work was performed. The original certificates or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear shall be maintained on the vessel.

§ 71.47-80 Advance notice that cargo gear testing is desired.

(a) The owner, agent, or master of a vessel shall give an advance notice when it is desired that the tests and examinations of cargo gear be made by or under the supervision of the marine inspector. This advance notice shall be given to the Officer in Charge, Marine Inspection, in whose marine inspection zone the vessel is available for such inspection and examination.

(b) For the initial inspection and examination of cargo gear by the Coast Guard, the advance notice shall be to the cognizant Officer in Charge, Marine Inspection, as early as possible and shall include sketches and/or drawings showing each unit of cargo gear, the identification of component parts and the safe working loads. Copies of original certificates of manufacturers and/or testing laboratories, companies, or organizations maintained on the vessel may be accepted by the cognizant Officer in Charge, Marine Inspection, when satisfied such certificates properly describe the qualities of the component parts of the gear in question.

§ 71.47-85 Responsibility for conducting required tests and examinations.

(a) The vessel's owners and/or operators shall furnish and pay the expenses required in conducting the tests and examinations prescribed by the regulations in this subpart, including the supplying of all instruments, other equipment, and personnel including personnel supervision for performance of all work required.

(b) The Coast Guard's participation in these required tests and examinations shall be confined to witnessing required tests and examinations with the view to determining whether or not the gear is

satisfactory for the purpose intended. In the event it is determined that the gear is defective or unable to meet the standards set forth in this subpart, such gear, or portions thereof, shall be replaced to the satisfaction of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel.

Subpart 71.65—Plan Approval

3. Section 71.65-5(b) is amended by adding a new subparagraph (13) reading as follows:

§ 71.65-5 Plans and specifications required for new construction.

* * * * *

(b) * * * * *
(13) *Arrangement of the cargo gear including a stress diagram. The principal details of the gear and the safe working load for each component part shall be shown.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4423, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, sec. 14, 24 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, as amended; 46 U.S.C. 361, 362, 391-392, 399, 400, 404-409, 411, 412, 435, 481, 482, 483, 366, 395, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 78—OPERATIONS

Subpart 78.80—Power-Operated Industrial Trucks

1. Part 78 is amended by adding at the end thereof a new Subpart 78.80, entitled "Power-Operated Industrial Trucks," consisting of §§ 78.80-1 to 78.80-35, inclusive, reading as follows:

Sec.	
78.80-1	Application.
78.80-3	Alternates.
78.80-5	Definitions of terms used in subpart.
78.80-7	Approved power-operated industrial trucks.
78.80-10	Use of power-operated industrial trucks in various locations.
78.80-15	Special operating conditions.
78.80-20	Refueling.
78.80-25	Charging or replacing batteries.
78.80-30	Stowage of power-operated industrial trucks aboard a vessel.
78.80-35	Stowage of fuel handling devices aboard a vessel.

AUTHORITY: §§ 78.80-1 to 78.80-35 issued under R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4472, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152 and sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 170, 481, 489, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

§ 78.80-1 Application.

(a) *Power-operated industrial trucks.*

(1) Except as provided in subparagraph (3) of this paragraph, power-operated

industrial trucks carried on board vessel as part of the vessel's equipment for handling materials of any kind shall be in compliance with the applicable provisions of this subpart.

(2) Except as provided in subparagraph (3) of this paragraph, power-operated industrial trucks placed on board vessels for handling materials of any kind shall be in compliance with the applicable provisions of this subpart when such vessels are within the navigable waters of the United States, its territories and possessions but not including the Panama Canal Zone.

(3) When power-operated industrial trucks are used in spaces not containing dangerous or hazardous articles, as set forth in § 78.80-10(f) of this subpart, the installation of the minimum safety features of § 78.80-7(c) shall be carried out at the earliest opportunity but in any case not later than July 1, 1963.

(b) *Vessels.* (1) Vessels shall be in compliance with the applicable provisions of this subpart during those periods of time when power-operated industrial trucks are on board as part of the vessel's equipment or when such trucks are placed on board for handling materials of any kind.

NOTE: The regulations affecting the use of power-operated industrial trucks on foreign vessels are in Part 146 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels), or in the case of foreign tank vessels in Subpart 35.70 of Subchapter D (Tank Vessels) of this chapter.

§ 78.80-3 Alternates.

(a) In cases of undue hardship resulting from unavoidable delays in bringing existing power-operated industrial trucks into compliance with the applicable provisions of this subpart, the Commandant may permit the use of alternate equipment, apparatus, or arrangement for such period of time, and to such extent, and upon such conditions as will assure, to the Commandant's satisfaction, a degree of safety consistent with the minimum standards as set forth in this subpart.

(b) The methods and procedures adopted in connection with the modification of existing equipment to meet required laboratory designations will be taken into consideration in granting permission to use alternate arrangements for a limited period of time.

§ 78.80-5 Definitions of terms used in subpart.

(a) Power-operated industrial trucks are considered to be tractors, lift trucks, and other specialized industrial trucks used for material handling on board a vessel.

(b) For the purpose of the regulations in this subpart, the words "flammable" and "inflammable" are interchangeable or synonymous terms.

§ 78.80-7 Approved power-operated industrial trucks.

(a) Where approved power-operated industrial trucks are required by the regulations in this subchapter such approved trucks shall have a specific designation of a recognized testing labora-

tory. The following laboratories are recognized for the specific type designations listed:

(1) Underwriters' Laboratories, Inc. (Mailing address, P.O. Box 247, Northbrook, Illinois) for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(2) Factory Mutual Laboratories, Engineering Division, 1115 Boston-Providence Turnpike, Norwood, Massachusetts for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(b) Description of recognized testing laboratory type designations are as follows:

(1) The "E" designated units are electrically powered units that have minimum acceptable safeguards against inherent fire hazards.

(2) The "EE" designated units are electrically powered units that have, in addition to all of the requirements for the "E" units, the electric motors and all other electrical equipment completely enclosed. In certain locations the "EE" unit may be used where the use of an "E" unit may not be considered safe.

(3) The "EX" designated units are electrically powered units that differ from the "E" and "EE" units in that the electrical fittings and equipment are so designed, constructed and assembled that the units may be used in certain atmospheres containing flammable vapors or dusts.

(4) The "G" designated units are gasoline powered units having minimum acceptable safeguards against inherent fire hazards.

(5) The "GS" designated units are gasoline powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where the use of a G unit may not be considered safe.

(6) The "LP" designated units are similar to the "G" units except that they are liquefied petroleum gas engine powered instead of gasoline powered.

(7) The "LPS" designated units are units similar to the "GS" units except that liquefied petroleum gas is used for fuel instead of gasoline.

(8) The "D" designated units are units similar to the "G" units except that they are diesel engine powered instead of gasoline engine powered.

(9) The "DS" designated units are diesel powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where a "D" unit may not be considered safe.

(c) In addition to the construction and design safety features required in order to obtain a recognized laboratory type designation, approved power-operated industrial trucks shall have at least the following minimum safety features where applicable:

(1) Power-operated industrial trucks shall be equipped with a warning horn, whistle, or gong, or other device that can be heard clearly above the normal shipboard noises.

(2) Wherever power-operated industrial truck operation exposes the operator to danger from falling objects, the truck shall be equipped with a driver's overhead guard. Where overall height of the truck with forks in the lowered position is limited by head room conditions the overhead guard may be omitted.

NOTE: This overhead guard is only intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application. It is impractical to build a guard of sufficient strength to withstand the impact of a capacity load since such a guard would constitute a safety hazard because its structure would be so large that it might interfere with good visibility and would weigh so much that it might make the truck top-heavy and unstable.

(3) Power-operated fork lift trucks which handle small objects or unstable loads shall be equipped with a vertical load back rest or rack which shall have height, width and strength sufficient to prevent the load, or part of it, from falling toward the mast when the mast is in a position of maximum backward tilt.

(4) The forks on power-operated fork lift trucks shall be secured to the carriage so that unintentional lifting of the toe shall not occur on such application where this lifting may create a hazard. The factor of safety of forks shall be at least 3 to 1, based on the elastic limit of the material.

(5) Fork extensions or other attachments shall be suitably secured to prevent unintentional lifting or displacement on primary forks.

(6) All exposed wheels shall be provided with guards to prevent the wheels from throwing particles at the operator.

(7) Unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin, the steering knob, if used, shall be of a mushroom type to engage the palm of the operator's hand, or shall be arranged in some other manner to prevent injury. The knob shall be mounted within the perimeter of the wheel.

(8) All steering controls shall be confined within the clearances of the truck, or so guarded that movement of the controls shall not result in injury to the operator when passing obstructions, stanchions, etc.

§ 78.80-10 Use of power-operated industrial trucks in various locations.

(a) *Spaces containing explosives.* (1) Except as otherwise provided in this paragraph, power-operated industrial trucks shall not be used in a space in which Class A, Class B, or Class C explosives are stowed.

NOTE: Class A, Class B and Class C explosives are defined in Part 146 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(2) The Commandant may grant authority for the use of approved power-operated industrial trucks with a recognized testing laboratory designation of EX in spaces in which Class A, Class B or Class C explosives are stowed when it can be shown that such trucks can be used with safety.

(3) In a space in which packaged small arms ammunition without explosive bullets is stowed, only approved power-operated industrial trucks with recognized testing laboratory designation of EX, EE, LPS, GS and DS may be used for handling cargo including the handling of such packaged small arm ammunition.

(b) *Spaces containing flammable liquids.* (1) In a space in which packaged flammable liquids are stowed, only approved power-operated industrial truck with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS may be used for handling cargo including the handling of such packaged flammable liquids.

(c) *Spaces containing flammable solids or oxidizing materials.* (1) In a space in which packaged flammable solids or oxidizing materials are stowed only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS may be used for handling cargo including the handling of such packaged flammable solids or oxidizing materials.

(2) When flammable solids or oxidizing materials are contained in closed cargo vans or closed containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 78.80-7(c) may be used in the spaces.

(3) When oxidizing materials in bulk are stowed in the holds or compartment any approved commercial type power-operated industrial truck may be used in the spaces.

(d) *Spaces containing hazardous articles of a fibrous nature.* (1) In a space in which packaged hazardous articles of a fibrous nature are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS and DS may be used for handling cargo including the handling of such packaged hazardous articles of a fibrous nature.

(2) When hazardous articles of a fibrous nature are contained in closed cargo vans or closed portable containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 78.80-7(c) may be used in the spaces.

(e) *Spaces containing other dangerous cargoes and hazardous articles.* (1) In a space in which dangerous cargoes or hazardous articles subject to the regulations in Part 146 of this chapter, except those provided for in paragraphs (a), (b), (c) and (d) of this section, any approved power-operated industrial truck may be used to handle cargo including the handling of such dangerous cargoes or hazardous articles.

(f) *Other spaces.* (1) Any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 78.80-7(c) may be used in spaces and for handling cargo in spaces

not otherwise restricted by regulation in this subpart.

§ 78.80-15 Special operating conditions.

(a) Notification shall be given to the master or senior deck officer on board before placing power-operated industrial trucks in use aboard the vessel.

(b) When power-operated industrial trucks are in use on board vessels subject to the regulations in this subchapter, they shall be in a safe operating condition.

(c) Spaces exposed to carbon monoxide or other hazardous vapors from the exhausts of power-operated industrial trucks shall have adequate ventilation. The concentration of carbon monoxide shall be kept below 100 parts per million in the holds and intermediate decks where persons are working. When necessary, portable blowers of adequate size and location shall be utilized.

(d) The parts and/or equipment of any power-operated industrial truck requiring replacement shall be replaced only by parts and/or equipment equivalent in safety when installed with those used in the original design.

(e) Any truck that emits sparks or flames from the exhaust system shall immediately be removed from service, and not again returned to service until the cause for the emission of such sparks or flames has been eliminated.

(f) When the temperature of any part of the truck is found to be in excess of a safe operating temperature, the truck shall be removed from service until such overheating has been corrected.

(g) Operation of trucks shall be halted immediately and the engines or motors secured, whenever an emergency condition arises aboard the vessel.

(h) Operation of trucks shall be halted immediately and the engines or motors secured in the event of breakage or leakage of containers used for the carriage of flammable liquids, flammable solids or oxidizing materials.

(i) The rated capacity of a truck shall at all times be posted on the truck in a conspicuous place and such capacity shall not be exceeded.

(j) At least one approved 2-pound dry chemical hand portable fire extinguisher, or its approved equivalent, shall be affixed to the truck in a readily accessible position or kept in close proximity available for immediate use.

(k) Vessel's fire-fighting equipment, both fixed (where installed) and portable, in vicinity of space being worked shall be kept ready for immediate use.

§ 78.80-20 Refueling.

(a) *When permitted.* Power-operated industrial trucks are not permitted to be refueled in the hold of a vessel or on the weather deck except under the following conditions:

(1) Trucks using gasoline as fuel may be refueled in the hold or on the weather deck of a vessel only when such refueling is done with an acceptable portable non-spilling fuel handling system of not over 5 gallons capacity. Transfer of gasoline to these portable non-spilling fuel handling devices is not permitted on board the vessel.

(2) Power-operated industrial trucks using liquefied petroleum gas as fuel may be refueled in the hold or on the weather deck of a vessel only when fitted with removable tanks and provided the hand-operated shut-off valve of the depleted tank is closed and the engine is run until it stalls from lack of fuel before the quick disconnect fitting is opened. In addition, the quick disconnect fitting shall be attached to the fuel tank before the hand-operated shut-off valve is re-opened.

(3) Power-operated industrial trucks using diesel oil as fuel may be refueled on the weather deck or in the hold of a vessel by means of portable containers of not over 5-gallon capacity. These trucks may also be refueled on the weather deck of a vessel or portable containers refilled from a larger container provided a suitable pump is used for the transfer operation and a drip pan of adequate size is supplied.

(b) *General requirements.* The following conditions must be met when refueling power-operated industrial trucks in the hold of a vessel or on the weather deck under the circumstances listed in paragraph (a) of this section:

(1) Refueling shall be under the direct supervision of an experienced and responsible person specifically designated for such job by the person in charge of the loading or unloading of the vessel.

(2) No refueling shall be undertaken with less than 2 persons specifically assigned and present for the complete operation, at least one of whom shall be experienced in using the portable fire extinguishers required in the fueling area.

(3) At least one approved 4-pound dry chemical hand portable fire extinguisher, or its approved equivalent shall be provided at the scene of the fueling area. This is in addition to portable extinguisher affixed to the truck in accordance with § 78.80-15(j).

(4) The location for refueling trucks shall be designated by the master or senior deck officer on board the vessel. "No Smoking" signs shall be posted in the area and smoking shall be prohibited.

(5) The location designated for refueling shall be adequately ventilated so as to insure against accumulation of a hazardous concentration of vapors. The ventilation requirements of § 78.80-15(c) when trucks are operating shall also apply when trucks are being refueled.

(6) Truck engines of all trucks in the same hold shall be stopped before any truck in that hold is refueled and before any fuel handling devices or unmounted liquefied petroleum gas cylinders are placed in the hold.

(7) All fuel handling devices and unmounted liquefied petroleum gas containers shall be removed from the hold before any truck engine is started and the trucks again placed in operation.

§ 78.80-25 Charging or replacing batteries.

(a) Batteries for electrically-powered industrial trucks and for the ignition systems of internal combustion engine-powered industrial trucks may be changed in the hold of a vessel provided the following conditions are met:

(1) Suitable handling equipment shall be employed.

(2) Adequate precautions shall be taken to avoid damage to the battery, short circuiting of the battery and spillage of the electrolyte.

(b) Batteries of electrically-powered industrial trucks may be recharged in a hold of a vessel provided the following conditions are met:

(1) The batteries shall be housed in a suitable, ventilated, portable metal container with a suitable outlet at the top for connection of a portable air hose, or shall be placed directly beneath a suitable metal hood with a suitable outlet at the top for connection of a portable air hose. The air hose shall be permanently connected to an exhaust duct leading to the open deck and terminate in a gooseneck or other suitable weather head. If natural ventilation is not practicable or adequate, mechanical means of exhaust shall be employed in conjunction with the duct. The air outlet on the battery container shall be equipped with an interlock switch so arranged that the charging of the battery cannot take place unless the air hose is properly connected to the box.

(2) If mechanical ventilation is used, an additional interlock shall be provided between the fan and the charging circuit so that the fan must be in operation in order to complete the charging circuit for operation. It is preferable that this interlock switch be of a centrifugal type driven by the fan shaft.

(3) The hold shall not contain any cargo coming under the regulations in Part 146 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(4) The charging facilities may be part of the truck equipment or may be separate from the truck and located inside or outside the cargo hold. The supply or charging circuit (whichever method is used) shall be connected to the truck by a portable plug connection of the break-away type. This portable plug shall be so engaged with the truck battery charging outlet that any movement of the truck away from the charging station will break the connection between the plug and receptacle without exposing any live parts to contact with a conducting surface or object, and without the plug falling to the deck where it may become subject to injury.

(c) All unmounted batteries shall be suitably protected or removed from an area in the hold of the vessel before trucks are operated in that area.

§ 78.80-30 Stowage of power-operated industrial trucks aboard a vessel.

(a) Power-operated industrial trucks may be stowed in any location aboard a vessel provided the following conditions are met:

(1) Gasoline powered trucks shall have all the fuel expended from the system.

(2) Liquefied petroleum gas powered trucks shall have the fuel tanks removed and all the fuel expended from the system.

(b) Power-operated industrial trucks not meeting the conditions set forth in

paragraph (a) of this section shall be stowed on the open deck except for intervals such as lunch hours, between work shifts, interdock and intraport movements. If stowed in a fixed metal enclosure located on or above the weather deck, such enclosure shall have access from the weather deck only and shall have adequate ventilation, so arranged as to remove vapors from both the upper and lower portions of the space.

§ 78.80-35 Stowage of fuel handling devices aboard a vessel.

(a) Flammable liquids and gases to be used as fuels for power-operated industrial trucks shall be marked, labeled and stowed as follows:

(1) They shall be stowed in ICC specification containers, A.S.M.E. containers or portable safety containers having the approval of a recognized testing laboratory, which containers are authorized for the contents.

(2) Containers shall be marked with the name of the contents and shall be labeled in accordance with ICC requirements as follows:

(i) Flammable liquids—"Red Label"; or,
(ii) Flammable gases—"Red Gas Label".

(3) Containers shall be stowed on or above the weather deck in locations designated by the master. ICC specification containers, A.S.M.E. containers, or portable safety containers having the approval of a recognized testing laboratory may be stowed below the weather deck in a paint or lamp locker provided such containers do not exceed 5 gallons capacity each.

(b) Diesel fuel shall be stowed in locations designated by the master.

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 91—INSPECTION AND CERTIFICATION

Subpart 91.25—Inspection for Certification

1. Section 91.25-25 is amended by revising paragraph (a) (3) and by adding new paragraphs (b), (c), (d) and (e), reading as follows:

§ 91.25-25 Hull equipment.

(a) * * *

(3) An inspection of the cargo gear shall be required. The inspection may consist of tests and examinations to determine the condition and suitability of the cargo gear. Current valid certificates and registers of cargo gear, issued by recognized non-profit organizations or associations approved by the Commandant, may be accepted as prima facie evidence of the condition and suitability of the cargo gear. Cargo gear certificates and registers will not be issued by the Coast Guard.

(b) Every acceptable cargo gear certificate and/or register shall be properly executed by a person authorized to do so and shall:

(1) Certify as to the tests and examinations conducted;

(2) Show the dates on which the tests and examinations were conducted; and

(3) Indicate that the cargo gear therein described complies with standards equal to or exceeding those set forth in Subpart 91.37.

(c) Competent persons for the purposes of this section and Subpart 91.37 are:

(1) Coast Guard marine inspectors;
(2) Surveyors of the organizations or associations approved by the Commandant;

(3) Such other persons as are authorized by the regulations in Subpart 91.37 as may be required; and,

(4) Responsible officials or employees of the testing laboratories, companies, or organizations who conduct tests of pieces of loose cargo gear, wire rope, or the annealing of gear as may be required.

(d) The registers issued in connection with cargo gear certification must have all required entries fully completed as of the dates indicated, shall be kept current, and shall include the following:

(1) A register of the cargo handling machinery and the gear accessory thereto carried on the vessel named therein;

(2) Certification of the testing and examination of winches, derricks, and their accessory gear;

(3) Certification of the testing and examination of cranes, hoists, and their accessory gear;

(4) Certification of the testing and examination of chains, rings, hooks, shackles, swivels, and blocks;

(5) Certification of the testing and examination of wire rope;

(6) Certification of the heat treatment of chains, rings, hooks, shackles, and swivels which require such treatment; and,

(7) Certification of the annual thorough examinations of gear not required to be periodically heat treated.

(e) It is the responsibility of the master to have a ship's officer inspect cargo gear when required by Subpart 91.37. For those inspected vessels which do not have valid cargo gear certificates and registers as provided by this section, such vessels will be required to have their shipboard cargo gear undergo tests and examinations in accordance with the provisions of Subpart 91.37.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4423, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 4, 49 Stat. 1935, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 392, 399, 400, 404-409, 411, 412, 435, 481, 366, 395, 363, 367, 660a, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 91.37—Inspection of Cargo Gear

2. Part 91 is amended by inserting after Subpart 91.35 a new Subpart 91.37, entitled "Inspection of Cargo Gear," consisting of §§ 91.37-1 to 91.37-85, inclusive, which reads as follows:

Sec.	
91.37-1	When made.
91.37-3	Definitions of terms and words used in this subpart.
91.37-5	Tests and examinations of shipboard cargo gear.
91.37-10	Cargo gear of special design and limited use.
91.37-15	Cargo gear plans required when plans are not approved by a classification society.
91.37-20	Cargo gear plans approved by a classification society.
91.37-25	Factors of safety.
91.37-30	Loose gear certificates and tests.
91.37-35	Test and certification of wire rope.
91.37-40	Proof test of cargo gear as a unit.
91.37-45	Marking of booms and cranes.
91.37-50	Use of wire rope and chains.
91.37-55	Annealing.
91.37-60	Additions to gear.
91.37-65	Alterations, renewals, or repairs of cargo gear.
91.37-70	Responsibility of ship's officer for inspection of cargo gear.
91.37-75	Records regarding cargo gear.
91.37-80	Advance notice that cargo gear testing is desired.
91.37-85	Responsibility for conducting required tests and examinations.

AUTHORITY: §§ 91.37-1 to 91.37-85 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 363, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

§ 91.37-1 When made.

(a) The specific tests and examinations shall be made at the intervals stated in the regulations in this subpart.

(b) A thorough examination of the assembled gear shall be made at least once in every year.

(c) An inspection to determine the condition and suitability of shipboard cargo gear will be made by a marine inspector at each inspection for certification. Inspections may be made at such other times as considered necessary by the Officer in Charge, Marine Inspection.

(d) For vessels fitted with cargo gear, an initial test of the assembled units under proof loads shall be conducted, followed by a complete dismantling or disassembling of such gear and a thorough examination of the parts to ascertain its condition. Subsequent tests of the assembled units under proof loads, followed by a dismantling or disassembling of such gear and a thorough examination shall be made once every 4 years, or oftener if necessary.

§ 91.37-3 Definitions of terms and words used in this subpart.

(a) *Cargo gear.* The term "cargo gear" includes masts, stays, booms, winches, cranes, elevators, conveyors, standing and running gear forming that part of the shipboard cargo gear used in connection with the loading or unloading of a vessel. This term does not include material handling gear and rigging of special design vessels used solely in dredging, pile driving, drilling for mineral deposits, and construction work.

(b) *Dismantling or disassembling of gear.* The "dismantling" or "disassembling" of gear contemplated is the taking apart of units of gear to the

extent necessary to determine the suitability of such gear for continued service and as may be specifically required to carry out the intent of a particular regulation in this subpart. After proof load tests the disassembling need not include the sheaves and pins of the blocks included in the test unless there appears to be evidence of deformation or failure.

(c) *Thorough examination.* The "thorough examination" contemplated is a visual examination, supplemented if necessary by other means such as by a hammer test or by a test with electronic or ultrasonic devices.

(d) *Ton.* The word "ton" means a ton of 2,240 pounds.

(e) *Safe working load.* The "safe working load" (SWL) contemplated is the load the gear is approved to lift, excluding the weight of the gear itself.

§ 91.37-5 Tests and examinations of shipboard cargo gear.

(a) For vessels fitted with cargo gear and without valid cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard, inspections shall be made by competent persons described in § 91.25-25

(c) (1) and (2) to determine the condition and suitability of the shipboard cargo gear. For the initial and subsequent quadrennial inspections, all the cranes, winches, hoists, derrick booms, derrick and mast bands, and all parts used in loading or unloading cargo shall be assembled in units and such assembled units shall then be tested under proof loads. The proof loads shall be handled for various types of units as required by specific regulations in this subpart. After the proof load tests of the assembled units of gear have been made, such gear shall be disassembled or dismantled so as to permit them to be thoroughly examined. The sheaves and pins of the blocks included in these proof load tests need not be removed unless there appears to be evidence of deformation or failure.

(b) For vessels fitted with cargo gear and holding valid cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard, the marine inspectors may accept such certificates as prima facie evidence of compliance with the requirements in this subpart. If an Officer in Charge, Marine Inspection, is in doubt as to the condition and suitability of shipboard cargo gear for such a vessel, the tests and examinations, or such portions thereof as deemed necessary, provided for in this subpart will be required.

(c) If any part or portion of the gear fails or becomes defective during such tests, such defective equipment shall be satisfactorily repaired or replaced.

§ 91.37-10 Cargo gear of special design and limited use.

(a) The regulations in this subpart shall apply to cargo gear of special design and limited use (derrick barges rigged for heavy lifts, cargo booms on self unloaders, etc.) only to the extent that it is practicable to do so. These requirements may be modified by the Officer in Charge, Marine Inspection, where the inspection is performed according to the design characteristics of such cargo gear.

(b) Nondestructive tests, such as radiography, ultrasonic, electronic or other methods, may be utilized to determine the condition of heavy lift gear after it has been unit tested, provided such methods are acceptable to the Officer in Charge, Marine Inspection, having cognizance of the tests. However, no deviations or modifications shall be permitted to lessen the requirements for cargo gear inspection as set forth in § 91.37-70 and the maintenance of the applicable cargo gear records as set forth in § 91.37-75.

§ 91.37-15 Cargo gear plans required when plans are not approved by a classification society.

(a) For a new vessel or a vessel applying for initial inspection, the following plans of cargo gear shall be submitted in triplicate to the Officer in Charge, Marine Inspection, having jurisdiction for approval:

(1) Plans showing a stress diagram with the principal details of the gear.

(2) Plans containing a diagram showing the arrangement of the assembled gear and indicating the safe working load for each component part.

(b) The safe working load on which the design of any component part of the cargo gear is to be based, shall be taken as the maximum resultant load upon the component part in the design conditions assumed. The safe working load of the assembly is the load the gear is approved to lift, excluding the weight of the gear itself.

(c) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 91.37-20 Cargo gear plans approved by a classification society.

(a) The plans required by § 91.37-15(a) need not be submitted to the Officer in Charge, Marine Inspection, for approval if such plans are or have been approved by the American Bureau of Shipping or similar classification society recognized by the Commandant.

(b) One approved copy of each set of cargo gear plans shall be retained on the vessel.

§ 91.37-25 Factors of safety.

(a) In the design of the cargo gear, the safety factors in Table 91.37-25(a), taken in association with suitable design

assumptions for actual loading conditions, shall be used and regarded as minima.

TABLE 91.37-25(a)

Safe working loads for component parts	Safety factors based on—		
	Ultimate strength	Yield point	Breaking test load
All metal structural parts, except steel booms:			
When the working load of the assembled gear is 10 tons or less.....	15 ¹		
When the working load of the assembled gear is 13 tons or over.....	14		
Steel booms:			
When the working load of the assembled gear is 10 tons or less.....		13	
When the working load of the assembled gear is 13 tons or over.....		12½	
Wooden structural parts.....	8		
Chains.....	4½		
Wire rope:			
For working loads 10 tons or under.....			5
For working loads over 10 tons.....			4
Fiber rope:			
When intended for running rigging.....	7		
When intended for fixed gear and vangs.....	5		

¹ For working loads between 10 and 13 tons, intermediate values of safety factors may be used.

(b) The Commandant will give consideration to the use of factors of safety differing from those given in Table 91.37-25(a) where special materials or cargo gear of special design are to be used.

§ 91.37-30 Loose gear certificates and tests.

(a) (1) Evidence of compliance with the proof load test requirements in this section for all chains, rings, hooks, links, shackles, swivels, blocks, and any other loose gear whether accessory to a machine or not, but which is used as ship's cargo gear shall be listed on an appropriate certificate.

(2) This evidence of test and the recording thereof is required only once with respect to each article of gear so long as each article is identified and the certificates required are available on the vessel.

(3) Proof loads applied to the articles of loose gear shall be as shown in Table 91.37-30(a) (3).

TABLE 91.37-30(a) (3)

Articles of gear	Proof load
Chains, rings, hooks, links, shackles, swivels.....	Twice the safe working load.
Single sheave block.....	Four times the safe working load. ¹
Multiple sheave block with safe working load up to and including 20 tons.....	Twice the safe working load.
Multiple sheave block with safe working load over 20 tons up to and including 40 tons.....	20 tons in excess of the safe working load.
Multiple sheave block over 40 tons.....	One and a half times the safe working load.
Roller chains (pitched chains) used with hand operated chain falls, and rings, hooks, shackles, or swivels permanently attached thereto.....	Do.
Chain fall blocks used with roller chains (pitched chains), and rings, hooks, shackles, or swivels permanently attached thereto.....	Do.

¹ The proof load applied to the block is equivalent to twice the maximum resultant load on the eye or pin when lifting the safe working load attached to a rope which passes around the sheave of the block. The proof load is, therefore, equal to four times the safe working load or twice the safe working load when the load is attached directly to the block instead of a rope passing around the sheave.

(b) All chains, rings, hooks, links, shackles, swivels, blocks and any other loose gear whether accessory to a machine or not, but which is used or intended for use as ship's cargo gear, shall bear a mark or number by which each piece can be identified and shall be listed on a loose gear certificate. The safe working load "SWL" shall be marked on all blocks.

(c) The certificate shall show the distinguishing number or mark applied to the articles of gear; a description of the articles of gear; the date when the test proof load was applied; and the safe working load. The forms for loose gear certificates shall be as prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes of this section.

(d) After being tested all of the gear shall be examined to ascertain whether any part has been damaged, permanently deformed by the test or has other visible defects. The pins and sheaves of all tested blocks shall be removed for this purpose. If damaged during these tests, such gear shall be satisfactorily repaired or replaced.

(e) The required examinations as set forth in paragraph (d) of this section may be accomplished by mechanical, electrical or other means provided the method employed is equal in efficiency to the visual examination of disassembled gear.

§ 91.37-35 Test and certification of wire rope.

(a) All wire rope used as shipboard cargo gear shall be able to withstand a breaking test load of at least five times the safe working load. In the case of gear with a lifting capacity of over 10 tons, the breaking test load of wire rope shall be at least four times the safe working load. All wire rope shall be identified and described in a wire rope certificate. Such certificate shall be furnished and attested to by the manufacturer or a testing agency and shall certify:

(1) The breaking test load of a sample of the wire rope, which should be at least five times the safe working load or at least four times the safe working load if part of gear with a lifting capacity of over 10 tons;

(2) The name and address of the manufacturer;

(3) The diameter of the rope in inches and/or fractions thereof;

(4) The number of strands and the number of wires in each strand;

(5) The quality of the wire (e.g. improved plow steel);

(6) The date of the test; and,

(7) The load at which the sample broke.

(b) The forms for the wire rope certificates shall be prescribed by and acceptable to associations or organizations approved by the Commandant and shall be suitable for the purposes described in this section.

(c) In addition to the manufacturers' or testing agencies' attestations, a sample of the wire rope may be tested to destruction if required by the marine

inspector when a visual inspection indicates an apparent defective condition.

§ 91.37-40 Proof test of cargo gear as a unit.

(a) Winches with their accessory gear, including the derricks and attachments, at least once in each four years, shall be tested as a unit with proof loads exceeding the safe working load as set forth in Table 91.37-40(a).

TABLE 91.37-40(a)

<i>Safe working load of assembled gear</i>	<i>Proof load</i>
Not exceeding 20 tons.	25 percent in excess.
Over 20 tons but not exceeding 50 tons.	5 tons in excess.
Over 50 tons.	10 percent in excess.

(b) The proof load applied to winches and their gear shall be lifted with the ship's normal tackle including the winches and with the boom at an angle which should not be greater than 15 degrees to the horizontal or to the lowest angle approved in association with the design, or when these angles are impracticable to the lowest practicable angle. When the load has been lifted, it shall be swung as far as possible in both directions.

(1) Where electrical winches are fitted with electromagnetic or hydraulic brakes at the winch, mechanical brakes for manual operation will not be required, but if so fitted shall be in satisfactory operating condition.

(2) Current for electric winch operation during the test shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

(c) Cranes and other hoisting machines with their accessory gear, at least once in each four years, shall be tested with a proof load which shall exceed the safe working load as set forth in Table 91.37-40(a).

(d) The proof load applied to cranes and hoists shall be lifted, topped and swung (slewed) as far as possible in each direction. If the boom of the crane has a movable radius, it shall be tested with a proof load as set forth in this section at the maximum and minimum radii of the boom. In the case of hydraulic cranes whose capacity is limited by pressure, and with which it is not possible to lift a load 25 percent in excess of the safe working load, the greatest possible load in excess of the safe working load shall be used. These tests and the amounts of the loads shall be recorded.

(e) After satisfactory completion of the proof load testing of the cargo gear in accordance with paragraphs (a), (b), (c) and (d) of this section, the cargo gear and all component parts shall be given a thorough visual examination, supplemented as necessary by other means such as a hammer test or with electronic or ultrasonic devices, to determine if any of the parts were damaged, deformed, or otherwise rendered unsafe for further use. If found defective, such gear shall be replaced.

(1) When the test is being conducted for the first time on a vessel, accessory gear shall be dismantled or disassembled for examination after the test. The sheaves and pins of the blocks included

in this test need not be removed unless there appears to be evidence of deformation or failure.

(2) For subsequent tests such parts of the machinery and gear shall be dismantled and/or disassembled after the test as necessary to determine its suitability for continued service.

(f) Appropriate means shall be provided to prevent the foot of the boom from being accidentally lifted from the socket during the test.

(g) Vessels whose cargo gear has been in use but are without the valid register and certificates described in § 91.25-2 shall be inspected for defective cargo gear. The gear shall then be tested and examined as prescribed in this section. If the movable weights for proof testing are not reasonably available, a spring or hydraulic scale certified for accuracy may be used. Whenever such scales are used the proof load shall be applied with the boom swung out as far as possible in one direction and then in the other direction and at such intermediate positions as may be indicated. At any position, the indicator of the scale must maintain a constant reading under the proof load for a period of five minutes.

(h) On all types of winches and cranes efficient means shall be provided to stop and hold the proof load in any position and the efficiency of such means shall be demonstrated.

(1) Electric winches, electrohydraulic winches fitted with electromagnetic or hydraulic brakes at the winch, or crane shall be equipped so that a failure of the electric power shall stop the motion and set the brakes without any action of the part of the operator.

(2) Current for electric winches and crane operation during the tests shall be taken from the ship's circuits. Shore current may be used if it passes through the ship's switchboard.

§ 91.37-45 Marking of booms and cranes.

(a) The safe working load (abbreviated "SWL") for the assembled gear shall be marked on the heel of each boom with the minimum angle to the horizontal for which the gear is designed. These letters and figures shall be in contrasting colors to the background and at least one inch in height.

(b) Where the boom is rated at varying capacities depending on the radius, tables indicating the maximum safe working loads for the various working angles of the boom and the maximum and minimum radii at which the boom may be safely used shall be conspicuously posted near the controls and visible to the operator when working the gear.

§ 91.37-50 Use of wire rope and chains:

(a) An eye splice made in any wire rope used as cargo gear, with or without a thimble, shall have at least three tucks with whole strands and two tucks with one half the wire cut from the tucking stand: *Provided*, That this requirement shall not preclude the use of any other form of splice or connection if it is as efficient as the splice specified.

(b) Single wire rope cargo falls, wire rope pendants, topping lifts and pre

venters shall consist of clear lengths without splices except at the working ends. Wire rope clips shall not be used to form eyes in the working ends of single wire rope cargo falls.

(c) Wire rope shall not be used for shipboard cargo gear if in any length of 8 diameters, the number of visible broken wires exceeds ten percent of the total number of wires in the rope, or if the rope shows other signs of excessive wear, corrosion, kinking, or defect.

(d) Hoisting or sling chains used for shipboard cargo gear shall not be used if a length of chain has been stretched more than five percent of the original length, or the chain has become unsafe through overloading or faulty heat treatment, or whenever other external defects are evident.

(e) Chains used for shipboard cargo gear shall not be shortened by knotting, bolting, or wiring the links. The use of chains having a knot or kink as shipboard cargo gear is prohibited.

§ 91.37-55 Annealing.

(a) Chains, hooks, rings, links, shackles, and swivels of wrought iron used as cargo gear shall be annealed at the following intervals:

(1) Wrought iron chains and gear in general use and of one-half inch or less, at least once in every six months.

(2) All other wrought iron chains and gear, including topping lift chains, in general use, at least once in every twelve months.

(b) The annealing shall be done in a suitable closed oven and not over an open fire. Wrought iron shall be annealed at a temperature of between 1100° and 1200° Fahrenheit for a period of between 30 and 60 minutes. After being annealed, the article shall be allowed to cool slowly and shall be then tested completely for defects.

(c) The heat treatment of the cargo gear shall be done only by reputable firms having suitable equipment and personnel trained for this purpose. A certificate attesting to the annealing of all gear heat treated shall be furnished to the vessel.

(d) The heat treatment of chains, hooks, rings, links, shackles, and swivels of materials other than wrought iron used as cargo gear, if required, shall be effected in accordance with the manufacturers' instructions.

§ 91.37-60 Additions to gear.

(a) When articles of loose gear and/or wire rope conforming with the requirements in this subpart are added to installed gear, or used as replacements in such gear from time to time, a record shall be maintained on the vessel which shall identify each article and the certificate accompanying it.

§ 91.37-65 Alterations, renewals, or repairs of cargo gear.

(a) Whenever important repairs, renewals, or alterations are indicated or intended for the masts, booms, and permanent fittings of the cargo gear, such repairs, renewals, or alterations shall be undertaken only after compliance with the applicable provisions of § 91.45-1.

(b) Tests and examinations of the repairs, renewals, or alterations shall be in accordance with the provisions of § 91.37-40.

(c) When welding is used to lengthen, alter, or repair chains, rings, hooks, links, shackles, or swivels, they shall be properly heat treated and shall before being again put into use, be tested and examined in accordance with the provisions of § 91.37-30.

§ 91.37-70 Responsibility of ship's officer for inspection of cargo gear.

(a) All wire rope, chains other than bridle chains attached to booms or masts, and all rings, hooks, links, shackles, swivels and blocks used in loading or unloading shall be visually inspected by a ship's officer designated for that purpose by the master.

(b) These inspections by a ship's officer shall be made at frequent intervals, and in any event not less than once in each month.

(c) Immediately after such an inspection by a ship's officer notations of such an inspection shall be made in record form which shall be in or kept with the cargo gear register if carried. In addition, the same notations of inspections together with the date shall be entered in the Official Logbook for those vessels required to carry this record, or such information shall be kept with the log records maintained on vessels not required to carry the Official Logbook. (See § 91.37-75 for entries required to be kept.)

§ 91.37-75 Records regarding cargo gear.

(a) The cargo gear records described in this subpart shall be maintained on the vessel and shall be made available to Coast Guard officials upon request. These records shall be kept for the periods of time they are valid and, in addition, until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained on the vessel so long as the gear described in such certificates is on board the vessel.

(b) The records of all the inspections of cargo gear made by the ship's officers in accordance with § 91.37-70 shall be maintained on the vessel for periods of time which agree with those periods as covered by the current Coast Guard certificate of inspection issued to the vessel. These records show the dates of inspections, identify articles inspected, the conditions observed, and the name of the officer performing the inspection.

(c) The records of all tests and examinations conducted by or under the supervision of surveyors of the organizations or associations approved by the Commandant shall be maintained on the vessel.

(d) The Coast Guard will not issue cargo gear certificates and/or registers. The Coast Guard's records of inspections, tests, and examinations of a particular vessel's cargo gear made by a marine inspector or conducted under the supervision of the Coast Guard will be

maintained in the office of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel at the time such work was performed. The original certificates or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear shall be maintained on the vessel.

§ 91.37-80 Advance notice that cargo gear testing is desired.

(a) The owner, agent, or master of a vessel shall give an advance notice when it is desired that the tests and examinations of cargo gear be made by or under the supervision of the marine inspector. This advance notice shall be given to the Officer in Charge, Marine Inspection, in whose marine inspection zone the vessel is available for such inspection and examination.

(b) For the initial inspection and examination of cargo gear by the Coast Guard, the advance notice shall be to the cognizant Officer in Charge, Marine Inspection, as early as possible and shall include sketches and/or drawings showing each unit of cargo gear, the identification of component parts and the safe working loads. Copies of original certificates of manufacturers and/or testing laboratories, companies, or organizations maintained on the vessel may be accepted by the cognizant Officer in Charge, Marine Inspection, when satisfied such certificates properly describe the qualities of the component parts of the gear in question.

§ 91.37-85 Responsibility for conducting required tests and examinations.

(a) The vessel's owners and/or operators shall furnish and pay the expenses required in conducting the tests and examinations prescribed by the regulations in this subpart, including the supplying of all instruments, other equipment, and personnel including personnel supervision for performance of all work required.

(b) The Coast Guard's participation in these required tests and examinations shall be confined to witnessing required tests and examinations with the view to determining whether or not the gear is satisfactory for the purpose intended. In the event it is determined that the gear is defective or unable to meet the standards set forth in this subpart such gear, or portions thereof, shall be replaced to the satisfaction of the Officer in Charge, Marine Inspection, having jurisdiction over the vessel.

Subpart 91.55—Plan Approval

3. Section 91.55-5(b) is amended by adding a new subparagraph (13) reading as follows:

§ 91.55-5 Plans and specifications required for new construction.

• * * *

(13) *Arrangement of the cargo gear including a stress diagram. The principal details of the gear and the safe working load for each component part shall be shown.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4423, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4490, as amended, sec. 3, 29 Stat. 129, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 392, 399, 400, 404-409, 411, 412, 435, 481, 482, 366, 395, 363, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 97—OPERATIONS

Subpart 97.70—Power-Operated Industrial Trucks

Part 97 is amended by adding at the end thereof a new Subpart 97.70 entitled, "Power-Operated Industrial Trucks," consisting of §§ 97.70-1 to 97.70-35, inclusive, reading as follows:

Sec.	
97.70-1	Application.
97.70-3	Alternates.
97.70-5	Definitions of terms used in subpart.
97.70-7	Approved power-operated industrial trucks.
97.70-10	Use of power-operated industrial trucks in various locations.
97.70-15	Special operating conditions.
97.70-20	Refueling.
97.70-25	Charging or replacing batteries.
97.70-30	Stowage of power-operated industrial trucks aboard a vessel.
97.70-35	Stowage of fuel handling devices aboard a vessel.

AUTHORITY: §§ 97.70-1 to 97.70-35 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4472, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 170, 481, 489, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

§ 97.70-1 Application.

(a) *Power-operated industrial trucks.*

(1) Except as provided in subparagraph (3) of this paragraph, power-operated industrial trucks carried on board a vessel as part of the vessel's equipment for handling materials of any kind shall be in compliance with the applicable provisions of this subpart.

(2) Except as provided in subparagraph (3) of this paragraph, power-operated industrial trucks placed on board vessels for handling materials of any kind shall be in compliance with the applicable provisions of this subpart when such vessels are within the navigable waters of the United States, its territories and possessions but not including the Panama Canal Zone.

(3) When power-operated industrial trucks are used in spaces not containing dangerous or hazardous articles, as set forth in § 97.70-10(f), the installation of the minimum safety features of § 97.70-7(c) shall be carried out at the earliest opportunity but in any case not later than July 1, 1963.

(b) *Vessels.* (1) Vessels shall be in compliance with the applicable provisions of this subpart during those periods of time when power-operated industrial trucks are on board as part of the ves-

sel's equipment or when such trucks are placed on board for handling materials of any kind.

NOTE: The regulations affecting the use of power-operated industrial trucks on foreign vessels are in Part 146 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels), or in the case of foreign tank vessels in Subpart 35.70 of Subchapter D (Tank Vessels) of this chapter.

§ 97.70-3 Alternates.

(a) In cases of undue hardship resulting from unavoidable delays in bringing existing power-operated industrial trucks into compliance with the applicable provisions of this subpart, the Commandant may permit the use of alternate equipment, apparatus, or arrangement for such period of time, and to such extent, and upon such conditions as will assure, to the Commandant's satisfaction, a degree of safety consistent with the minimum standards as set forth in this subpart.

(b) The methods and procedures adopted in connection with the modification of existing equipment to meet required laboratory designations will be taken into consideration in granting permission to use alternate arrangements for a limited period of time.

§ 97.70-5 Definitions of terms used in subpart.

(a) Power-operated industrial trucks are considered to be tractors, lift trucks, and other specialized industrial trucks used for material handling on board a vessel.

(b) For the purpose of the regulations in this subpart, the words "flammable" and "inflammable" are interchangeable or synonymous terms.

§ 97.70-7 Approved power-operated industrial trucks.

(a) Where approved power-operated industrial trucks are required by the regulations in this subchapter such approved trucks shall have a specific designation of a recognized testing laboratory. The following laboratories are recognized for the specific type designations listed:

(1) Underwriters' Laboratories, Inc. (Mailing address, P.O. Box 247, Northbrook, Illinois) for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(2) Factory Mutual Laboratories, Engineering Division, 1115 Boston-Providence Turnpike, Norwood, Massachusetts for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(b) Description of recognized testing laboratory type designations are as follows:

(1) The "E" designated units are electrically powered units that have minimum acceptable safeguards against inherent fire hazards.

(2) The "EE" designated units are electrically powered units that have, in addition to all of the requirements for the "E" units, the electric motors and all other electrical equipment completely enclosed. In certain locations the "EE"

unit may be used where the use of an "I" unit may not be considered safe.

(3) The "EX" designated units are electrically powered units that differ from the "E" and "EE" units in that their electrical fittings and equipment are designed, constructed and assembled so that the units may be used in certain atmospheres containing flammable vapors or dusts.

(4) The "G" designated units are gasoline powered units having minimum acceptable safeguards against inherent fire hazards.

(5) The "GS" designated units are gasoline powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where the use of a "G" unit may not be considered safe.

(6) The "LP" designated units are similar to the "G" units except that they are liquefied petroleum gas engine powered instead of gasoline powered.

(7) The "LPS" designated units are units similar to the "GS" units except that liquefied petroleum gas is used for fuel instead of gasoline.

(8) The "D" designated units are units similar to the "G" units except that they are diesel engine powered instead of gasoline engine powered.

(9) The "DS" designated units are diesel powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where a "D" unit may not be considered safe.

(c) In addition to the construction and design safety features required in order to obtain a recognized laboratory type designation, approved power-operated industrial trucks shall have at least the following minimum safety features where applicable:

(1) Power-operated industrial trucks shall be equipped with a warning horn, whistle, or gong, or other device that can be heard clearly above the normal shipboard noises.

(2) Wherever power-operated industrial truck operation exposes the operator to danger from falling objects, the truck shall be equipped with a driver's overhead guard. Where overall height of the truck with forks in the lower position is limited by head room conditions the overhead guard may be omitted.

NOTE: This overhead guard is only intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application. It is impractical to build a guard of sufficient strength to withstand the impact of a capacity load since such a guard would constitute a safety hazard because its structure would be so large that it might interfere with visibility and would weigh so much that it might make the truck top-heavy and unstable.

(3) Power-operated fork lift trucks which handle small objects or unstable loads shall be equipped with a vertical load back rest or rack which shall have height, width and strength sufficient to prevent the load, or part of it, from falling toward the mast when the mast is in a position of maximum backward tilt.

(4) The forks on power-operated fork lift trucks shall be secured to the ca-

riage so that unintentional lifting of the toe shall not occur on such application where this lifting may create a hazard. The factor of safety of forks shall be at least 3 to 1, based on the elastic limit of the material.

(5) Fork extensions or other attachments shall be suitably secured to prevent unintentional lifting or displacement on primary forks.

(6) All exposed wheels shall be provided with guards to prevent the wheels from throwing particles at the operator.

(7) Unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin, the steering knob, if used, shall be of a mushroom type to engage the palm of the operator's hand, or shall be arranged in some other manner to prevent injury. The knob shall be mounted within the perimeter of the wheel.

(8) All steering controls shall be confined within the clearances of the truck, or so guarded that movement of the controls shall not result in injury to the operator when passing obstructions, stanchions, etc.

§ 97.70-10 Use of power-operated industrial trucks in various locations.

(a) *Spaces containing explosives.* (1) Except as otherwise provided in this paragraph, power-operated industrial trucks shall not be used in a space in which Class A, Class B, or Class C explosives are stowed.

NOTE: Class A, Class B and Class C explosives are defined in Part 146 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(2) The Commandant may grant authority for the use of approved power-operated industrial trucks with a recognized testing laboratory designation of EX in spaces in which Class A, Class B or Class C explosives are stowed when it can be shown that such trucks can be used with safety.

(3) In a space in which packaged small arms ammunition without explosive bullets is stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, LPS, GS and DS may be used for handling cargo including the handling of such packaged small arms ammunition.

(b) *Spaces containing flammable liquids.* (1) In a space in which packaged flammable liquids are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS may be used for handling cargo including the handling of such packaged flammable liquids.

(c) *Spaces containing flammable solids or oxidizing materials.* (1) In a space in which packaged flammable solids or oxidizing materials are stowed, only approved power-operated industrial trucks

with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS may be used for handling cargo including the handling of such packaged flammable solids or oxidizing materials.

(2) When flammable solids or oxidizing materials are contained in closed cargo vans or closed containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 97.70-7(c) may be used in the spaces.

(3) When oxidizing materials in bulk are stowed in the holds or compartment, any approved commercial type power-operated industrial truck may be used in the spaces.

(d) *Spaces containing hazardous articles of a fibrous nature.* (1) In a space in which packaged hazardous articles of a fibrous nature are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS and DS may be used for handling cargo including the handling of such packaged hazardous articles of a fibrous nature.

(2) When hazardous articles of a fibrous nature are contained in closed cargo vans or closed portable containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 97.70-7(c) may be used in the spaces.

(e) *Spaces containing other dangerous cargoes and hazardous articles.* (1) In a space in which dangerous cargoes or hazardous articles subject to the regulations in Part 146 of this chapter except those provided for in paragraphs (a), (b), (c) and (d) of this section, any approved power-operated industrial truck may be used to handle cargo including the handling of such dangerous cargoes or hazardous articles.

(f) *Other spaces.* (1) Any standard commercial type power operated industrial truck in safe operating condition and having the minimum safety features of § 97.70-7(c) may be used in spaces and for handling cargo in spaces not otherwise restricted by regulation in this subpart.

§ 97.70-15 Special operating conditions.

(a) Notification shall be given to the master or senior deck officer on board before placing power-operated industrial trucks in use aboard the vessel.

(b) When power-operated industrial trucks are in use on board vessels subject to the regulations in this subchapter, they shall be in a safe operating condition.

(c) Spaces exposed to carbon monoxide or other hazardous vapors from the exhausts of power-operated industrial trucks shall have adequate ventilation. The concentration of carbon monoxide

shall be kept below 100 parts per million in the holds and intermediate decks where persons are working. When necessary, portable blowers of adequate size and location shall be utilized.

(d) The parts and/or equipment of any power-operated industrial truck requiring replacement shall be replaced only by parts and/or equipment equivalent in safety when installed with those used in the original design.

(e) Any truck that emits sparks or flames from the exhaust system shall immediately be removed from service, and not again returned to service until the cause for the emission of such sparks or flames has been eliminated.

(f) When the temperature of any part of the truck is found to be in excess of a safe operating temperature, the truck shall be removed from service until such overheating has been corrected.

(g) Operation of trucks shall be halted immediately and the engines or motors secured, whenever an emergency condition arises aboard the vessel.

(h) Operation of trucks shall be halted immediately and the engines or motors secured in the event of breakage or leakage of containers used for the carriage of flammable liquids, flammable solids or oxidizing materials.

(i) The rated capacity of a truck shall at all times be posted on the truck in a conspicuous place and such capacity shall not be exceeded.

(j) At least one approved 2-pound dry chemical hand portable fire extinguisher, or its approved equivalent, shall be affixed to the truck in a readily accessible position or kept in close proximity available for immediate use.

(k) Vessel's fire-fighting equipment, both fixed (where installed) and portable, in vicinity of space being worked shall be kept ready for immediate use.

§ 97.70-20 Refueling.

(a) *When permitted.* Power-operated industrial trucks are not permitted to be refueled in the hold or on the weather deck except under the following conditions:

(1) Trucks using gasoline as fuel may be refueled in the hold or on the weather deck of a vessel only when such refueling is done with an acceptable portable nonspilling fuel handling system of not over 5 gallons capacity. Transfer of gasoline to these portable nonspilling fuel handling devices is not permitted on board the vessel.

(2) Power-operated industrial trucks using liquefied petroleum gas as fuel may be refueled in the hold or on the weather deck of a vessel only when fitted with removable tanks and provided the hand-operated shut-off valve of the depleted tank is closed and the engine is run until it stalls from lack of fuel before the quick disconnect fitting is opened. In addition, the quick disconnect fitting shall be attached to the fuel tank before the hand-operated shutoff valve is reopened.

(3) Power-operated industrial trucks using diesel oil as fuel may be refueled on the weather deck or in the hold of a vessel by means of portable containers of not over 5-gallon capacity. These trucks may also be refueled on the weather deck of a vessel or portable containers refilled from a larger container provided a suitable pump is used for the transfer operation and a drip pan of adequate size is supplied.

(b) *General requirements.* The following conditions must be met when refueling power-operated industrial trucks in the hold of a vessel or on the weather deck under the circumstances listed in paragraph (a) of this section:

(1) Refueling shall be under the direct supervision of an experienced and responsible person specifically designated for such job by the person in charge of the loading or unloading of the vessel.

(2) No refueling shall be undertaken with less than 2 persons specifically assigned and present for the complete operation, at least one of whom shall be experienced in using the portable fire extinguishers required in the fueling area.

(3) At least one approved 4-pound dry chemical hand portable fire extinguisher, or its approved equivalent shall be provided at the scene of the fueling area. This is in addition to portable extinguisher affixed to the truck in accordance with § 97.70-15(j).

(4) The location for refueling trucks shall be designated by the master or senior deck officer on board the vessel. "No Smoking" signs shall be posted in the area and smoking shall be prohibited.

(5) The location designated for refueling shall be adequately ventilated so as to insure against accumulation of a hazardous concentration of vapors. The ventilation requirements of § 97.70-15(c) when trucks are operating shall also apply when trucks are being refueled.

(6) Truck engines of all trucks in the same hold shall be stopped before any truck in that hold is refueled and before any fuel handling devices or unmounted liquefied petroleum gas cylinders are placed in the hold.

(7) All fuel handling devices and unmounted liquefied petroleum gas containers shall be removed from the hold before any truck engine is started and the trucks again placed in operation.

§ 97.70-25 Charging or replacing batteries.

(a) Batteries for electrically-powered industrial trucks and for the ignition systems of internal combustion engine-powered industrial trucks may be changed in the hold of a vessel provided the following conditions are met:

(1) Suitable handling equipment shall be employed.

(2) Adequate precautions shall be taken to avoid damage to the battery, short circuiting of the battery, and spillage of the electrolyte.

(b) Batteries of electrically-powered industrial trucks may be recharged in a hold of a vessel provided the following conditions are met:

(1) The batteries shall be housed in a suitable, ventilated, portable metal container with a suitable outlet at the top for connection of a portable air hose, or shall be placed directly beneath a suitable metal hood with a suitable outlet at the top for connection of a portable air hose. The air hose shall be permanently connected to an exhaust duct leading to the open deck and terminate in a gooseneck or other suitable weather head. If natural ventilation is not practicable or adequate, mechanical means of exhaust shall be employed in conjunction with the duct. The air outlet on the battery container shall be equipped with an interlock switch so arranged that the charging of the battery cannot take place unless the air hose is properly connected to the box.

(2) If mechanical ventilation is used, an additional interlock shall be provided between the fan and the charging circuit so that the fan must be in operation in order to complete the charging circuit for operation. It is preferable that this interlock switch be of a centrifugal type driven by the fan shaft.

(3) The hold shall not contain any cargo coming under the regulations in Part 146 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(4) The charging facilities may be part of the truck equipment or may be separate from the truck and located inside or outside the cargo hold. The supply or charging circuit (whichever method is used) shall be connected to the truck by a portable plug connection of the break-away type. This portable plug shall be so engaged with the truck battery charging outlet that any movement of the truck away from the charging station will break the connection between the plug and receptacle without exposing any live parts to contact with a conducting surface or object, and without the plug falling to the deck where it may become subject to injury.

(c) All unmounted batteries shall be suitably protected or removed from an area in the hold of the vessel before trucks are operated in that area.

§ 97.70-30 Stowage of power-operated industrial trucks aboard a vessel.

(a) Power-operated industrial trucks may be stowed in any location aboard a vessel provided the following conditions are met:

(1) Gasoline powered trucks shall have all the fuel expended from the system.

(2) Liquefied petroleum gas powered trucks shall have the fuel tanks removed and all the fuel expended from the system.

(b) Power-operated industrial trucks not meeting the conditions set forth in paragraph (a) of this section shall be stowed on the open deck except for intervals such as lunch hours, between work shifts, interdock and intraport movements. If stowed in a fixed metal enclosure located on or above the weather deck, such enclosure shall have access from the weather deck only and shall have adequate ventilation, so arranged as to remove vapors from both the upper and lower portions of the space.

§ 97.70-35 Stowage of fuel handling devices aboard a vessel.

(a) Flammable liquids and gases to be used as fuels for power-operated industrial trucks shall be marked, labeled and stowed as follows:

(1) They shall be stowed in ICC specification containers, A.S.M.E. containers or portable safety containers having the approval of a recognized testing laboratory, which containers are authorized for the contents.

(2) Containers shall be marked with the name of the contents and shall be labeled in accordance with ICC requirements as follows:

(i) Flammable liquids—"Red Label";

or,

(ii) Flammable gases—"Red Gas Label".

(3) Containers shall be stowed on or above the weather deck in locations designated by the master. ICC specification containers, A.S.M.E. containers, or portable safety containers having the approval of a recognized testing laboratory may be stowed below the weather deck in a paint or lamp locker provided such containers do not exceed 5 gallons capacity each.

(b) Diesel fuel shall be stowed in locations designated by the master.

SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Subpart—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description of Articles Subject to the Regulations in This Subchapter

1. Section 146.04-5 is amended by adding and changing certain items as follows:

§ 146.04-5 List of explosives and other dangerous articles and combustible liquids.

Article	Classed as—	Label required †
<i>Items added</i>		
Engine starting fluid.....	Inf. G.....	Red gas.
*Mercurial liquid, n.o.s. (see: "Poisonous Liquids, n.o.s.").....	Pois. B.....	Poison.
Monobromotrifluoromethane.....	Noninf. G.....	Green gas.
Nitrogen tetroxide—nitric oxide mixtures containing up to 33.2% weight nitric oxide (see: "Nitrogen dioxide, liquid").....	Pois. A.....	Poison gas.
Propellant explosives (solid), Class B, and small arms primers (see: "Propellant explosives, Class B").....
Propylene imine, inhibited (see: "Ethylene imine inhibited").....	Inf. L.....	Red.
Spray starting fluid (see: "Engine starting fluid").....
<i>Items changed</i>		
Nitrocellulose, colloided, granular, flake or block wet with alcohol or solvent (see: "Wet nitrocellulose colloided, granular or flake—20% alcohol or solvent; or block—25% alcohol").....
Oleum (see: "Sulfuric acid").....	Cor. L.....	White.
Vinyl acetate.....	Inf. L.....	Red.
Wet nitrocellulose, colloided, granular or flake—20% alcohol or solvent; or block—25% alcohol.....	Inf. L.....	Red.

† Unless otherwise exempt by the provisions of the detailed regulations.

Subpart—Cargo Handling and Stowage Devices, U.S. Coast Guard Container Specifications

2. Part 146 is amended by inserting after § 146.09-12 a new § 146.09-15 reading as follows:

§ 146.09-15 Power-operated industrial trucks.

(a) *Definition.* Power-operated industrial trucks are considered to be tractors, lift trucks and other specialized industrial trucks used for material handling on board a vessel. These trucks may be either vessel's equipment or stevedore's equipment.

(b) *Approved power-operated industrial trucks.* Where approved power-operated industrial trucks are required by the regulations in this part such approved trucks shall have a specific designation of a recognized testing laboratory. The following laboratories are recognized for the specific type designations listed:

(1) Underwriters' laboratories, Inc. (Mailing address, P.O. Box 247, Northbrook, Illinois) for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(2) Factory Mutual Laboratories, Engineering Division, 1115 Boston-Providence Turnpike, Norwood, Massachusetts for trucks having recognized testing laboratory type designations E, EE, EX, G, GS, LP, LPS, D and DS.

(c) *Description of designations.* Description of recognized testing laboratory type designations are as follows:

(1) The "E" designated units are electrically powered units that have minimum acceptable safeguards against inherent fire hazards.

(2) The "EE" designated units are electrically powered units that have, in

addition to all of the requirements for the "E" units, the electric motors and all other electrical equipment completely enclosed. In certain locations the "EE" unit may be used where the use of an "E" unit may not be considered safe.

(3) The "EX" designated units are electrically powered units that differ from the "E" and "EE" units in that the electrical fittings and equipment are so designed, constructed and assembled that the units may be used in certain atmospheres containing flammable vapors or dusts.

(4) The "G" designated units are gasoline powered units having minimum acceptable safeguards against inherent fire hazards.

(5) The "GS" designated units are gasoline powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where the use of a "G" unit may not be considered safe.

(6) The "LP" designated units are similar to the "G" units except that they are liquefied petroleum gas engine powered instead of gasoline powered.

(7) The "LPS" designated units are units similar to the "GS" units except that liquefied petroleum gas is used for fuel instead of gasoline.

(8) The "D" designated units are units similar to the "G" units except that they are diesel engine powered instead of gasoline engine powered.

(9) The "DS" designated units are diesel powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where a "D" unit may not be considered safe.

(d) *Minimum safety features.* In addition to the construction and design

safety features required in order to obtain a recognized laboratory type designation, approved power-operated industrial trucks shall have at least the following minimum safety features where applicable:

(1) Power-operated industrial trucks shall be equipped with a warning horn, whistle, or gong, or other device that can be heard clearly above the normal ship-board noises.

(2) Wherever power-operated industrial truck operation exposes the operator to danger from falling objects, the truck shall be equipped with a driver's overhead guard. Where overall height of the truck with forks in the lowered position is limited by head room conditions the overhead guard may be omitted.

NOTE: This overhead guard is only intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application. It is impractical to build a guard of sufficient strength to withstand the impact of a capacity load since such a guard would constitute a safety hazard because its structure would be so large that it might interfere with good visibility and would weigh so much that it might make the truck top-heavy and unstable.

(3) Power-operated fork lift trucks which handle small objects or unstable loads shall be equipped with a vertical load back rest or rack which shall have height, width and strength sufficient to prevent the load, or part of it, from falling toward the mast when the mast is in a position of maximum backward tilt.

(4) The forks on power-operated fork lift trucks shall be secured to the carriage so that unintentional lifting of the toe shall not occur on such application where this lifting may create a hazard. The factor of safety of forks shall be at least 3 to 1, based on the elastic limit of the material.

(5) Fork extensions or other attachments shall be suitably secured to prevent unintentional lifting or displacement on primary forks.

(6) All exposed wheels shall be provided with guards to prevent the wheels from throwing particles at the operator.

(7) Unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin, the steering knob, if used, shall be of a mushroom type to engage the palm of the operator's hand, or shall be arranged in some other manner to prevent injury. The knob shall be mounted within the perimeter of the wheel.

(8) All steering controls shall be confined within the clearances of the truck, or so guarded that movement of the controls shall not result in injury to the operator when passing obstructions, stanchions, etc.

(e) *Special operating conditions.* (1) Notification shall be given to the master or senior deck officer on board before placing power-operated industrial trucks in use aboard the vessel.

(2) When power-operated industrial trucks are in use on board vessels subject to the regulations in this part, they shall be in a safe operating condition.

(3) Spaces exposed to carbon monoxide or other hazardous vapors from the exhausts of power-operated industrial trucks shall have adequate ventilation. The concentration of carbon monoxide shall be kept below 100 parts per million in the holds and intermediate decks where persons are working. When necessary, portable blowers of adequate size and location shall be utilized.

(4) The parts and/or equipment of any power-operated truck requiring replacement shall be replaced only by parts and/or equipment equivalent in safety when installed with those used in the original design.

(5) Any truck that emits sparks or flames from the exhaust system shall immediately be removed from service, and not again returned to service until the cause for the emission of such sparks or flames has been eliminated.

(6) When the temperature of any part of the truck is found to be in excess of a safe operating temperature, the truck shall be removed from service until such overheating has been corrected.

(7) Operation of trucks shall be halted immediately and the engines or motors secured, whenever an emergency condition arises aboard the vessel.

(8) Operation of trucks shall be halted immediately and the engines or motors secured in the event of breakage or leakage of containers used for the carriage of flammable liquids, flammable solids or oxidizing materials.

(9) The rated capacity of a truck shall at all times be posted on the truck in a conspicuous place and such capacity shall not be exceeded.

(10) At least one approved 2-pound dry chemical hand portable fire extinguisher, or its approved equivalent, shall be affixed to the truck in a readily accessible position or kept in close proximity available for immediate use.

(11) Vessel's fire-fighting equipment, both fixed (where installed) and portable, in vicinity of space being worked shall be kept ready for immediate use.

(f) *Refueling.* (1) Trucks using gasoline as fuel may be refueled in the hold or on the weather deck of a vessel only when such refueling is done with an acceptable portable non-spilling fuel handling system of not over 5 gallons capacity. Transfer of gasoline to these portable non-spilling fuel handling devices is not permitted on board the vessel.

(2) Power-operated industrial trucks using liquefied petroleum gas as fuel may be refueled in the hold or on the weather deck of a vessel only when fitted with removable tanks and provided the hand-operated shut-off valve of the depleted tank is closed and the engine is run until it stalls from lack of fuel before the quick disconnect fitting is opened. In addition, the quick disconnect fitting shall be attached to the fuel tank before the hand-operated shut-off valve is reopened.

(3) Power-operated industrial trucks using diesel oil as fuel may be refueled on the weather deck or in the hold of a vessel by means of portable containers of not over 5-gallon capacity. These trucks may also be refueled on the

weather deck of a vessel or portable containers refilled from a larger container provided a suitable pump is used for the transfer operation and a drip pan of adequate size is supplied.

(4) Refueling shall be under the direct supervision of an experienced and responsible person specifically designated for such job by the person in charge of the loading or unloading of the vessel.

(5) No refueling shall be undertaken with less than 2 persons specifically assigned and present for the complete operation, at least one of whom shall be experienced in using the portable fire extinguishers required in the fueling area.

(6) At least one approved 4-pound dry chemical hand portable fire extinguisher, or its approved equivalent shall be provided at the scene of the fueling area. This is in addition to portable extinguisher affixed to the truck in accordance with paragraph (e)(10) of this section.

(7) The location for refueling trucks shall be designated by the master or senior deck officer on board the vessel. "No Smoking" signs shall be posted in the area and smoking shall be prohibited.

(8) The location designated for refueling shall be adequately ventilated so as to insure against accumulation of a hazardous concentration of vapors. The ventilation requirements of paragraph (e)(3) of this section when trucks are operating shall also apply when trucks are being refueled.

(9) Truck engines of all trucks in the same hold shall be stopped before any truck in that hold is refueled and before any fuel handling devices or unmounted liquefied petroleum gas cylinders are placed in the hold.

(10) All fuel handling devices and unmounted liquefied petroleum gas containers shall be removed from the hold before any truck engine is started and the trucks again placed in operation.

(g) *Replacing batteries.* Batteries for electrically-powered industrial trucks and for the ignition systems of internal combustion engine-powered industrial trucks may be changed in the hold of a vessel provided the following conditions are met:

(1) Suitable handling equipment shall be employed.

(2) Adequate precautions shall be taken to avoid damage to the battery, short circuiting of the battery, and spillage of the electrolyte.

(h) *Charging of batteries.* Batteries of electrically-powered industrial trucks may be recharged in a hold of a vessel provided the following conditions are met:

(1) The batteries shall be housed in a suitable, ventilated, portable metal container with a suitable outlet at the top for connection of a portable air hose, or shall be placed directly beneath a suitable metal hood with a suitable outlet at the top for connection of a portable air hose. The air hose shall be permanently connected to an exhaust duct leading to the open deck and terminate in a gooseneck or other suitable weather head. If natural ventilation is not practicable or adequate, mechanical means of exhaust shall be employed in conjunction with the duct. The air outlet on the battery

container shall be equipped with an interlock switch so arranged that the changing of the battery cannot take place unless the air hose is properly connected to the box.

(2) If mechanical ventilation is used an additional interlock shall be provided between the fan and the charging circuit so that the fan must be in operation order to complete the charging circuit for operation. It is preferable that the interlock switch be of a centrifugal type driven by the fan shaft.

(3) The hold shall not contain any cargo coming under the regulations prescribed in this subchapter.

(4) The charging facilities may be part of the truck equipment or may be separate from the truck and located inside or outside the cargo hold. The supply or charging circuit (whichever method is used) shall be connected to the truck by a portable plug connection of the break-away type. This portable plug shall be so engaged with the truck battery charging outlet that any movement of the truck away from the charging station will break the connection between the plug and receptacle without exposing any live parts to contact with a conducting surface or object, and without the plug falling to the deck where it may become subject to injury.

(5) All unmounted batteries shall be suitably protected or removed from the area in the hold of the vessel before trucks are operated in that area.

(i) *Stowage of power-operated industrial trucks aboard a vessel.* (1) Power-operated industrial trucks may be stowed in any location aboard a vessel provided the following conditions are met:

(i) Gasoline powered trucks shall have all the fuel expended from the system.

(ii) Liquefied petroleum gas power trucks shall have the fuel tanks removed and all the fuel expended from the system.

(2) Power-operated industrial trucks not meeting the conditions set forth in subparagraph (1) of this paragraph shall be stowed on the open deck except for intervals such as lunch hours, between work shifts, interdock and intraport movements. If stowed in a fixed metal enclosure located on or above the weather deck, such enclosure shall have access from the weather deck only and shall have adequate ventilation, so arranged to remove vapors from both the upper and lower portions of the space.

(j) *Stowage of fuel handling devices aboard a vessel.* (1) Flammable liquids and gases to be used as fuels for power-operated industrial trucks shall be marked, labeled and stowed as follows:

(i) They shall be stowed in ICC specification containers, A.S.M.E. containers or portable safety containers having the approval of a recognized testing laboratory, which containers are authorized for the contents.

(ii) Containers shall be marked with the name of the contents and shall be labeled in accordance with ICC requirements as follows:

(a) Flammable liquids—"Red Label" or,

(b) Flammable gases—"Red Gas Label."

(iii) Containers shall be stowed on or above the weather deck in locations designated by the master. ICC specification containers, A.S.M.E. containers, or portable safety containers having the approval of a recognized testing laboratory may be stowed below the weather deck in a paint or lamp locker provided such containers do not exceed 5 gallons capacity each.

(2) Diesel fuel shall be stowed in locations designated by the master.

Subpart—Detailed Regulations Governing Explosives

3. Section 146.20-3 is amended by changing paragraph (q) to read as follows:

§ 146.20-3 Prohibited or not permitted explosives.

(q) New explosives except samples for laboratory examination and military explosives approved by the Chief of Ordnance, Department of the Army; Chief, Bureau of Naval Weapons, Department of the Navy; or Chief, Air Force Logistics Command, Department of the Air Force. All other new explosives must be approved for transportation by the Interstate Commerce Commission.

4. Section 146.20-11 is amended by changing paragraph (y) to read as follows:

§ 146.20-11 Class C explosives.

(y) Smoke candles, smoke pots, smoke grenades, and smoke signals containing not more than 200 grams of pyrotechnic composition each exclusive of smoke compositions, without bursting charges, and signal devices, very signal cartridges, and highway or railway fuses are devices designed to produce visible effects for signal purposes.

(1) Pyrotechnic compositions (other than smoke compositions) are defined as chemical mixtures which on burning and without explosion produce visible or brilliant displays or bright lights.

(2) Pyrotechnic smoke compositions are defined as chemical smoke producing mixtures, which on ignition burn at a controlled rate, without the production of flame and without the build-up of internal pressure that would rupture or burst the end product.

5. Section 146.20-35(e) is amended to read as follows:

§ 146.20-35 Handling explosives.

(e) Except as otherwise provided in this paragraph, power operated industrial trucks shall not be used in a space in which Class A, Class B, or Class C explosives are stowed.

(1) The Commandant may grant authority for the use of approved power operated industrial trucks with a recognized testing laboratory designation of "EX" (see § 146.09-15) in spaces in which Class A, Class B, or Class C explosives are stowed when it can be shown that such trucks can be used with safety.

(2) In a space in which packaged small arms ammunition without explo-

sive bullets is stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of "EX," "EE," "LPS," "GS" and "DS" (see § 146.09-15) may be used for handling cargo including the handling of such packaged small arms ammunition.

6. Section 146.20-100 Table A—Classification: Class A; dangerous explosives is amended as follows:

a. Amend "High explosives (wet with not less than 10 pounds of water to each 90 pounds of dry material)" as follows:

i. In column 4, change "Fiber drums, etc." to read:

Fiber drums (ICC-21A, 21B) WIC not over 225 lb. net dry wt.

7. Section 146.20-200 Table B—Classification: Class B; less dangerous explosives is amended as follows:

a. Amend "Propellant explosives (solid), Class B" as follows:

i. In column 2, delete paragraph 4 and insert the following:

Not more than 1,000 small arms primers may be included in one outside shipping container with solid propellant explosives. The inside container shall meet ICC requirements and be so packed as to prevent movement in the outside container.

Each outside container must be plainly marked "Propellant Explosives (solid), Class B" or "Propellant Explosives (solid), Class B and Small-Arms Primers."

Subpart—Detailed Regulations Governing Inflammable Liquids

8. Part 146 is amended by inserting after § 146.21-55 a new § 146.21-57 reading as follows:

§ 146.21-57 Use of power-operated industrial trucks in spaces containing flammable liquids.

(a) In a space in which packaged flammable liquids are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS (see § 146.09-15) may be used for handling cargo including the handling of such packaged flammable liquids.

9. Section 146.21-100 Table D—Classification: Inflammable liquids is amended as follows:

a. Amend "Acrolein (inhibited)" as follows:

i. In column 4, amend "Metal drums (ICC-5A, 5B) etc." to read:

Metal drums (ICC-5, 5A, 5B) not over 55 gal. cap.

b. Amend the following items as indicated:

1. Acetaldehyde
2. Acetone, etc.
3. Alcohol, n.o.s., etc.
4. Allyl bromide
5. Amyl nitrite
6. Anti-freeze compounds, liquid, etc.
7. Benzene (benzol), etc.
8. Box toe gum
9. Butyl acetate
10. Butyraldehyde
11. Cement, leather, etc.
12. Cigar and cigarette lighter fluid

13. Coal tar distillate, etc.
14. Collodion
15. Compounds, cleaning, liquid, etc.
16. Compounds, lacquer, paint or varnish, etc. removing, etc.
17. Compounds, tree or weed killing, liquid
18. Crotonaldehyde
19. Crude oil, petroleum
20. Cyclohexane, etc.
21. Diethylamine, etc.
22. Dimethylamine, aqueous solution, etc.
23. Drugs, chemicals, medicines or cosmetics, n.o.s.
24. Ether, etc.
25. Ethyl acetate
26. Ethylene dichloride
27. Ethyl formate
28. Ethyl methyl ketone, etc.
29. Ethyl nitrite (nitrous ether)
30. Gas drips, hydrocarbon
31. Heptane
32. Hexane
33. Inflammable liquids, n.o.s.
34. Ink
35. Insecticide, liquid (vermin exterminator)
36. Isooctane, etc.
37. Isopentane, etc.
38. Isopropyl acetate
39. Methyl acetate, etc.
40. Methyl formate
41. Methyl iso-propenyl ketone, inhibited
42. Methyl methacrylate, monomer
43. Motor fuel, n.o.s.
44. Neohexane
45. Oil, etc.
46. Paints, enamel, lacquer, stain, shellac, etc.
47. Pentane, etc.
48. Polishes, metal, stove, furniture and wood, liquid
49. Propylene oxide
50. Pyridine
51. Resin solution (resin compound, liquid)
52. Road asphalt or tar, liquid
53. Sodium methyrate, alcohol mixture
54. Solvents, n.o.s.
55. Toluol (toluene)
56. Turpentine substitutes, etc.
57. Vinylidene chloride, inhibited
58. Xylol (xylene)

i. In columns 4, 5, 6 and 7, if permitted, add:

Portable tanks (ICC-51) not over 20,000 lb. gr. wt.

c. Amend "Ethylene imine, inhibited" as follows:

i. In column 1, insert:

Propylene imine, inhibited

ii. In column 2, insert:

Similar characteristics and hazards as given for Ethylene imine.

iii. In column 3, insert:

Red

iv. In column 4, under "Outside containers" insert:

Wooden boxes (ICC-15A, 15B, 15C) WIC
ICC-37B metal drum not over 5 gal. cap.
Metal barrels or drums (ICC-6A, 6B, 6C, 6F)
WIC ICC-17E metal drum not over 30 gal. cap.

d. Amend "Vinyl acetate, inhibited" as follows:

i. In column 1, change "Vinyl acetate, inhibited" to read:

Vinyl acetate

e. Amend "Wet nitrocellulose, colloid, granular or flake, etc." as follows:

i. In column 1, insert:

Wet nitrocellulose, colloid, block forms (must contain at least 25 percent by weight of alcohol)

ii. In column 2, insert:

Characteristics and hazards similar to those above.

iii. In column 3, insert:

Red.

Subpart—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials

10. Part 146 is amended by inserting after § 146.22-5 a new § 146.22-7 reading as follows:

§ 146.22-7 Use of power-operated industrial trucks in spaces containing flammable solids and oxidizing materials.

(a) In a space in which packaged flammable solids or oxidizing materials are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS, and DS (see § 146.09-15) may be used for handling cargo including the handling of such packaged flammable solids or oxidizing materials.

(b) When flammable solids or oxidizing materials are contained in closed cargo vans or closed containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having minimum safety features (see § 146.09-15) may be used in the space.

(c) When oxidizing materials in bulk are stowed in a hold or compartment, any approved commercial type power-operated industrial truck may be used in the space.

11. Amend section 146.22-25 by changing subparagraph (b) (1) to read as follows:

§ 146.22-25 Exemptions for inflammable solids and oxidizing materials.

* * * * *

(1) Strong outside containers having not over 1 pint or 1 pound net weight of the material in any one outside package with inside containers securely packed and cushioned with incombustible cushioning material. Cushioning material is not required when the liquid is contained in strong, securely closed plastic containers not over 1 ounce capacity each, properly packaged to prevent breakage or leakage.

12. Section 146.22-100 *Table E—Classification: Inflammable solids and oxidizing materials* is amended as follows:

a. Amend "Calcium hypochlorite compounds, dry, etc." as follows:

i. In columns 4, 5, 6 and 7 under "Outside containers," insert:

Fiber drums (ICC-21B) WIL not over 400 lb. net wt.

b. Amend "Cumene hydroperoxide, etc." as follows:

i. In column 4, change "Wooden boxes, etc." to read:

Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC not over 250 lb. gr. wt. Also authorized for Cumene hydroperoxide (strength not exceeding 96 percent in a non-volatile solvent).

Subpart—Detailed Regulations Governing Corrosive Liquids

13. Part 146 is amended by inserting after § 146.23-10 a new § 146.23-13 reading as follows:

§ 146.23-13 Use of power-operated industrial trucks in spaces containing corrosive liquids.

(a) Any approved power-operated industrial truck (see § 146.09-15) may be used in spaces in which corrosive liquids are stowed, including the handling thereof, unless otherwise restricted by regulations in this part.

14. Section 146.23-100 *Table F—Classification: Corrosive liquids* is amended as follows:

a. Amend the following items as indicated:

1. Acetyl chloride
2. Antimony pentochloride
3. Benzoyl chloride
4. Chromyl chloride
5. Pyro sulfuryl chloride
6. Sulfur chloride (mono and di)
7. Sulfuryl chloride
8. Thionyl chloride
9. Tin tetrochloride (anhydrous)
10. Titanium tetrachloride

i. In column 4, under "Outside containers," change "Steel barrels or drums (ICC-5A) etc." to read:

Steel barrels or drums (ICC-5A, 5B) not over 110 gal. cap.

b. Amend "Chloroacetyl chloride" as follows:

i. In column 4, add:
Tank cars complying with ICC regulations.

c. Amend "Chlorine trifluoride" as follows:

i. In column 4, add:
Tank cars complying with ICC regulations.

d. Amend "Hydrogen peroxide, etc." as follows:

i. In columns 4, 5, 6 and 7 under "Solution not over 52 percent strength by weight" add:

Fiberboard box (ICC-12B) WIC polyethylene bottles not over 16 oz. cap. each, not over 65 lb. gr. wt.

e. Amend "Sulfuric acid (oil of vitriol) etc." as follows:

i. In column 1, delete "Sulfuric acid fuming, etc." and insert:

Sulfuric acid, fuming: (nordhausen) Oleum

ii. In column 2, insert:

Sulfuric acid, fuming and oleum not permitted stowage "Under deck."

iii. In columns 4, 6 and 7, add:

Fiberboard boxes (ICC-12B) WIC of compatible plastic not over 1 gal. cap., not over 75 lb. gr. wt.

Subpart—Detailed Regulations Governing Compressed Gases

15. Section 146.24-15 is amended by adding a new paragraph (h) to read as follows:

§ 146.24-15 Containers.

(h) Engine starting fluid containing compressed gas or gases which are in-

flammable may be shipped in inside non-refillable metal containers of capacity not exceeding 32 cubic inches. Containers must be packaged in spec. 1; fiberboard boxes equipped with top and bottom pads which will provide the complete thicknesses of fiberboard (tops and bottoms of boxes, or spec. 15 15B, or 15C wooden boxes. Pressure the container must not exceed 1 pounds per square inch, absolute, 130° F. However, if the pressure exceeds 140 pounds per square inch, a solute at 130° F., a spec. 2P container must be used. In any event, the metal container must be capable of withstanding without bursting a pressure of one and one-half times the pressure of the content at 130° F. The liquid content the material and gas must not completely fill the container at 130° F. Each completed container filled for shipment must have been heated until content reaches a minimum temperature of 130° without evidence of leakage, distortion or other defect. Each outside shipping container must be plainly marked "Inside Containers Comply With Prescribed Specification" and be labeled with the "Red Gas" label.

16. Section 146.24-20 is amended adding a new paragraph (i) to read follows:

§ 146.24-20 Exemptions for compressed gases.

(i) Inside metal containers of capacity not to exceed 35 cubic inches, charged with nonflammable, nonpoisonous liquefied compressed gas to be used in conjunction with audible fire alarm system. Pressure in the container must not exceed 85 pounds per square inch absolute at 70° F. The completely assembled containers must be capable of withstanding without bursting a pressure of 1.0 pounds per square inch. The liquid portion of the gas must not completely fill the container at 130° F.

17. Part 146 is amended by inserting after § 146.24-25 a new § 146.24-27 reading as follows:

§ 146.24-27 Use of power-operated industrial trucks in spaces containing compressed gases.

(a) Power-operated industrial trucks with designations EX, EE, GS, LPS and DS (see § 146.09-15) may be used in spaces in which flammable compressed gases are stowed including handling thereof.

(b) Any approved power-operated industrial truck (see § 146.09-15) may be used in spaces in which non-inflammable compressed gases are stowed, including the handling thereof, unless otherwise restricted by regulations in this part.

18. Section 146.24-100 *Table G—Classification: Compressed gases* is amended as follows:

a. Amend item "Butadiene, inhibited" as follows:

i. In column 4, delete "Tank car (ICC-104A, 104A-W) and insert:

Portable tank (ICC-51) not over 20,000 gr. wt.

b. After "Dimethyl ether," insert the following:

i. In column 1, insert:

Engine starting fluid

ii. In column 2, insert:

Inflammable fluid containing an inflammable compressed gas or gases as an expellant.

Used as a fuel for starting engines. See also § 146.24-15(h)

iii. In column 3, insert:

Red gas

iv. In column 4, insert:

Stowage: "On deck protected" "On deck under cover"

Containers: Cylinders complying with ICC regulations. (With valve protection cap) (With dished heads) (Boxed)

v. In columns 5, 6 and 7, insert:

Not permitted.

c. After "Methyl mercaptan," insert the following:

i. In column 1, insert:

Monobromotrifluoromethane

ii. In column 2, insert:

Noninflammable gas Nonpoisonous but excessive quantities in an enclosed space may cause suffocation.

iii. In column 3, insert:

Green gas

iv. In column 4, insert:

Stowage: "On deck protected" "On deck under cover" "Tween decks readily accessible" "Under deck away from heat"

Containers: Cylinders complying with ICC regulations. (With valve protection cap) (With dished heads) (Boxed) Tank cars complying with ICC regulations.

v. In column 5, insert:

Stowage: "On deck protected" "On deck under cover" "Tween decks readily accessible"

Containers: Cylinders complying with ICC regulations. (With valve protection cap) (With dished heads) (Boxed)

vi. In column 6, insert:

Ferry stowage (AA) Containers: Cylinders complying with ICC regulations. (With valve protection cap) (With dished heads) (Boxed)

vii. In column 7, insert:

Ferry stowage (BB) Containers: Cylinders complying with ICC regulations. Tank cars complying with ICC regulations.

d. Amend "Vinyl fluoride, inhibited" as follows:

i. In column 4 under "Outside containers," add:

Tank cars complying with ICC regulations.

Subpart—Detailed Regulations Governing Poisonous Articles

19. Section 146.25-5 is amended by adding an entry to the list to read as follows:

§ 146.25-5 Extremely dangerous poisons, Class A, poison gas label.

Nitrogen tetroxide-nitric oxide mixture containing up to 33.2 percent weight of nitric oxide.

20. Part 146 is amended by inserting after § 146.25-40 a new § 146.25-43 reading as follows:

§ 146.25-43 Use of power-operated industrial trucks in spaces containing poisonous articles.

(a) Any approved power-operated industrial truck (see § 146.09-15) may be used in spaces in which poisonous articles are stowed, including the handling thereof, unless otherwise restricted by regulations in this part.

21. Section 146.25-55 is amended by changing subparagraph (b) (1) to read as follows:

§ 146.25-55 Exemptions for poisons, Class B.

(b) * * *

(1) In inside glass, earthenware, or composition bottles or jars, or metal containers, or lock-corner sliding-lid wooden boxes, of not over 5 pounds capacity each, except carbolic acid (phenol) in glass containers must not exceed 1 pound capacity each; or chipboard, pasteboard, or fiber cartons, cans, boxes, or tightly closed strong plastic bags or bottles compatible with product of not over 1 pound capacity each, packed in outside wooden or fiberboard boxes, or wooden barrels or kegs. Net weight of contents of outside container not over 100 pounds.

22. Section 146.25-100 Table H—Classification: Class A; extremely dangerous poisons is amended as follows:

a. Amend "Hydrocyanic acid, etc." as follows:

i. In column 1, under "Outside containers," add the following:

Fiberboard box (ICC-12B) WIL, WIC ICC-2N metal cans not over 41 oz. net wt. Outside container must be metal strapped, not over 70 lb. gr. wt.

b. Amend the item "Nitrogen dioxide, liquid" as follows:

i. In column 1, add the following after nitrogen peroxide (tetroxide):

Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight of nitric oxide.

23. Section 146.25-200 Table H—Classification: Class B; less dangerous poisons is amended as follows:

a. Amend "Carbolic acid (phenol) not liquid" as follows:

i. In columns 4, 5, 6 and 7, insert under "Fiberboard boxes":

(ICC-12A) WIC not over 20 lb. net wt.

b. Amend the following items as indicated:

Parathion mixtures, liquid (containing not more than 50 percent parathion by weight), etc.

Tetraethyl pyrophosphate mixtures, liquid (containing not more than 50 percent tetraethyl pyrophosphate by weight), etc.

i. In columns 4, 5, 6 and 7 under "Authorized only for mixtures that are not classified as flammable, etc." insert:

Steel drum (ICC-37B) STC, not over 5 1/2 gal. cap.

c. Amend the following items as indicated:

Parathion mixtures, dry, etc. Tetraethyl pyrophosphate mixtures, dry, etc.

i. In columns 4, 5, 6 and 7 change "Authorized for dry mixtures not exceeding 27 percent by weight, etc." to read:

Authorized for dry mixtures not exceeding 50 percent by weight of the liquid active ingredient: Fiber drums (ICC-21A, 21B) not over 225 lb. net wt.

d. Amend the following items as indicated:

- 1. Aldrin mixtures dry, with more than 65% aldrin, etc.
2. Ammonium arsenate, solid
3. Arsenic acid, solid, etc.
4. Arsenic bromide, solid, etc.
5. Arsenic sulfide (powder) solid
6. Arsenical compounds or mixtures, n.o.s. solid
7. Bordeaux arsenites, solid, etc.
8. Cocculus, solid (Ashberry) etc.
9. Dinitrobenzol, solid, etc.
10. *Drugs, chemicals, etc. n.o.s. solid
11. Ferric arsenate, solid, etc.
12. Insecticide, dry, etc.
13. Lead arsenate, solid, etc.
14. Mercuric compounds, solid, etc.
15. Nitrochlorobenzene, meta-para, solid, etc.
16. Nicotine salicylate, solid, etc.
17. Poisonous solids, n.o.s.
18. Potassium arsenate, solid, etc.
19. Thallium salts, solid, etc.
20. Zinc arsenate, solid, etc.

i. In columns 4, 5, 6 and 7, change "Fiberboard boxes (ICC-12B, 12C) WIC, etc." to read:

Fiberboard boxes (ICC-12A, 12B, 12C) WIC, not over 50 lb. net wt.

ii. In columns 4, 5, 6 and 7 under "Fiber drums" change "(ICC-21B) not over 200 lb. net wt." to read:

(ICC-21B) not over 225 lb. net wt.

e. Amend the following items as indicated:

Parathion, liquid Tetraethyl pyrophosphate, liquid, etc.

i. In column 4 under "Outside containers: Steel barrels or drums," insert: (ICC-37B) STC, not over 5 1/2 gal. cap.

f. Amend "Poisonous liquids, n.o.s." as follows:

i. In column 1, add the following: Mercurial liquid, n.o.s.

Subpart—Detailed Regulations Governing Combustible Liquids

24. Part 146 is amended by inserting after § 146.26-30 a new § 146.26-35 reading as follows:

RULES AND REGULATIONS

§ 146.26-35 Use of power-operated industrial trucks in spaces containing combustible liquids.

(a) Any approved power-operated industrial truck (see § 146.09-15) may be used in spaces in which combustible liquids are stowed, including the handling thereof, unless otherwise restricted by regulations in this part.

Subpart—Detailed Regulations Governing Hazardous Articles

25. Part 146 is amended by inserting after § 146.27-25 a new § 146.27-35 reading as follows:

§ 146.27-35 Use of power-operated industrial trucks in spaces containing hazardous articles.

(a) *Articles of a fibrous nature.* In a space in which packaged hazardous articles of a fibrous nature are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS and DS (see § 146.09-15) may be used for handling cargo including the handling of such packaged hazardous articles of a fibrous nature.

(b) *Articles of a fibrous nature in closed vans or portable containers.* When hazardous articles of a fibrous nature are contained in closed cargo vans or closed portable containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having minimum safety features (see § 146.09-15) may be used in the spaces.

(c) *Articles other than those of a fibrous nature.* In a space in which hazardous articles other than of a fibrous nature are stowed, any approved power-operated industrial truck (see § 146.09-15) may be used to handle cargo, including the handling of such hazardous articles other than of a fibrous nature.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: November 17, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

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