Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraphs (16), (26), and (32) of paragraph (a) of § 6.342 are amended as set out below.

§ 6.342 Housing and Home Finance Agency.

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

(16) One Assistant Commissioner for Program Planning, Urban Renewal Administration.

* * * * *

(26) One Private Secretary to the Assistant Administrator (Community Programs).

* * * * *

(32) One Assistant Administrator (Community Programs).

(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. 63-9105; Filed, Aug. 22, 1963; 8:57 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

National Capital Transportation Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (c) of § 6.367 is amended and paragraph (e) is added as set out below.

§ 6.367 National Capital Transportation Agency.

* * * * *

(c) One Special Assistant to the Administrator.

* * * * *

(e) One Special Assistant for Congressional Liaison.

(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. 63-9106; Filed, Aug. 22, 1963; 8:57 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[1963 Marketing Quotas for Extra Long Staple Cotton (Bulletin 2), Amdt. 8]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of 1961 and Succeeding Crops

1963 COUNTY NORMAL YIELDS

The purpose of this amendment to the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops (26 F.R. 5489, as amended), is to establish the normal yields for counties for the 1963 crop year. Such normal yields for counties as established by the Director, are hereby approved by the Administrator of Agricultural Stabilization and Conservation Service in accordance with §§ 722.102(a)(16) and 722.151. In order that such normal yields may be used by county committees in connection with determinations of farm normal yields, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.151 of the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops is hereby amended by addition of a new paragraph (c) at the end thereof which reads as follows:

(c) *For 1963 crop year.* The following table sets forth the normal yields for the 1963 crop year, as adjusted pursuant to § 722.102(a)(16), which are established for the respective counties.

ARIZONA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Cochise	636	Pima	625
Gila	429	Pinal	505
Graham	649	Santa Cruz	640
Maricopa	517	Yuma	534

CALIFORNIA

Imperial	412	Riverside	428

FLORIDA

Alachua	188	Marion	238
Lake	157	Seminole	183
Madison	156	Sumter	161

GEORGIA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Berrien	298	Lanier	298
Cook	296		

NEW MEXICO

Chaves	379	Luna	399
Dona Ana	458	Otero	383
Eddy	379	Sierra	394
Hildalgo	399		

TEXAS

Brewster	403	Pecos	449
Culberson	628	Presidio	416
El Paso	572	Reeves	447
Hudspeth	477	Ward	507
Loving	490		

PUERTO RICO

North	181	South	83

(Secs. 301, 375; 52 Stat. 38, 66, as amended; 7 U.S.C. 1301, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington D.C., on August 19, 1963.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-9084; Filed, Aug. 22, 1963; 8:51 a.m.]

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

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Subpart—Administrative Rules and Regulations

IDENTIFICATION AND DISPOSITION OF RESTRICTED DATES

Notice was published in the July 31, 1963, issue of the FEDERAL REGISTER (28 F.R. 7787) regarding a proposal to amend §§ 987.145 and 987.155 of the Subpart—Administrative Rules and Regulations (7 CFR 987.100 to 987.174) by revising the marking requirements with respect to shipping containers of restricted dates to be exported, approving additional countries as export outlets for such dates, and providing for the reclassification as restricted dates of free dates which are exported. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Date Administrative Committee, and other available information, it is concluded that the proposed amendment, as hereinafter set forth, of the administrative rules and regulations will facilitate exportation of dates and thereby tend to increase overall returns to growers, is in accordance with this part, and will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That §§ 987.145 and 987.155 of Subpart—Administrative Rules and Regulations (7 CFR 987.100 to 987.174), are hereby amended as follows:

1. Paragraph (c)(1)(iv) of § 987.145 is revised to read:

(iv) Each handler shall mark all shipping containers (not including subcontainers) of dates to be exported to Mexico pursuant to § 987.55 with the appropriate lot number and the words "Export Mexico". Such markings shall be legible and the words "Export Mexico", shall be not less than three-fourths (¾) inch in height on shipping containers exceeding five pounds net weight and not less than one-eighth (⅛) inch in height on all shipping containers of five pounds net weight or less. Prior to such marking, the handler shall remove, delete, or obliterate from each such container any former markings in conflict with those required by this subdivision. Upon the dates to be exported to Mexico being inspected and certified as meeting the applicable grade and size requirements in effect pursuant to §§ 987.39 and 987.40, the shipping containers shall be marked or otherwise identified by, or under the supervision of, the inspection service with the date of inspection, the insignia or name of the inspection service, and the word "Export". The shipping containers of dates exported pursuant to § 987.55 to approved countries other than Mexico shall be identified as prescribed in § 987.145(b)(1) for packed dates to be handled.

2. Subparagraph (2) of § 987.155(a) is redesignated as (3) and subparagraph (1) is revised to read:

(1) Pursuant to § 987.55, all countries other than Canada are approved as countries to which restricted dates may be exported. Restricted dates exported to approved countries other than Mexico shall (i) be inspected and certified prior to export as meeting all of the applicable grade and size requirements in effect pursuant to §§ 987.39 and 987.40 for dates to be handled as free dates, (ii) be packed prior to export in individual cartons, not including bags, each having a net weight content of eight, ten, or twelve ounces or in bulk containers having a net weight content of ten pounds or more, (iii) move directly from the handler to the country of destination, and (iv) have the shipping containers thereof identified as prescribed in § 987.145(b)(1).

(2) Any handler exporting to an approved country free dates certified for handling (pursuant to § 987.41(a)) and which were not previously handled may, by complying with the requirements of this paragraph applicable to restricted dates that are exported, have the Committee reclassify such dates as restricted dates. The handler shall submit to the Committee a certificate of quality and condition (FV–146) issued by the inspection service, and the report of disposition and documentary evidence of export required in § 987.164, covering the exported dates. Upon such compliance by the handler, the Committee shall credit the handler's restricted obligation to the extent of the free dates so exported and make any adjustments necessary in the handler's withholding and assessment obligations imposed pursuant to § 987.45(c) when the free dates were certified for handling. The provisions of this subparagraph or of subparagraph (1) of this paragraph shall not be construed as prohibiting the dates packed in the prescribed cartons or containers from being placed in larger shipping containers.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) This amendment approves additional countries as outlets for restricted dates, makes certain other changes with respect to the export of such dates, and is designed to be applicable in connection with volume regulation; (2) it is necessary that the amendment become effective as soon after the beginning of the crop year (i.e., August 1, 1963) as practicable so that it will apply to as much of the crop year as possible in the event of volume regulation; (3) the amendment provides handlers exporting free dates an opportunity, in stated situations, to have them reclassified and credited against their restricted obligation beginning with the current crop year thereby facilitating such exportations; (4) handlers have been aware of the proposed action and have had ample time to prepare for operations thereunder; and (5) no useful purpose would be served by delaying the effective time hereof.

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

Dated: August 20, 1963, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 63–9102; Filed, Aug. 22, 1963; 8:56 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 342—ADMINISTRATIVE CANCELLATION OF CERTIFICATES, DOCUMENTS, OR RECORDS

Notice To Surrender Cancelled Certificate of Citizenship

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 342.9 is added to read as follows:

§ 342.9 Notice re 18 U.S.C. 1428.

The notice to surrender a cancelled certificate of citizenship or copy thereof, prescribed by section 1428 of Title 18 of the United States Code, shall be given by the district director in whose district the person who has possession or control of such document resides.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

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 management.

Dated: August 19, 1963.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 63–9088; Filed, Aug. 22, 1963; 8:52 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Virginia, Washington, Wisconsin, and Wyoming;

(2) The following counties in Nebraska: Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scotts Bluff, and Thomas;

(3) The following counties in Hawaii: Honolulu, Kauai, and Maui;

(4) The following counties in Missouri: Jackson, Lafayette, Saline, Cooper, Moniteau, Cole, Osage, Gasconade, Franklin, St. Louis, and all Counties in the State of Missouri lying south thereof;

(5) The following counties in Illinois: Madison, Bond, Clinton, Marion, Clay, Richland, and Lawrence; and all Counties in the State of Illinois lying south thereof.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Kentucky and Tennessee;

(2) All counties in Nebraska except Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scotts Bluff, and Thomas;

(3) All counties in Hawaii except Honolulu, Kauai, and Maui;

(4) The following counties in West Virginia: Berkeley, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, and Webster;

(5) All counties in Missouri except Jackson, Lafayette, Saline, Cooper, Moniteau, Cole, Osage, Gasconade, Franklin, St. Louis, and all Counties in the State of Missouri lying south thereof;

(6) All counties in Illinois except Madison, Bond, Clinton, Marion, Clay, Richland, and Lawrence; and all Counties in the State of Illinois lying south thereof.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

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

The amendments add the State of Virginia to the list of free areas and delete such State from the infected and eradication areas as sheep scabies is no longer known to exist therein. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to such State. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of August 1963.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 63-9103; Filed, Aug. 22, 1963; 8:56 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-CE-9]

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

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On April 26, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 4139) stating that the Federal Aviation Agency proposed to alter the Lansing, Mich., control zone, designate a transition area at Lansing and revoke the Lansing control area extension.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. The single comment received was favorable.

In the notice it was stated that the revocation of the Lansing control area extension would be dependent upon the actions being proposed in the notice, and in addition, the actions proposed in Airspace Docket No. 63-CE-8. Subsequent to the publication of the notice it was determined that the revocation of the Lansing control area extension would also be dependent upon the actions proposed in Airspace Docket No. 63-CE-40. Therefore, the revocation of the Lansing control area extension will be held in abeyance pending the completion of the airspace actions proposed in the Airspace Docket Nos. 63-CE-8 and 63-CE-40.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220-91, November 10, 1962), the Lansing, Mich., control zone is amended to read:

Lansing, Mich.

Within a 5-mile radius of Capital City Airport, Lansing, Mich. (latitude 42°46'40" N., longitude 84°35'20" W.).

2. Section 71.181 (27 F.R. 220-139, November 10, 1962), is amended by adding the following:

Lansing, Mich.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Capital City Airport, Lansing, Mich. (latitude 42°46'40" N., longitude 84°35'20" W.), within 2 miles each side of the Lansing ILS localizer W course, extending from the 7-mile radius area to 8 miles W of the INT of the Lansing ILS localizer W course and the Lansing VOR 358° radial, and within 2 miles each side of the Lansing ILS localizer E course, extending from the 7-mile radius area to 14 miles E of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 43°16'00" N., on the E by longitude 84°05'00" W., on the S by a line beginning at latitude 42°30'00" N., longitude 84°05'00" W., to latitude 42°30'00" N., longitude 84°50'00" W., to latitude 42°38'00" N., longitude 84°50'00" W., to latitude 42°38'00" N., longitude 85°15'00" W., and on the W by longitude 85°15'00" W.

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

These amendments shall become effective 0001 e.s.t., December 12, 1963.

Issued in Washington, D.C., on August 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9051; Filed, Aug. 22, 1963; 8:46 a.m.]

[Airspace Docket No. 63-CE-35]

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

Revocation of Control Area Extension and Designation of Transition Area

On May 16, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 4916) stating that the Federal Aviation Agency proposed to revoke the Alexandria, Minn., control area extension and designate a transition area at Alexandria.

Interested persons were afforded an opportunity to participate in the rule making through submission of com-

ments. All comments received were favorable.

The substance of the proposed amendments having been published, and for the reasons stated in the notice, the following actions are taken:

1. In § 71.165 (27 F.R. 220–59, November 10, 1962), the following control area extension is revoked:

Alexandria, Minn.

2. In § 71.181 (27 F.R. 220–139, November 10, 1962), the following is added:

Alexandria, Minn.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Alexandria Airport (latitude 45°52'05" N., longitude 95°23'45" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the Alexandria VOR 051° and 231° radials extending from 6 miles SW to 13 miles NE of the VOR, and within the area NE of Alexandria bounded on the NW by a line 5 miles NW of and parallel to the Alexandria VOR 027° radial, on the NE by the arc of a 29-mile radius circle centered on the Alexandria VOR, and on the SE by a line 5 miles SE of and parallel to the Alexandria VOR 051° radial.

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

These amendments shall become effective 0001 e.s.t., November 14, 1963.

Issued in Washington, D.C., on August 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–9052; Filed, Aug. 22, 1963; 8:46 a.m.]

[Airspace Docket No. 63–CE–42]

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

Alteration of Control Zone, Revocation of Control Area Extension, and Designation of Transition Area

On May 16, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 4917) stating that the Federal Aviation Agency proposed to alter the Pellston, Mich., control zone, revoke the Pellston control area extension, and designate the Pellston transition area.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and no adverse comments were received regarding the proposed amendments.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Pellston, Mich., control zone is amended to read:

Pellston, Mich.

Within a 5-mile radius of Emmet County Airport, Pellston, Mich. (latitude 45°34'40" N., longitude 84°47'40" W.); within 2 miles each side of the 132° bearing from the Pellston RBN, extending from the 5-mile radius zone to 8 miles SE of the RBN, and within 2 miles each side of the Pellston VOR 240° radial, extending from the 5-mile radius zone to the VOR.

2. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended by revoking the following control area extension:

Pellston, Mich.

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Pellston, Mich.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Emmet County Airport, Pellston, Mich. (latitude 45°34'40" N., longitude 84°47'40" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles NW and 7 miles SE of the Pellston VOR 047° and 227° radials, extending from 3 miles SW to 12 miles NE of the VOR, and within 8 miles NE and 5 miles SW of the 132° bearing from the Pellston RBn, extending from the 8-mile radius area to 12 miles SE of the RBn.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

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

Issued in Washington, D.C., on August 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F. R. Doc. 63–9053; Filed, Aug. 22, 1963; 8:46 a.m.]

[Airspace Docket No. 63–CE–49]

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

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On June 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5437) stating that the Federal Aviation Agency proposed to alter the Quincy, Ill., control zone, revoke the Quincy control area extension and designate the Quincy transition area.

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

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Quincy, Ill., control zone is amended to read:

Quincy, Ill.

Within a 5-mile radius of Quincy Municipal Airport (latitude 39°56'35" N., longitude 91°11'40" W.), and within 2 miles each side of the Quincy VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC.

2. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended by revoking the following control area extension:

Quincy, Ill.

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Quincy, Ill.

That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Quincy ILS localizer SW course, extending from 4 miles NE to 12 miles SW of the OM; and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of Quincy Municipal Airport (latitude 39°56'35" N., longitude 91°11'40" W.), and within 7 miles NW and 8 miles SE of the Quincy VORTAC 214° radial, extending from the 12-mile radius area to 12 miles SW of the VORTAC.

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

These amendments shall become effective 0001 e.s.t., November 14, 1963.

Issued in Washington, D.C., on August 19, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–9054; Filed, Aug. 22, 1963; 8:46 a.m.]

[Airspace Docket No. 62–CE–79]

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

Designation of Control Zone; Modification

On July 3, 1963, there was published in the FEDERAL REGISTER (28 F.R. 6828) an amendment to § 71.171 of the Federal Aviation Regulations. This amendment designated a control zone at Bemidji, Minn.

Subsequent to the publication of this amendment, the Air Transport Association of America advised the Federal Aviation Agency that the hours of weather reporting service provided by North Central Airlines at Bemidji Municipal Airport were to be changed from 0500 to 2100 hours, to 0700 to 2100 hours, local time, daily. Therefore, in order that the effective hours of the control zone coincide with the hours of weather reporting service, action is taken herein to change the effective hours of the Bemidji control zone from 0500 to 2100 hours, local time, daily, to 0700 to 2100 hours, local time, daily.

Since the change effected by this amendment is minor in nature, notice and public procedure hereon are unnecessary and the effective date of the Final Rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Airspace Docket No. 62–CE–79 (28 F.R. 6828) is hereby modified as follows: In the description of the Bemidji, Minn., control zone "This control zone is effective from 0500 to 2100 hours local time, daily." is deleted and "This control zone is effective from 0700 to 2100 hours local time, daily." is substituted therefor.

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

Issued in Washington, D.C., on August 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–9055; Filed, Aug. 22, 1963; 8:46 a.m.]

[Airspace Docket No. 63-SO-51]

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

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the Augusta, Ga., control zone.

The Augusta control zone is designated, in part, with reference to the Augusta radio range. The Federal Aviation Agency has scheduled the conversion of the Augusta radio range to a radio beacon on or about September 2, 1963. Action taken herein reflects the conversion of this facility. Controlled airspace requirements for this area will be reviewed at a later date under the CAR Amendments 60-21/60-29 implementation program.

Since the change effected by this amendment is editorial in nature, notice and public procedure hereon are unnecessary and it may be made effective September 2, 1963.

In consideration of the foregoing, the following action is taken:

In § 71.171 (27 F.R. 220-91, November 10, 1962; 28 F.R. 3483), the Augusta, Ga., control zone is amended to read:

Augusta, Ga.

Within a 5-mile radius of Bush Field, Augusta, Ga. (latitude 33°22'05" N., longitude 81°57'40" W.); within 2 miles each side of the 130° bearing from the Augusta RBn, extending from the 5-mile radius zone to the RBn; and within 2 miles each side of the Augusta VOR 141° radial, extending from the 5-mile radius zone to 7.5 miles NW of the VOR.

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

This amendment shall become effective 0001 e.s.t., September 2, 1963.

Issued in Washington, D.C., on August 19, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9056; Filed, Aug. 22, 1963; 8:46 a.m.]

[Airspace Docket No. 63-SW-19]

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

Alteration of Control Zone and Designation of Transition Area; Revocation of Control Area Extension

On June 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5438) stating that the Federal Aviation Agency proposed to alter the San Angelo, Tex., control zone, revoke the San Angelo control area extension, and designate the San Angelo transition area.

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

The substance of the proposed amendments having been published, and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220-91, November 10, 1962), the San Angelo, Tex., control zone is amended to read:

San Angelo, Tex.

Within a 5-mile radius of Mathis Field, San Angelo, Tex., (latitude 31°21'35" N., longitude 100°29'40" W.); within 2 miles each side of the San Angelo VOR 065° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the San Angelo ILS localizer NE course, extending from the 5-mile radius zone to 8 miles NE of the INT of the ILS localizer NE course and the San Angelo VOR 311° radial; and within 2 miles each side of the San Angelo ILS localizer SW course, extending from the 5-mile radius zone to 6.5 miles SW of the airport.

2. Section 71.181 (27 F.R. 220-139, November 10, 1962) is amended by adding the following:

San Angelo, Tex.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mathis Field, San Angelo, Tex. (latitude 31°21'35" N., longitude 100°29'40" W.); within 2 miles each side of the San Angelo ILS localizer SW course, extending from the 8-mile radius area to 8 miles SW of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 31°40'00" N., longitude 100°39'30" W.; to latitude 31°59'30" N., longitude 100°13'20" W.; to latitude 31°53'15" N., longitude 100°05'30" W.; to latitude 31°33'40" N., longitude 100°11'45" W.; to latitude 31°12'20" N., longitude 99°41'15" W.; to latitude 30°49'45" N., longitude 100°12'45" W.; to latitude 30°47'15" N., longitude 100°22'15" W.; to latitude 31°02'40" N., longitude 100°45'55" W.; to latitude 31°28'40" N., longitude 100°59'40" W.; to latitude 31°39'-00" N., longitude 101°27'20" W.; to latitude 31°50'00" N., longitude 101°22'00" W.; to point of beginning. The portion within R-6309 shall be used only after obtaining prior approval from appropriate authority.

3. Section 71.165 (27 F.R. 220-59, November 10, 1962) is amended by revoking the San Angelo, Tex., control area extension.

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

These amendments shall become effective 0001 e.s.t., November 14, 1963.

Issued in Washington, D.C., on August 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9057; Filed, Aug. 22, 1963; 8:46 a.m.]

[Airspace Docket No. 63-WE-58]

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

Alteration and Designation of Control Zones

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to alter the Ogden, Utah, control zone and to designate a control zone at Hill AFB, Ogden, Utah.

The Ogden control zone is presently designated within a 5-mile radius of Hill AFB, Ogden, Utah; within a 5-mile radius of Ogden Municipal Airport, and within 2 miles either side of the Ogden VORTAC 345° and 166° True radials, extending from 10 miles north of the VORTAC to the Layton, Utah, fan marker.

As designated, the operations for both airports are based on the weather report at Hill AFB. Weather, communications and control tower services are available at both airports and the FAA has deemed it advisable to designate separate control zones to obtain the maximum operational capability at the Ogden Municipal Airport and Hill AFB during the hours of operation of the Ogden Municipal Airport control tower. Accordingly, action is taken herein to alter the Ogden control zone by deleting reference to the 5-mile radius of Hill AFB and designating a separate control zone for Hill AFB. This action will not alter the extent of the presently designated controlled airspace in this area.

Since these amendments impose no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

In consideration of the foregoing, the following actions are taken:

1. In § 71.171 (27 F.R. 220-91, November 10, 1962), the Ogden, Utah, control zone is amended to read:

Ogden, Utah (Ogden Municipal Airport)

Within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), and within 2 miles each side of the Ogden VORTAC 345° and 166° radials, extending from 10 miles N of the VORTAC to the Layton, Utah, FM, excluding the portion S of a line extending from latitude 41°08'00" N., longitude 112°06'15" W., to latitude 41°10'45" N., longitude 111°55'02" W. This control zone is effective from 0600 to 2200 hours, local time, daily.

2. Section 71.171 (27 F.R. 220-91, November 10, 1962) is amended by adding the following:

Ogden, Utah (Hill AFB)

Within a 5-mile radius of Hill AFB (latitude 41°07'25" N., longitude 111°58'20" W.); within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), and within 2 miles each side of the Ogden VORTAC 345° and 166° radials, extending from 10 miles N of the VORTAC to the Layton, Utah, FM, excluding the portion which coincides with the (Ogden Municipal Airport) control zone.

These amendments shall become effective 0001 e.s.t., October 17, 1963.

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

Issued in Washington, D.C., on August 19, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9058; Filed, Aug. 22, 1963; 8:46 a.m.]

[Airspace Docket No. 62-WE-152]

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

Alteration of Control Zone, Revocation of Control Area Extension, and Designation of Transition Area

On May 29, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5307) stating that the Federal Aviation Agency proposed to alter the Casper, Wyo., control zone, revoke the Casper control area extension, and designate the Casper transition area.

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

Subsequent to the publication of the notice, the FAA has determined that the floor of the portion of the proposed Casper transition area extension based on the Casper VORTAC 235° True radial, extending from 52 to 81 miles southwest, could be raised from 1,200 feet above the surface to 9,500 feet MSL with no adverse effect on instrument flight activity. The action taken herein reflects this change.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220-91, November 10, 1962), the Casper, Wyo., control zone is amended to read:

Casper, Wyo.

Within a 5-mile radius of Casper Air Terminal (latitude 42°54'25" N., longitude 106°27'50" W.); within 2 miles each side of the Casper VORTAC 216° radial, extending from the 5-mile radius zone to 26 miles SW of the VORTAC; within 2 miles each side of the Casper ILS localizer W course, extending from the 5-mile radius zone to 5 miles W of the OM; within 2 miles each side of the 270° bearing from the Casper RBn, extending from the 5-mile radius zone to the RBn and within 2 miles each side of the Casper VORTAC 216° radial, extending from the 5-mile radius zone to the VORTAC.

2. Section 71.165 (27 F.R. 220-59, November 10, 1962), is amended by revoking the following control area extension:

Casper, Wyo.

3. Section 71.181 (27 F.R. 220-139, November 10, 1962) is amended by adding the following:

Casper, Wyo.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Casper VORTAC 216° radial, extending from 26 miles to 31 miles SW of the VORTAC; within 2 miles each side of the Casper VORTAC 235° radial, extending from 23 miles to 28 miles SW of the VORTAC, and within 2 miles each side of the Casper ILS localizer W course, extending from 5 miles W to 7 miles W of the OM; that airspace extending upward from 1,200 feet above the surface within 12 miles SE and 10 miles NW of the Casper VORTAC 216° and 036° radials, extending from 20 miles NE to 44 miles SW of the VORTAC; within 6 miles S and 13 miles N of the 270° and 090° bearings from the Casper RBn, extending from 33 miles W to 43 miles E of the RBn, and within 5 miles each side of the Casper VORTAC 235° radial, extending from 38 miles to 52 miles SW of the VORTAC; and that airspace extending upward from 9,500 feet MSL within 5 miles each side of the Casper VORTAC 235° radial, extending from 52 miles to 81 miles SW of the VORTAC.

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

These amendments shall become effective 0001 e.s.t., October 17, 1963.

Issued in Washington, D.C., on August 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9059; Filed, Aug. 22, 1963; 8:47 a.m.]

[Airspace Docket No. 63-SO-15]

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

Alteration of Federal Airway, and Revocation of Control Zone and Transition Area

On May 30, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5390) stating that the Federal Aviation Agency proposed to revoke the Alma, Ga., control zone and transition area, and alter VOR Federal airway No. 5.

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

The substance of the proposed amendments having been published, and for the reasons stated in the notice, the following actions are taken:

1. In § 71.123 (27 F.R. 220-6, November 10, 1962, 28 F.R. 4126) V-5 ", excluding the airspace between the main and this alternate airway" is deleted.

2. In § 71.171 (27 F.R. 220-91, November 10, 1962) the following control zone is revoked:

Alma, Ga.

3. In § 71.181 (27 F.R. 220-139, November 10, 1962) the following transition area is revoked:

Alma, Ga.

These amendments shall become effective 0001 e.s.t., October 17, 1963.

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

Issued in Washington, D.C., on August 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9060; Filed, Aug. 22, 1963; 8:47 a.m.]

[Airspace Docket No. 63-CE-36]

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

Alteration and Designation of Transition Areas

On May 15, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 4856) stating that the Federal Aviation Agency proposed to alter the Traverse City, Mich., transition area.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and no adverse comments were received regarding the proposed amendments.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.181 (27 F.R. 220-139, November 10, 1962), the Traverse City, Mich., transition area is amended to read:

Traverse City, Mich.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Traverse City Municipal Airport (latitude 44°44'35" N., longitude 85°34'50" W.), within 5 miles SW and 8 miles NE of the Traverse City VOR 158° radial, extending from the 8-mile radius area to 14 miles S of the VOR, and within 5 miles SW and 8 miles NE of the 137° bearing from the Traverse City RBn, extending from the 8-mile radius area to 14 miles SE of the RBn.

2. Section 71.181 (27 F.R. 220-139, November 10, 1962) is amended by adding the following:

Lake City, Mich.

That airspace extending upward from 1,200 feet above the surface within 6 miles SW and 10 miles NE of the Traverse City, Mich., VOR 136° radial, extending from 8 miles NW to 19 miles SE of the INT of the Traverse City VOR 136° radial and the White Cloud, Mich., VOR 033° radial.

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

These amendments shall become effective 0001 e.s.t., December 12, 1963.

Issued in Washington, D.C., on August 19, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9062; Filed, Aug. 22, 1963; 8:47 a.m.]

[Airspace Docket No. 63-WA-31]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On June 4, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5480) which stated that the Federal Aviation Agency was considering a proposal to alter the Island of Kahoolawe, Hawaii, Restricted Area R-3104.

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.

In consideration of the foregoing, and for the reasons stated in the notice, the following action is taken:

In § 73.31 *Hawaii* (28 F.R. 19-18, January 26, 1963), the Island of Kahoolawe Restricted Area R-3104 is amended to read:

R-3104 Island of Kahoolawe, Hawaii.

Boundaries. Beginning at latitude 20°-34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N.,

longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Honolulu ARTC Center.

Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

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

This amendment shall become effective 0001 e.s.t., October 17, 1963.

Issued in Washington, D.C., on August 16, 1963.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 63-9061; Filed, Aug. 22, 1963; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-393]

PART 202—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; INTERSTATE AND OVERSEAS ROUTE AIR TRANSPORTATION

Matters of Procedure Relating to Filing of Certain Type of Airport Notice

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of August 1963.

The present procedure for filing airport notices is set forth in Part 202 of the Board's Economic Regulations. In the usual instance, an airport notice filing involves inauguration of service to a newly certificated point through the airport usually associated with the point in question. This type of airport notice by its nature is customarily noncontroversial. The information required by Part 202 in support of an airport notice is therefore designed to deal with the routine situation described above. Thus, § 202.3 states, inter alia, that the notice shall describe such airport by name, state its location, and state the date of intended inauguration of service. The use of such airport may be inaugurated 30 days after the filing of such airport notice unless the Board notifies the carrier within the 30-day period that it appears to the Board that the use of the airport in question may adversely affect the public interest. If the Board so notifies the carrier by issuing an order of finding and notification, § 202.3(b) sets forth the application procedure then to be followed by the carrier.

In the vast majority of cases the airport notice is processed by the Board without difficulty and without the issuance of an order of finding and notification. There is, however, one class of airport notice case which is almost always controversial. This is the type of airport notice filing in which a carrier separately certificated at two points and serving each point through its own airport seeks by airport notice to serve one certificated point through the airport of another, thus consolidating its services at one point. In this type of situation the Board has invariably found it necessary to issue an order of finding and notification, after which the carrier may file an application for permission to use an airport, supported by such factual and economic data as the frequencies available at both airports, the driving distances and time involved, the traffic generated by each individual point, the cost of providing service at each point separately, and the nature of the traffic involved.

It is therefore manifest that the filing of a routine airport notice serves no useful purpose in the situation in which the carrier desires to consolidate its service at one airport. Moreover, certain airport notice filings have contained economic data which are not required in an airport notice. In such cases considerable confusion has arisen among answering parties both as to the nature of the filing and the nature of the answer required from them. This factor has also made processing of these notices more difficult.

For the above reasons, the Board has decided to eliminate the airport notice filing requirement in a situation in which a carrier separately certificated at two points and serving each through its own airport seeks to serve one certificated point through the airport of another. In these situations the carrier will be required in the first instance to file an application for permission to use an airport which will contain the same data required by § 202.3(b).

The attached regulation so provides. Since this regulation is procedural in nature, notice and public procedure thereon are not required and the regulation may be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 202 of the Economic Regulations (14 CFR Part 202) effective September 9, 1963, by:

1. Amending § 202.3(a) to read as follows:

§ 202.3 Airport authorization.

(a) *Airport notice.* An airport notice is required to be filed with the Board if the holder of a certificate desires to serve regularly a point named in such certificate, or a point which the holder is otherwise authorized to serve regularly, through an airport not then regularly used or authorized to be used by the holder to serve such point: *Provided, however,* That if the holder of a certificate desires to serve a point through an airport through which it already serves another point on its route, and to retain both points in its certificate, the holder is required to file with the Board an application for permission to use an airport; and such holder shall not file an airport notice. Such application shall conform in all respects to the procedure set forth in §§ 202.3 (b) and (c) and § 202.5. Airport notices and applications for permission to use an airport are not required of Alaskan air carriers, holders of certificates authorizing use of rotary wing aircraft only, and holders of certificates limited to community center service and interairport service. When an airport notice is required hereunder, the certificate holder shall file it with the Board at least 30 days prior to the proposed date of inauguration of the use of the airport. Such notice shall be conspicuously entitled Airport Notice; shall, as a minimum amount of information, describe such airport by name and, if it is not an airport already being used by an air carrier subject to the provisions of this part, state its location; shall state the date of intended inauguration of service and whether a waiver of the 30-day notice provision is requested; and shall contain a notice to the persons served that they may, within 15 days of the date the notice was filed, file and serve memoranda in support of, or in opposition to, the notice. A recommended format of Airport Notice is set forth below as Appendix A. The use of such airport may be inaugurated 30 days after the filing of such notice, unless the Board notifies the holder within said 30-day period that it appears to the Board that such use may adversely affect the public interest, in which event such use shall not thereafter be inaugurated (except as may be expressly permitted by such notification from the Board) unless and until the Board finds, upon application filed by the holder, pursuant to paragraph (b) of this section, that the public interest would not be adversely affected by such use. The Board may permit the use of an airport at any time after the filing of the airport notice whenever the circumstances warrant such action. In no event shall the provisions of this section be construed as authorizing an air carrier to receive at one airport and discharge at any other airport serving the same point passengers or property moving locally between the two airports, or passengers or property moving as part of a through journey to or from some other point which such carrier receives from, or transfers to, another air carrier at one of the two airports. This prohibition does not apply to the carriage between airports of through traffic which the air carrier performing the interairport service receives from, or transfers to, one of its own flights.

2. Amending § 202.3(b) to read as follows:

(b) *Application for permission to use an airport.* (1) Where an air carrier seeks to serve a point through an airport through which it already serves another point on its route and to retain both points in its certificate, it shall file with the Board an application for permission to use an airport.

(2) Following notification by the Board that the use of an airport proposed in an airport notice filed pursuant to § 202.3(a) may adversely affect the public interest, the air carrier may file an application for permission to use such airport. An application filed pursuant to either subparagraph (1) or (2) of this section shall be conspicuously en-

titled "Application for Permission to Use the _____ Airport for Serving _____" and shall set forth the information required in the airport notice as well as any other facts relied upon to establish that the proposed airport use is in the public interest, a statement of economic data or other matters which it is desired that the Board officially notice, and shall contain a notice to the persons served that they may, within 20 days of the date the application was filed, file and serve memoranda in support of, or in opposition to, the application.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply Section 401, 72 Stat. 754; 49 U.S.C. 1371)

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

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-9095; Filed, Aug. 22, 1963; 8:55 a.m.]

[Reg. No. ER-392]

PART 223—TARIFFS OF AIR CARRIERS: FREE AND REDUCED-RATE TRANSPORTATION

Form of Passes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of August 1963.

On June 6, 1963 the Board issued a notice of proposed rulemaking, EDR-56, Docket 14543 (28 F.R. 5723, June 12, 1963) proposing to amend Part 223 of the Board's Economic Regulations so as to permit the use of passes valid up to three years, instead of up to one year as now authorized. Comments were received from four air carriers, three of which endorse the proposal and recommend its adoption. The fourth respondent protests that it would be difficult to control three-year passes, particularly those issued to personnel of other air carriers. The Board does not believe that these comments are meritorious because nothing in the proposed regulation requires that passes be issued for any specific period. If it is desired to maintain control by limiting the period of validity to one year, this may be done.

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

In consideration of the foregoing, the Board hereby amends Part 223 of the Economic Regulations (14 CFR Part 223) effective September 23, 1963 as follows:

§ 223.1 [Amendment]

1. By revising § 223.1(d) to read as follows:

(d) "Pass" means a written authorization issued by a carrier for free or reduced-rate transportation of persons or property; "term pass" means such an authorization effective for a designated period, not to exceed three years; "trip pass" means such an authorization for a single one-way trip or round trip (whether the return trip is made via the same route as the outbound trip or a different one) between designated points.

2. By revising § 223.4 to read as follows:

§ 223.4 Form of pass.

No carrier shall issue any form of pass other than a "term" or "trip" pass. Every pass shall be issued upon the express condition that it is subject to suspension or cancellation for the abuse of the privileges accorded thereunder, and must show on its face, at least, the name of the person or persons who, or whose property, is entitled to receive free or reduced-rate transportation. Each pass must bear either the signature in ink of an official whose title is contained in the list referred to in § 223.6(a), or the facsimile signature of such an official and the countersignature and title in ink of some other official or responsible subordinate whose title is contained in the list referred to in § 223.6(b), who is authorized by said official to countersign passes on his behalf, and before it is presented for transportation such pass must bear the signature in ink of the person to whom issued: *Provided*, That regular tickets or bills of lading, stamped with a suitable notation, may be used as trip passes, and when so used need not conform to the provisions of this section as to form.

3. By revising § 223.5 to read as follows:

§ 223.5 Carrier's records.

Each carrier shall maintain in its general offices a record of all passes issued by it and used for transportation over its routes and shall comply with the applicable record-retention provisions of Part 249 of this subchapter, as amended. Such record shall be maintained in the form of a register, freely accessible and convenient for examination, and shall contain the following information: the type of pass; dates of issuance and expiration; number; to whom issued, including name, address, and eligibility under the Act and under this part; privileges accorded thereunder; points between which transportation is authorized, or in the case of "term" passes, the route number or system or particular points, as may be appropriate; and the name of the official upon whose authorization the pass was issued. Regular tickets or bills of lading, under certain conditions, may be used as trip passes and need not conform to the provisions of § 223.4 as to form. However, records of such tickets or bills of lading, when used as trip passes for free or reduced-rate transportation, shall be kept in accordance with the above provisions of this section. All correspondence or memorandums relating to free or reduced-rate transportation shall be retained and made a part of the carrier's records. In the case of reduced-rate transportation, the records shall show the amount of the charge assessed or assessable.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 403(b), 72 Stat. 759; 49 U.S.C. 1373)

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

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-9094; Filed, Aug. 22, 1963; 8:55 a.m.]

Title 18—CONSERVATION OF POWER

Chapter II—Tennessee Valley Authority

PART 301—PROCEDURES

Financial Interests of Employees

A new § 301.4 is added to read as follows:

§ 301.4 Financial interests of employees.

In accordance with the provisions of 18 U.S.C. 208, TVA has exempted the following financial interests of its employees from the requirements of 18 U.S.C. 208 upon the ground that such interests are too remote or too inconsequential to affect the integrity of such employees' services: A financial interest, as that term is used in 18 U.S.C. 208, shall be disclosed to TVA by the employee concerned in all cases, except that if a financial interest is solely in the form of investment in a business enterprise, disclosure is not required if:

(a) The investment is in the form of ownership of bonds, notes, or other evidences of indebtedness which do not give the holder any share in the ownership or direction of the enterprise, and which are not convertible into shares of preferred or common stock and have no warrants attached entitling the holder to purchase such shares; or

(b) The investment is in the form of shares in the ownership of the enterprises, including preferred and common stocks whether voting or nonvoting, or warrants to purchase such shares, or evidences of indebtedness convertible into such shares, but the estimated market value of the shares and/or warrants and/or convertible evidences of indebtedness held:

1. Does not exceed $5,000, and

2. Does not exceed one percent of the estimated market value of all the outstanding shares of the enterprise.

(18 U.S.C. 208(b))

This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: August 9, 1963.

TENNESSEE VALLEY AUTHORITY,
L. J. VAN MOL,
General Manager.

[F.R. Doc. 63-9143; Filed, Aug. 22, 1963; 8:55 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS

Copies and Inspection of Public Documents

Pursuant to Secretary's Order No. 24–63, dated August 8, 1963, and Secretary's Order No. 25–63, dated August 9, 1963, reorganizing and establishing new components within the Department of Labor, and reassigning certain functions, it is necessary to effect certain procedural amendments to 29 CFR § 2.4 to properly designate the office where reports and documents submitted under the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519, 29 U.S.C. 401 et seq.), the Welfare and Pension Plans Disclosure Act, as amended (72 Stat. 997, 76 Stat. 35; 29 U.S.C. 301 et seq.), and sections 9 (f) and (g) (prior to repeal) of the National Labor Relations Act, as amended (61 Stat. 143; 29 U.S.C. 159; 73 Stat. 525) may be examined and inspected, and where copies may be purchased.

Accordingly 29 CFR § 2.4 is amended as follows: 1. Subparagraph (3) of paragraph (a), of § 2.4 is deleted. 2. As amended 29 CFR 2.4(a)(2) shall read as follows:

§ 2.4 Copies and inspections.

(a) * * *.

(2) Office of Labor-Management and Welfare-Pension Reports:

(i) Copies of the descriptions of welfare or pension benefit plans, amendments or modifications thereto, and entire or individual pages of annual financial reports thereon, filed pursuant to section 8(b) of the Welfare and Pension Plans Disclosure Act (72 Stat. 1002, 29 U.S.C. 307).

(ii) Data and information contained in any report or other document filed pursuant to sections 201, 202, 203, and 301 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 524–528, 530; 29 U.S.C. 431–433, 461).

(iii) The contents of reports and documents filed pursuant to subsections 9 (f) and (g) of the National Labor Relations Act, as amended (61 Stat. 143; 29 U.S.C. 159; 73 Stat. 575) prior to the repeal of those subsections.

Address:
United States Department of Labor,
Office of Labor-Management and Welfare-Pension Reports,
Public Documents Room, 8701 Georgia Avenue,
Silver Spring, Maryland

This amendment shall take effect upon publication in the FEDERAL REGISTER.

(Sec. 8(b) 72 Stat. 1002, 29 U.S.C. 307; sec. 208, 301 73 Stat. 529, 530; 29 U.S.C. 438, 461; 5 U.S.C. 22)

Signed at Washington, D.C., this 20th day of August, 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63–9099; Filed, Aug. 22, 1963; 8:56 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTIONS

PART 1001—GENERAL PROVISIONS

Subpart D—Procurement Responsibility and Authority

Correction

In F.R. Doc. 63–8875, appearing at page 9151 of the issue for Tuesday, August 20, 1963, the following correction is made in § 1001.451: The parenthetical reference reading "(§ 3.060–2 of this title, etc.)" should read "(§ 3.606–2 of this title, etc.)".

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Little Neck Bay, N.Y.

Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.60 is hereby amended with respect to paragraph (k) redesignating the northwest boundary of the special anchorage area in Little Neck Bay, New York, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.60 Port of New York and vicinity.

* * * * *

(k) *Little Neck Bay.* That portion of Long Island Sound Anchorage No. 5 (as described in § 202.155(a)(7)), southeastward of a line ranging approximately 20°30′ from the flagpole at Fort Totten, Willets Point to the outermost dolphin of the U.S. Merchant Marine Academy's pier at Kings Point, Long Island.

[Regs., Aug. 7, 1963, 1507–32 (Little Neck Bay, N.Y.)—ENGCW–ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 63–9047; Filed, Aug. 22, 1963; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

USE OF A CERTIFICATION OF NONCOLLUSION

Chapter 1 of Title 41 is amended as set forth below:

PART 1–1—GENERAL

1. The table of contents is amended to include new § 1–1.317, as follows:

Sec.
1–1.317 Noncollusive bids and proposals.

Subpart 1–1.3—General Policies

2. New § 1–1.317 is added to read as follows:

§ 1–1.317 Noncollusive bids and proposals.

(a) In order to promote full and free competition for Government contracts, the following certification shall be included in all (1) invitations for bids, and (2) requests for proposals or quotations, other than for small purchases made in accordance with Subpart 1–3.6, and other than requests for technical proposals in connection with two-step formal advertising, involving firm fixed-price contracts and fixed-price contracts with escalation:

CERTIFICATION OF NONCOLLUSION

(a) By submission of this bid or proposal, the bidder or offeror certifies in connection with this procurement that:

(1) The price in this bid or proposal has been independently arrived at without collusion with any other bidder or offeror or with any competitor;

(2) Unless otherwise required by law, the price in this bid or proposal has not been knowingly disclosed and will not be knowingly disclosed prior to opening, in the case of a bid, or prior to award, in the case of a proposal, directly or indirectly to any other bidder or offeror or to any competitor; and

(3) No attempt has been or will be made to induce any other person or firm to submit or not to submit a bid or proposal.

(b) The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification.

(c) This certification is not applicable to a foreign bidder or offeror submitting a bid or proposal for a contract which requires performance or delivery outside the United States, its possessions, and Puerto Rico.

(d) A bid or proposal will not be considered for award where (a)(1), (a)(3), or (b) above has been deleted or modified. Where (a)(2) above has been deleted or modified, the bid or proposal will not be considered for award unless the bidder or offeror furnishes with the bid or proposal a signed statement which sets forth in detail the circumstances of the disclosure and the head of the agency, or his designee, determines that the disclosure was not made with collusive intent.

(b) The authority to make the determination described in paragraph (d) of the above certification shall not be delegated to an official below the level of the head of a procuring activity of the agency.

(c) Where a certification is suspected of being false or there is indication of collusion, the matter shall be processed in accordance with Subpart 1–1.9 and appropriate agency procedures. For rejection of bids which are suspected of being collusive and for the negotiation of procurements subsequent to such rejection, see sections 1–2.404–1(b)(6) and 1–3.214.

PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1–2.2—Solicitation of Bids

Section 1–2.201 is amended to add paragraph (a)(28) to read as follows:

§ 1–2.201 Preparation of invitations for bids.

* * * * *

(a) * * *.

(28) The Certification of Noncollusion, as required by section 1–1.317.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective November 15, 1963, but may be observed earlier.

Dated: August 16, 1963.

LAWSON B. KNOTT, Jr.,
Acting Administrator,
of General Services.

[F.R. Doc. 63–9072; Filed, Aug. 22, 1963; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Parts 1501, 1502]

SHIP REPAIRING AND SHIPBUILDING

Proposed Safety and Health Regulations

Pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941), Safety and Health Regulations for Ship Repairing, 29 CFR Part 1501 (formerly 29 CFR Part 8) and Safety and Health Regulations for Shipbuilding, 29 CFR Part 1502 (formerly 29 CFR Part 8a) have been promulgated. Re-examination of these regulations and experience in their administration and enforcement have indicated a need for certain editorial and substantive revisions. Accordingly, notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003(a)) that I propose to amend 29 CFR Parts 1501 (formerly Part 8) and 1502 (formerly Part 8a) as hereinafter set forth, under authority granted in Section 41 of the Longshoremen's and Harbor Workers' Compensation Act as amended.

In order that interested persons may have opportunity to participate in the rule making process, notice is also given that oral data, views and arguments of interested persons will be received by a duly assigned Hearing Examiner on Oct. 16, 1963 beginning at 10:00 a.m. in Room 404 at Railway Labor Building, First and D Streets NW., Washington, D.C.

Any interested person desiring to participate orally shall file a notice of intention with the Director, Bureau of Labor Standards, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., not later than ten days before the scheduled date. The notice of intention shall state the name and address of the person who is to appear, specify his interest, the amount of time he requires for such purpose, and identify his counsel or other representative, if any. Written material which is supplemental to an oral presentation must be filed in quadruplicate with the Hearing Examiner at the time of presentation.

Interested persons, in lieu of personal appearance, may submit written data, views and argument in quadruplicate to the Director of the Bureau of Labor Standards, United States Department of Labor, Washington 25, D.C., not later than five days before the above specified date. Such written submissions, timely received, will be transmitted to the Hearing Examiner for incorporation into the record of proceedings.

The oral proceedings shall be reported, and transcripts will be available to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of the oral presentations, dispose of procedural requests, objections and comparable matters, and confine the presentation to matters pertinent to the proposal. He shall have discretion to keep the record open for a reasonable stated time to receive written proposals and supporting reasons, or additional data, views and arguments from persons who have participated.

Upon completion of the oral proceedings the transcript thereof, together with the exhibits, written submissions and all posthearing proposals and supporting reasons shall be certified by the Hearing Examiner to the Secretary of Labor. The Secretary of Labor will give careful consideration to all relevant matter thus presented, together with such other information as may be available, and will thereafter issue appropriate regulations by publication in the FEDERAL REGISTER.

The proposals are set forth below:

PART 1501—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

1. Subpart A, 29 CFR Part 1501 (formerly Part 8) would be amended to read as follows:

Subpart A—General Provisions

§ 1501.1 Purpose, scope and responsibility.

(a) The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 901 et seq.) provides compensation for injuries suffered by employees when they are working for private employers within the Federal maritime jurisdiction on the navigable waters of the United States, including drydocks. Public Law 85–742, 72 Stat. 835, approved August 23, 1958, which amends section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444; 33 U.S.C. 941) requires, among other things, that every employer of the aforementioned employees "shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment used by and working conditions established by such employers as the Secretary may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees." It is the purpose of the regulations of this part to carry out the intent of Public Law 85–742.

(b) Pursuant to Public Law 85–742 the regulations of this part do not make determinations with respect to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (46 U.S.C. 1–1388, passim), including, but not restricted to, the master, ship's officers, crew members, design, construction, and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.); including the provisions of Executive Order 10173, as amended by Executive Orders 10277 and 10352 (3 CFR 1949–1953 Comp., pp. 356, 778, and 873); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

(c) The responsibility for compliance with the regulations of this part is placed upon "employers" as defined in § 1501.2(c).

(d) It is not the intent of the regulations of this part to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

(e) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

§ 1501.2 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in ship repair or related employments as defined in this section on the navigable waters of the United States, including dry docks, graving docks and marine railways.

(d) The term "employee" means any ship repairman or other person engaged in ship repair or related employments on the navigable waters of the United States, including dry docks, graving docks and marine railways, other than the master, ship's officers, crew of the vessel, or any person engaged by the master to repair any vessel under 18 net tons.

(e) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and brows.

(f) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation

on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(g) For purposes of § 1501.44, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of this section, the term does not include ship shaped or deep draft barges.

(h) For purposes of § 1501.44, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of this section, the term does not include other towing vessels.

(i) The term "ship repair" means any repair of a vessel including, but not restricted to, alterations, conversions, installations, cleaning, painting, and maintenance work.

(j) The term "related employments" means any employments performed as an incident to or in conjunction with ship repair work, including, but not restricted to, inspection, testing and employment as a watchman.

(k) The term "hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant, or otherwise harmful is likely to cause injury.

(l) The term "competent person" for purposes of this part means a person who is capable of recognizing and evaluating employee exposure to hazardous substances or to other unsafe conditions and is capable of specifying the necessary protection and precautions to be taken to insure the safety of employees as required by the particular regulation under the condition to which it applies. For the purposes of Subparts B, C, and D, of this part execpt for §§ 1501.11(a)(1)(iv) and 1501.24(b)(8), to which the above definition applies, the competent person must also meet the additional requirements of § 1501.10.

(m) The term "confined space" means a compartment of small size and limited access such as a double bottom, tank, cofferdam, or other space which by its confined nature can readily create or aggravate a hazardous exposure.

(n) The term "hot-work" means riveting, welding, burning or other fire or spark producing operations.

(o) The term "cold-work" means any work which does not involve riveting, welding, burning or other fire or spark producing operations.

(p) The term "portable unfired pressure vessel" means any pressure container or vessel used aboard ship, other than the ship's equipment, containing liquids or gases under pressure, excepting pressure vessels built to ICC regulations under 49 CFR Part 78, Subparts C and H.

§ 1501.3 Penalty.

(a) As provided in Public Law 85–742, any employer who, willfully, violates or fails or refuses to comply with the provisions of the regulations of this part and any employer or other person who willfully interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of section 41 of the Act by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of the regulations of this part, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than $100 nor more than $3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than $100 nor more than $3,000.

(b) The liability under this provision of Public Law 85–742 shall not affect any other liability of the employer under the Longshoremen's and Harbor Workers' Compensation Act.

§ 1501.4 Variation from the regulations of this part.

(a) As provided in Public Law 85–742, in case of practical difficulties or unnecessary hardships, the Secretary in his discretion may grant variations from the regulations of this part or particular provisions thereof, and permit the use of other or different devices if he finds that the purpose of the regulation will be observed by the variation and the safety of employees will be equally secured thereby. Any person affected by such regulations or his agent, may request the Secretary to grant such variation, stating in writing the grounds on which his request is based. Any authorization by the Secretary of a variation shall be in writing, shall describe the conditions under which the variation shall be permitted, and shall be published as provided in section 3 of the Administrative Procedure Act (ch. 324, 60 Stat. 237), as amended. A properly indexed record of all variations shall be kept in the Office of the Secretary and be open to public inspection.

§ 1501.5 Reference specifications, standards, and codes.

(a) Specifications, standards, and codes of agencies of the United States Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the United States Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston 10, Mass., Subpart B, § 1501.13(a).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill., Subpart B, § 1501.12(b) and Subpart C, § 1501.24(b)(7).

American Standard Safety Code for Portable Wood Ladders, A14.1–1959, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y., Subpart E, § 1501.42(a)(6).

American Standard Safety Code for Portable Metal Ladders, A14.2–1956, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y., Subpart E, § 1501.42(a)(4).

American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1–1959, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y., Subpart I, §§ 1501.81(a)(1), 1501.83(b).

American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, 1962, American Society of Mechanical Engineers, 29 West 39th Street, New York 18, N.Y., Subpart K, § 1501.101(a).

§ 1501.6 Notification of accidents resulting in fatalities or serious injuries.

(a) Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form US—202 (approved by Budget Bureau No. 44–R 887.2) with the Field Safety Consultant of the Bureau of Labor Standards serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily. (44 Stat. 1444; 33 U.S.C. 930)

§ 1501.7 Amendment of the regulations of this part.

The Secretary may at any time, upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of the regulations of this part.

Subpart B—Explosive and Dangerous Atmospheres

2. Section 1501.10 would be inserted at the beginning of Subpart B of Part 1501 (formerly Part 8) to read as follows:

§ 1501.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts B, C and D of this part, except for §§ 1501.11(a)(1)(iv) and 1501.24(b)(8), one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section.

(2) For each competent person so designated the employer shall execute U.S. Department of Labor Farm MAR–8, "Designation of Competent Person." Duplicate copies of this executed form shall be forwarded to the nearest office of the Bureau of Labor Standards.

(b) *Criteria.* The following criteria shall guide the employer in designating employees as competent persons:

(1) Ability to understand the meaning of designations on certificates and of any qualifications relating thereto and to carry out any instructions, either written or oral, left by the NFPA Certified Marine Chemist or person authorized by the U.S. Coast Guard referred to in

§ 1501.13 or issued by the person in charge of the fumigating referred to in § 1501.11(a)(1)(iv).

(2) Ability to use and interpret the readings of an oxygen indicator and a combustible gas indicator. The ability to use and interpret the readings of a carbon monoxide indicator and a carbon dioxide indicator, if the operations involve such hazardous gases.

(3) Familiarity with and understanding of Subparts B, C, and D of this part.

(4) Familiarity with the structure and knowledge of the location and designation of spaces of the types of vessels on which repair work is done.

(5) Capability to perform the tests and inspections required by Subparts B, C and D of this part and to write the required logs.

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts B, C and D of this part, except those referred to in §§ 1501.11(a)(1)(iv) and 1501.24(b)(8), are made, a record of the date, time, locations and results of the test and any instructions resulting therefrom shall be recorded on Form MAR–9. A separate form shall be used for each vessel on which tests and inspections are made.

(2) This record shall be kept on file for a period of at least three months from the date of the completion of the job. A copy shall be available for inspection in the immediate vicinity of the job.

(3) A copy of any certificate issued in accordance with § 1501.13 and of any instructions issued by the NFPA Certified Marine Chemist shall be kept on file with the log for a period of at least three months from the date of the completion of the job. The certificate and instructions issued by the person doing the fumigating referred to in § 1501.11(a)(1)(iv) shall also be kept on file for the same period of time.

(d) *Application.* The provisions of this section are intended to apply in their entirety to employers engaged in general ship repair work. They do not apply to employers whose work involves situations to which Subparts B, C and D of this part are not applicable, such as general cleaning work in which flammable and toxic atmospheres are not involved. Any employer whose work involves only certain portions of Subparts B, C and D of this part, such as work on small craft in boat yards where only combustible gas indicator tests are necessary for fuel tank leaks or when using flammable paints below decks, may designate persons as competent on the basis of the applicable portion of the criteria set forth in paragraph (b) of this section.

3. Section 1501.11 (formerly § 8.11) would be amended to read as follows:

§ 1501.11 Precautions before entering.

(a) *Gassy atmospheres.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) to (iv) of this subparagraph, either the atmosphere shall be considered to be immediately dangerous to life and the employees shall be protected with self-contained breathing apparatus or hose masks with blowers in accordance with § 1501.82 (a) and (b)(2)(i) or (ii), or the atmosphere shall be tested by a competent person to determine whether or not a flammable atmosphere is present.

(i) Cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk.

(ii) Cargo spaces or other spaces containing or having last contained bulk liquid or gas cargoes of a poisonous, corrosive, or irritant nature.

(iii) Spaces immediately above or adjacent to those described in subdivisions (i) and (ii) of this subparagraph.

(iv) Spaces that have been fumigated.

(2) If the atmosphere is found to contain flammable or explosive vapors in concentrations at or above ten percent of their lower explosive limit, either the space shall be ventilated sufficiently to bring the concentration below ten percent of the lower explosive limit and, when necessary, the provisions of subparagraph (4) of this paragraph shall be applied, or employees shall be protected by self-contained breathing apparatus or hose masks with blowers in accordance with § 1501.82 (a) and (b)(2)(i) or (ii).

(3) Only emergency work shall be performed in spaces where conditions exist requiring self-contained breathing apparatus or hose masks as prescribed by subparagraph (2) of this paragraph and paragraph (b)(1) of this section.

(4) If the atmosphere is found to contain a concentration of hazardous contaminants below ten percent of the lower explosive limit and not immediately dangerous to life, but above the threshold limit values for toxic substances, employees shall be protected in accordance with § 1501.82 (a) and (c).

(5) Where tests indicate that no flammable vapors are present the competent person shall test for the presence of sufficient oxygen as specified by paragraph (b)(2) of this section.

(b) *Oxygen deficient atmospheres.* (1) Before employees are permitted to enter sealed compartments, spaces which have been in a state of preservation, or any non-ventilated compartments which have been freshly painted, either the atmosphere shall be considered to be immediately dangerous to life and the employees shall be protected in accordance with the provisions of § 1501.82(a) and (b)(2)(i) or (ii), or the atmosphere shall be tested by a competent person with an oxygen indicator or other suitable device to ensure that it contains sufficient oxygen to sustain life.

(2) For purposes of this paragraph, an atmosphere containing 16.5 per cent oxygen or capable of supporting a flame shall be considered to contain sufficient oxygen to sustain life.

(3) Mechanical ventilation which will provide at least one complete change of uncontaminated air may be substituted in lieu of either of the requirements of subparagraph (1) of this paragraph.

4. Section 1501.12 (formerly § 8.12) would be amended to read as follows:

§ 1501.12 Cleaning and other cold work.

(a) Employees shall be permitted to perform manual cleaning to remove residue materials, scale and debris or to perform other cold work in spaces described in § 1501.11(a)(1)(i) through (iv) before they have been certified as gas free only under the following conditions:

(1) Liquid residues of flammable and toxic materials shall be removed from the spaces as thoroughly as practicable before employees start actual cleaning operations in these spaces. Drippings and spills of these materials on deck or elsewhere alongside the vessel shall be cleaned up as the work progresses. Special care shall be taken to prevent the spilling or the draining of these materials into the water surrounding the vessel.

(2) Continuous natural or mechanical ventilation shall be provided to keep the concentration of flammable vapors below ten (10) percent of the lower explosive limit in all parts of the space, provided that if, because of the high volatility of the residues, a uniform concentration of less than ten (10) percent of the lower explosive limit cannot be achieved, sufficient exhaust ventilation shall be provided to reduce the concentration to or below that level in the major portions of the compartment.

(3) Tests shall be made by a competent person prior to commencement of cold work and with sufficient frequency thereafter, in accordance with temperature, volatility of the residues, and other existing conditions in and about the spaces, to ensure that the concentration stated in subparagraph (2) of this paragraph is not exceeded.

(4) Cold work only shall be permitted.

(5) Tests shall be made by a competent person to ensure that the exhaust vapors from these spaces are not accumulating in other areas within or around the vessel, marine railway, drydock, graving dock, or under the pier where sources of ignition may be present. Should such accumulations be found, any sources of ignition within the affected area shall be removed or extinguished.

(b) In spaces described in paragraph (a)(1) of § 1501.11 only approved explosion-proof, self-contained battery-fed portable lamps shall be used. Battery-fed portable lamps bearing the approval of the Underwriters' Laboratories for use in Class 1, Group D, or approved as permissible by the U.S. Bureau of Mines, and such lamps listed by the U.S. Coast Guard as approved for such use are deemed to meet the requirements of this paragraph.

5. Section 1501.13 (formerly § 8.13) would be amended to read as follows:

§ 1501.13 Certification before hot work is begun.

(a) Employees shall not be permitted to engage in hot work or the use of powder actuated tools (actuated by an explosive charge) on any vessel, in or on the boundaries of cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk, or in spaces adjacent thereto, except spaces described in para-

graphs (b) and (c) of this section, or on lines and fittings connected to any of the foregoing spaces until a certificate setting forth that the hot work can be done in safety is issued. Such certificate shall be acceptable only if issued by a Marine Chemist certificated by the National Fire Protection Association, except that a certificate issued by another person authorized by the U.S. Coast Guard pursuant to the provisions of 46 CFR 35.01–1(b)(1) for tank vessels, 46 CFR 71.60–1(a)(1) for passenger vessels, and 46 CFR 91.50–1(a)(1) for cargo and miscellaneous vessels is acceptable for a particular inspection.

(b) In a dry cargo or passenger vessel, hot work in the cargo holds adjacent to, but not involving hot work on a boundary of a space containing or having last contained flammable liquids or gases in bulk, may be performed after a competent person has carefully examined the hold and found it to be free of flammable liquids, gases and vapors. If flammable liquids, gases or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases or vapors have been removed and a test indicates that the space is safe for fire.

(c) Before hot work is performed in engine room and boiler room spaces of any vessel and fuel tank and engine compartments of boats, the bilges shall be inspected and tested by a competent person to ensure that they are free of flammable liquids, gases and vapors. If flammable liquids, gases or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases or vapors have been removed and a test indicates that the space is safe for fire.

6. Section 1501.14 (formerly § 8.14) would be amended by deleting paragraph (f).

Subpart C—Surface Preparation and Preservation

7. Paragraphs (a) and (b)(1)(ii) of § 1501.22 (formerly § 8.22) would be amended to read as follows:

§ 1501.22 Chemical paint removers.

(a) Employees shall be protected against skin contact during the handling and application of chemical paint and preservative removers and shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 1501.81 (a) and (b).

(b) * * *.

(1) * * *.

(ii) Ventilation shall be provided in sufficient quantities to keep the concentration of vapors below ten (10) percent of their lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

8. Paragraphs (b)(1) and (c)(3) of § 1501.23 (formerly § 8.23) would be amended, and paragraph (b)(2) added to read as follows:

§ 1501.23 Mechanical paint removers.

* * * * *

(b) *Flame removal.* (1) Hardened preservative coatings shall not be removed by flame in enclosed spaces unless the employees exposed to fumes are protected by air line respirators in accordance with the requirements of § 1501.82 (a). Employees performing such an operation in the open air, and those exposed to the resulting fumes, shall be protected by a fume filter type respirator in accordance with requirements of paragraphs (a) and (d)(2)(iv) of § 1501.82.

(2) Flame or heat shall not be used to remove soft and greasy preservative coatings.

(c) *Abrasive blasting.* * * *

(3) *Personal protective equipment.* (i) Abrasive blasters working in enclosed spaces shall be protected by hoods, respirators and air fed or air helmets of a positive pressure type in accordance with the requirements of § 1501.82(a).

(ii) Abrasive blasters working in the open shall be protected as indicated in subdivision (i) of this subparagraph except that when synthetic abrasives containing less than one percent free silica are used and periodic urine-lead or blood-lead examinations are made, filter type respirators approved by the Bureau of Mines for exposure to lead dusts may be used in accordance with § 1501.82 (a) and (d).

(iii) Employees, other than blasters, including machine tenders and abrasive recovery men, working in areas where unsafe concentrations of abrasive materials and dusts are present shall be protected by eye and respiratory protective equipment in accordance with the requirements of §§ 1501.81 (a) and (b) and 1501.82 (a) and (d).

(iv) The blaster shall be protected against injury from exposure to the blast by appropriate protective clothing, including gloves.

(v) Since surges from drops in pressure in the hose line can be of sufficient proportions to throw the blaster off the staging, the blaster shall be protected by a safety belt when blasting is being done from elevations where adequate protection against falling cannot be provided by railings.

9. Paragraph (a)(3) of § 1501.24 (formerly § 8.24) would be amended to read as follows:

§ 1501.24 Painting.

(a) *Paints mixed with toxic vehicles or solvents.* * * *

(3) In all cases in which paints produce flammable vapors, sufficient ventilation, either mechanical or natural, to keep the concentration of flammable vapors below ten (10) percent of the lower explosive limit shall be provided. Frequent tests shall be made by a competent person to ascertain the concentration.

Subpart D—Welding, Cutting and Heating

10. Paragraphs (b)(2), (c)(2) and (c)(3) of § 1501.31 (formerly § 8.31) would be amended, and paragraph (c)(4) added to read as follows:

§ 1501.31 Ventilation and protection in welding, cutting and heating.

* * * * *

(b) *Welding, cutting and heating in confined spaces.* * * *

(2) The means of access shall be provided to a confined space and ventilation ducts to this space shall be arranged in accordance with § 1501.46(b)(1).

* * * * *

(c) *Welding, cutting or heating of metals of toxic significance.* * * *

(2) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (a) of this section or employees shall be protected by air line respirators in accordance with the requirements of § 1501.82(a).

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals.

Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with the requirements of paragraphs (a) and (d)(2)(iv) of § 1501.82, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of § 1501.82(a).

(4) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

11. Paragraphs (d) and (g) of § 1501.32 (formerly § 8.32) would be amended to read as follows:

§ 1501.32 Fire prevention.

* * * * *

(d) Suitable fire extinguishing equipment shall be available and shall be maintained in a state of readiness for instant use. In addition, when hot work is being performed aboard a vessel and pressure is not available on the vessel's fire system, an auxiliary supply of water shall be made available where practicable, consistent with avoiding freezing of the lines or hose.

* * * * *

(g) In order to eliminate the possibility of fire in enclosed spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the enclosed space whenever the torch is not to be used for a substantial period of time, such as during the lunch hour. Overnight and at the change of shifts the torch and hose shall be removed from the enclosed space. Open end fuel gas

and oxygen hoses shall be immediately removed from enclosed spaces when they are disconnected from the torch or other gas consuming device.

12. Section 1501.33 (formerly § 8.33) would be amended to read as follows:

§ 1501.33 Welding, cutting and heating in way of preservative coatings.

(a) Before welding, cutting or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(b) Precautions shall be taken to prevent ignition of highly flammable hardened preservative coatings. When coatings are determined to be highly flammable they shall be stripped from the area to be heated to prevent ignition. A 1½-inch or larger fire hose with fog nozzle, which has been uncoiled and placed under pressure, shall be available for instant use in the immediate vicinity, consistent with avoiding freezing of the hose.

(c) In enclosed spaces all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least four inches from the area of heat application or the employees shall be protected by air line respirators meeting the requirements of § 1501.82(a). In the open air employees shall be protected by a filter type respirator in accordance with requirements of § 1501.82 (a) and (d).

(d) Before welding, cutting or heating is commenced in enclosed spaces on metals covered by soft and greasy preservatives, the following precautions shall be taken:

(1) A competent person shall test the atmosphere in the space to ensure that it does not contain explosive vapors, since there is a possibility that some soft and greasy preservatives may have flash points below temperatures which may be expected to occur naturally. If such vapors are determined to be present, no hot work shall be commenced until such precautions have been taken as will ensure that the welding, cutting or heating can be performed in safety.

(2) The preservative coatings shall be removed for a sufficient distance from the area to be heated to ensure that the temperature of the unstripped metal will not be appreciably raised. Artificial cooling of the metal surrounding the heated area may be used to limit the size of the area required to be cleaned. The prohibition contained in § 1501.23(b)(2) shall apply.

(e) Immediately after welding, cutting or heating is commenced in enclosed spaces on metal covered by soft and greasy preservatives, and at frequent intervals thereafter, a competent person shall make tests to ensure that no flammable vapors are being produced by the coatings. If such vapors are determined to be present, the operation shall be stopped immediately and shall not be resumed until such additional precautions have been taken as are necessary to ensure that the operation can be resumed safely.

13. The title and paragraphs (a), (b) and (e) of § 1501.34 (formerly § 8.34) would be amended to read as follows:

§ 1501.34 Welding, cutting and heating of hollow metal containers and structures not covered by § 1501.11.

(a) Drums, containers, or hollow structures which have contained flammable substances shall, before welding, cutting, or heating is undertaken on them, either be filled with water or throughly cleaned of such substances and ventilated and tested.

(b) Before heat is applied to a drum, container, or hollow structure, a vent or opening shall be provided for the release of any built-up pressure during the application of heat.

* * * * *

(e) Jacketed vessels shall be vented before and during welding, cutting or heating operations in order to release any pressure which may build up during the application of heat.

14. Paragraphs (a)(8), (d)(2), (f)(2), and (f)(3) of § 1501.35 (formerly § 8.35) would be amended, and paragraph (a)(9) and paragraphs (g) and (h) added to read as follows:

§ 1501.35 Gas welding and cutting.

(a) *Transporting, moving, and storing compressed gas cylinders.* * * *

(8) When work is finished, when cylinders are empty or when cylinders are moved at any time, the cylinder valves shall be closed.

(9) Acetylene cylinders shall be kept in an upright position at all times.

* * * * *

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas as follows:

* * * * *

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. To permit quick closing, valves on fuel gas cylinders shall not be opened more than 1½ turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

* * * * *

(f) *Hose.* * * *

(2) When parallel sections of oxygen and fuel gas hose are taped together, not more than four inches out of eight inches shall be covered by tape.

(3) All hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion or be in any way harmful to employees, shall be inspected at the beginning of each shift. Defective hose shall be removed from service.

* * * * *

(g) *Torch tips.* Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills or other devices designed for such purpose.

(h) *Pressure gauges.* Oxygen and fuel gas pressure gauges shall be in proper working order while in use.

15. Paragraphs (a), (b)(1), (c)(1) and (5), (d)(2) and (3) and first sentence of (d) of § 1501.36 (formerly § 8.36) would be amended to read as follows:

§ 1501.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) Only manual electrode holders which are specifically designed for arc welding and cutting and are of a capacity capable of safely handling the maximum rated current required by the electrodes shall be used.

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

* * * * *

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

* * * * *

(5) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the vessel's structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

* * * * *

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding and cutting as follows: * * *

(2) Hot electrode holders shall not be dipped in water, since to do so may expose the arc welder or cutter to electric shock.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

Subpart E—Scaffolds, Ladders and Other Working Surfaces

16. Paragraphs (a)(6), (i)(1) and (j) of § 1501.41 (formerly § 8.41) would be amended, and paragraph (a) (9) and (10) added to read as follows:

§ 1501.41 Scaffolds or staging.

(a) *General requirements.* * * *

(6) Barrels, boxes, cans, loose bricks or other unstable objects shall not be used for the support of planking intended as scaffolds or working platforms.

* * * * *

(9) Lifting bridles on working platforms suspended from cranes shall consist of four legs so attached that the stability of the platform is assured.

(10) Unless the crane hook has a safety latch or is moused, the lifting bridles on working platforms suspended from cranes shall be attached by shackles to the lower lifting block or other positive means shall be taken to prevent them from becoming accidentally disengaged from the crane hook.

* * * * *

(i) *Backrails and toeboards.* (1) Scaffolding, staging, runways, or working platforms which are supported or suspended more than eight feet above a solid surface, or at any distance above the water, shall be provided with a railing which has a top rail whose upper surface is from 42 to 45 inches above the upper surface of the staging, platform, or runway and a midrail located halfway between the upper rail and the staging, platform, or runway.

* * * * *

(j) *Access to staging.* (1) Access from below to staging more than 5 feet above a floor, deck or the ground shall consist of well secured stairways, cleated ramps, fixed or portable ladders meeting the applicable requirements of § 1501.42 or rigid type non-collapsible trestles with parallel rungs.

(2) Ramps and stairways shall be provided with 36-inch handrails with midrails.

(3) Ladders shall be so located or other means shall be taken so that it is not necessary for employees to step more than one foot from the ladder to any intermediate landing or platform.

(4) Ladders forming integral parts of prefabricated staging are deemed to meet the requirements of these regulations.

(5) Access from above to staging more than 3 feet below the point of access shall consist of a Jacob's ladder properly secured, meeting the requirements of § 1501.44(d), or a straight portable ladder meeting the applicable requirements of § 1501.42.

17. Paragraph (a)(3) of § 1501.42 (formerly § 8.42) would be amended to read as follows:

§ 1501.42 Ladders.

(a) *General requirements.* * * *

(3) Portable ladders shall be lashed, blocked or otherwise secured to prevent their being displaced. The side rails of ladders used for access to any level shall extend not less than 36 inches above that level. When this is not practical, grab rails which will provide a secure grip for an employee moving to or from the point of access shall be installed.

18. A new paragraph (f) would be added to §1501.45 (formerly § 8.45) to read as follows:

§ 1501.45 Access to and guarding of drydocks.

* * * * *

(f) Access to wingwalls from floors of drydocks shall be by ramps, permanent stairways or ladders meeting the applicable requirements of § 1501.42.

19. Section 1501.46 (formerly § 8.46) would be amended to read as follows:

§ 1501.46 Access to cargo spaces and confined spaces.

(a) *Cargo spaces.* (1) There shall be at least one safe and accessible ladder in any cargo space which employees must enter.

(2) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(3) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed ladders in cargo spaces do not meet the requirements of subparagraph (1) of this paragraph. When conditions are such that a straight ladder cannot be used, a Jacob's ladder meeting the requirements of § 1501.44(d) may be used.

(4) When cargo is stowed within 4 inches of the back of ladder rungs, the ladder shall be deemed "unsafe" for the purpose of this section.

(5) Fixed ladders or straight ladders provided for access to cargo spaces shall not be used at the same time that cargo drafts or other loads are entering or leaving the hold. Before using these ladders to enter or leave the hold, the employee shall be required to inform the winchman or crane signalman of his intention.

(b) *Confined spaces.* (1) More than one means of access shall be provided to a confined space in which employees are working and in which the work may generate a hazardous atmosphere, except in cases in which the U.S. Coast Guard prohibits, or the structure of the vessel makes impracticable, additional openings.

(2) When the ventilation ducts required by these regulations must pass through these means of access, the ducts shall be of such a type and so arranged as to permit free passage of an employee through at least two of these means of access.

20. Section 1501.47 would be added to read as follows:

§ 1501.47 Working surfaces.

When firebox floors present tripping hazards of exposed tubing or of missing or removed refractory, sufficient planking to afford safe footing shall be laid while work is being carried on within the boiler.

Subpart F—General Working Conditions

21. Paragraphs (f) and (g) would be added to § 1501.52 (formerly § 8.52) to read as follows:

§ 1501.52 Illumination.

* * * * *

(f) Temporary lighting stringers or streamers shall be so arranged as to avoid overloading of branch circuits. Each branch circuit shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

(g) Lampholders with terminals of a type which puncture the insulation of the electric cords to make contact with the conductors shall not be used.

22. Paragraph (b)(1)(iii) would be added to § 1501.53 (formerly § 8.53) to read as follows:

§ 1501.53 Utilities.

* * * * *

(b) *Electric power.* (1) * * *

(iii) All circuits to be energized shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

23. Paragraph (a) of § 1501.55 (formerly § 8.55) would be amended to read as follows:

§ 1501.55 Work on or in the vicinity of radar and radio.

(a) No employees other than radar or radio repairmen shall be permitted to work on masts, king posts or other aloft areas unless the radar and radio are secured or otherwise made incapable of radiation. In either event, the radio and radar shall be appropriately tagged.

24. Paragraph (c) of § 1501.56 (formerly § 8.56) would be added to read as follows:

§ 1501.56 Work in or on lifeboats.

* * * * *

(c) Employees shall not be permitted to work on the outboard side of lifeboats stowed on their chocks unless the boats are secured by gripes or otherwise secured to prevent them from swinging outboard.

25. Paragraph (c) of § 1501.58 (formerly § 8.58) would be amended to read as follows:

§ 1501.58 First aid.

* * * * *

(c) The contents of the first aid kit shall be checked before being sent out on each job and at least weekly on each job to ensure that the expended items are replaced.

Subpart G—Gear and Equipment for Rigging and Materials Handling

26. Paragraph (a) of § 1501.61 (formerly § 8.61) would be amended to read as follows:

§ 1501.61 Inspection.

(a) All gear and equipment provided by the employer for rigging and materials handling shall be inspected be-

fore each shift and, when necessary, at intervals during its use to ensure that it is safe. Defective gear shall be removed and repaired or replaced before further use.

27. Sections 1501.62, 1501.63, 1501.64, 1501.65 and 1501.66 (formerly §§ 8.62, 8.63, 8.64, 8.65, and 8.66) would be combined to read as follows:

§ 1501.62 Ropes, chains and slings.

(a) *Manila rope and manila rope slings.* (1) Table G–1 shall be used to determine the safe working load of various sizes of manila rope and manila rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Wire rope and wire rope slings.* (1) Tables G–2 through G–5 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Where U-bolt wire rope clips are used to form eyes, Table G–6 shall be used to determine the number and spacing of clips. The U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(4) Wire rope shall not be secured by knots.

(c) *Chains and chain slings.* (1) Tables G–7 and G–8 shall be used to determine the working load limit of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products.

(2) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(3) Interlink wear, not accompanied by stretch in excess of 5 percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G–9, has been reached.

(4) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(5) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective as described in subparagraph (4) of this paragraph shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(6) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall never be annealed.

(7) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1501.63 Shackles and hooks.

(a) *Shackles.* (1) Table G–10 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Hooks.* (1) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(2) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(3) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

[Tables 1 through 10 would appear at this point.]

28. The top figure in the left hand column in Table G–7 would be changed from ⅞ to ¼.

29. Section 1501.64 (formerly § 8.67) would be amended to read as follows:

§ 1501.64 Chain falls and pull-lifts.

(a) Chain falls and pull-lifts shall be clearly marked to show the capacity and the capacity shall not be exceeded.

(b) Chain falls shall be regularly inspected to ensure that they are safe, particular attention being given to the lift chain, pinion, sheaves and hooks for distortion and wear. Pull-lifts shall be regularly inspected to ensure that they are safe, particular attention being given to the ratchet, pawl, chain and hooks for distortion and wear.

(c) Straps, shackles, and the beam or overhead structure to which a chain fall or pull-lift is secured shall be of adequate strength to support the weight of load plus gear. The upper hook shall be moused or otherwise secured against coming free of its support.

30. Section 1501.65 would be added to read as follows:

§ 1501.65 Hoisting and hauling equipment.

(a) The moving parts of hoisting and hauling equipment shall be guarded.

(b) Mobile crawler or truck cranes used on a vessel:

(1) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(3) The area within the swing radius of the body of a crawler or truck crane and the extended parts thereof shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(c) Marine railways:

(1) The cradle or carriage on the marine railway shall be positively blocked when in the hauled position to prevent it from being accidentally released.

31. Paragraphs (e) and (g) of § 1501.66 (formerly § 8.68) would be amended and paragraphs (i), (j), (k), (l), (m), (n), and (o) added to read as follows:

§ 1501.66 Use of gear.

* * * * *

(e) Slings shall be padded by means of wood blocks or other suitable material where they pass over sharp edges or corners of loads so as to prevent cutting or kinking.

* * * * *

(g) Loose ends of idle legs of slings in use shall be hung on the hook.

* * * * *

(i) Loads (tools, equipment or other materials) shall not be swung or suspended over the heads of employees.

(j) Pieces of equipment or structure susceptible to falling or dislodgement shall be lashed or removed as early as possible.

(k) An individual shall be assigned to act as a signalman when the hoist operator cannot see the load being handled. Communications shall be made by means of clear and distinct visual or auditory signals except that verbal signals shall not be permitted.

(l) Pallets, when used, shall be of such material and construction and so maintained as to safely support and carry the loads being handled on them.

(m) The beams or pontoons left in place, adjacent to a section through which materials or equipment are being raised or lowered by a crane, winch, hoist or derrick, shall be lashed, locked or otherwise secured to prevent them from being unshipped.

(n) Before swinging or lowering lifting gear and before loads are raised, lowered, or swung, clear and sufficient advance warning shall be given to employees in the vicinity of such operations.

(o) At no time shall an employee be permitted to place himself in a hazardous position between a swinging load and a fixed object.

32. Section 1501.69 (formerly § 8.69) would be renumbered as follows: § 1501.67 *Qualifications of operators.*

Subpart H—Tools and Related Equipment

33. The title and paragraph (a) of § 1501.71 (formerly § 8.71) would be amended and paragraph (e) added to read as follows:

§ 1501.71 General precautions.

(a) Hand lines, slings, or tackles of adequate strength shall be provided to handle tools, materials and equipment so that employees can have their hands free when using ship's ladders and access ladders. The use of hoses or electric cords for this purpose shall be prohibited.

* * * * *

(e) Before use, pneumatic tools shall be secured to the extension hose or whip by some positive means to prevent the tool from becoming accidentally disconnected from the whip.

Subpart I—Personal Protective Equipment

34. The title of § 1501.83 (formerly § 8.83) would be amended and paragraphs (e) and (f) added to read as follows:

§ 1501.83 Head, foot and body protection.

* * * * *

(e) Employees shall not be permitted to wear excessively greasy clothing when performing hot work operations.

(f) Employees shall be protected by suitable gloves when engaged in operations hazardous to their hands.

35. Paragraph (b) (4) would be added to § 1501.84 (formerly § 8.84) to read as follows:

§ 1501.84 Life saving equipment.

* * * * *

(b) *Safety belts and life lines.* * * *

(4) When employees are working in any location requiring a safety belt and a life line, as required in subparagraph (b) (1) or (2) of this paragraph, care shall be exercised to ensure that the life line is kept clear of a burning operation to prevent it from being burned, cut, or pinched by parts of the structure. In order to keep the life line continuously attached with a minimum of slack to a fixed structure the attachment point of the life line shall be appropriately changed as the work progresses.

36. Subpart J would be added to read as follows:

Subpart J—Ship's Machinery and Piping Systems

§ 1501.91 Ship's boilers.

(a) Before work is performed in the fire, steam, or water spaces of boilers, the employer shall ensure that the following steps are taken:

(1) The isolation and shut-off valves connecting the dead boilers with the live boilers shall be secured, blanked, and tagged indicating that employees are working in the boilers. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working in the boilers, or until the work is completed.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened.

(3) A warning sign calling attention to the fact that employees are working in the boilers shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are out of the boilers.

§ 1501.92 Ship's piping systems.

(a) Before work is performed on a valve, fitting, or section of piping in a piping system that has carried a high temperature medium, the employer shall ensure that the following steps are taken:

(1) The isolation and shut-off valves connecting the dead system with a live system or systems, shall be secured, blanked, and tagged indicating employees are working on the system. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the system, or until the work on the system is completed.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened.

§ 1501.93 Ship's propulsion machinery.

(a) Before work is performed on the main engine, reduction gear, or connecting accessories, the employer shall ensure that the following steps are taken:

(1) The jacking gear shall be engaged to prevent the main engine from turning over. A sign shall be posted at the throttle indicating that the jacking gear is engaged. This sign shall not be removed until the jacking gear can be safetly disengaged.

(2) If the jacking gear is steam driven, the stop valves to the jacking gear shall be secured, locked, and tagged indicating that employees are working on the main engine.

(3) If the jacking gear is electrically driven, the circuit controlling the jacking gear shall be deenergized by tripping the circuit breaker, opening the switch or removing the fuse, whichever is appropriate. The breaker, switch, or fuse location shall be tagged indicating that employees are working on the main engine.

(b) Before the jacking engine is operated, the following precautions shall be taken:

(1) A check shall be made to ensure that all employees, equipment, and tools are clear of the engine, reduction gear, and its connecting accessories.

(2) A check shall be made to ensure that all employees, equipment and tools are free of the propeller.

(c) Before work is started on or in the immediate vicinity of the propeller, a warning sign calling attention to the fact that employees are working in that area shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are free of the propeller.

(d) Before the main engine is turned over (e.g., when warming up before departure or testing after an overhaul) a check shall be made to ensure that all employees, equipment, and tools are free of the propeller.

§ 1501.94 Ship's deck machinery.

(a) Before work is performed on the anchor windlass or any of its attached accessories, the employer shall ensure that the following steps are taken:

(1) The devil claws shall be made fast to the anchor chains.

(2) The riding pawls shall be in the engaged position.

(3) In the absence of devil claws and riding pawls, the anchor chains shall be secured to a suitable fixed structure of the vessel.

37. Subpart K would be added to read as follows:

Subpart K—Portable, Unfired Pressure Vessels, Drums, and Containers, Other Than Ship's Equipment

§ 1501.101 Portable air receivers and other unfired pressure vessels.

(a) Portable, unfired pressure vessels, built after the effective date of this regulation, shall be marked and reported indicating that they have been designed and constructed to meet the standards of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, 1962. They shall be subjected to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(b) Portable, unfired pressure vessels, not built to the code requirements of paragraph (a) of this section, and built prior to the effective date of this regulation, shall be examined quarterly by a competent person. They shall be subjected yearly to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(c) The relief valves on the portable, unfired pressure vessels in paragraphs (a) and (b) of this section shall be set to the safe working pressure of the vessels, or set to the lowest safe working pressure of the systems, whichever is lower.

(d) A record of such examinations and tests made in compliance with the requirements of paragraphs (a) and (b) of this section shall be maintained.

§ 1501.102 Drums and containers.

(a) Shipping drums and containers shall not be pressurized to remove their contents.

(b) A temporarily assembled pressurized piping system conveying hazardous liquids or gases shall be provided with a relief valve and by-pass to prevent rupture of the system and the escape of such hazardous liquids or gases.

(c) Pressure vessels, drums and containers containing toxic or flammable liquids or gases shall not be stored or used where they are subject to open

flame, hot metal, or other sources of artificial heat.

(d) Unless pressure vessels, drums and containers of 30-gallon capacity or over containing flammable or toxic liquids or gases are placed in an out-of-the-way area where they will not be subject to physical injury from an outside source, barriers or guards shall be erected to protect them from such physical injury.

(e) Containers of 55-gallons or more capacity containing flammable or toxic liquid shall be surrounded by dikes or pans which enclose a volume equal to at least 25 percent of the total volume of the containers.

(f) Fire extinguishers adequate in number and suitable for the hazard shall be provided. These extinguishers shall be located in the immediate area where pressure vessels, drums, and containers containing flammable liquids or gases are stored or in use. Such extinguishers shall be ready for use at all times.

38. Subpart L would be added to read as follows:

Subpart L—Electrical Machinery

§ 1501.111 Electrical circuits and distribution boards.

(a) Before an employee is permitted to work on an electrical circuit, the circuit shall be deenergized by an authorized employee by opening the circuit breaker, opening the switch, or removing the fuse, whichever method is appropriate. The circuit breaker, switch or fuse location shall be tagged to indicate that an employee is working on the circuit. Such tags shall not be removed nor the circuit energized except by the authorized employee who placed the tag or by another employee authorized by the employer.

(b) When work is performed immediately adjacent to an open-front energized board, the board shall be covered or some other equal means shall be used to prevent contact with any of the energized parts.

39. Appendix I would be amended to conform to the 1963 edition of the Threshold Limit Values adopted by the 25th Annual Meeting of the American Conference of Governmental Industrial Hygienists.

(Public Law 85-742, 72 Stat. 835, amending 44 Stat. 1444, 33 U.S.C. 941, and R.S. 161, 5 U.S.C. 22)

40. Part 1502 (Formerly Part 8a) would be amended as set forth below. The Safety and Health Regulations for Shipbuilding which were published in the FEDERAL REGISTER (28 F.R. 547) are renumbered in all cases by substituting for part number 8a, part number 1502. The subpart and section letters and numbers are changed to coincide with the comparable ones in the Safety and Health Regulations for Ship Repairing.

PART 1502—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

41. Subpart A of Part 1502 (formerly Part 8a) would be amended to read as follows:

Subpart A—General Provisions

§ 1502.1 Purpose, scope and responsibility.

(a) Section 41 of the Longshoremen's and Harbor Workers' Compensation Act requires every employer to furnish and maintain employment and places of employment which are reasonably safe for his employees in all employments covered thereby (the Act applies to all injuries sustained by employees on navigable waters of the United States if the employees are employed by an "employer" as defined in section 2(4) of the Act, i.e., "an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any drydock)." Calbeck v. Travelers Insurance Co. and Donovan v. Avondale Shipyards, Inc. (82 S. Ct. 1196 (1962)) and to install, furnish, maintain, and use devices and safeguards (with particular reference to equipment used by such employers and working conditions established by them) determined by the Secretary of Labor to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment and to prevent injury to such employees. The purpose of this part is to make determinations under this standard with respect to shipbuilding activity.

(b) This part does not apply to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and acts supplementary or amendatory thereto (46 U.S.C. secs. 1–1388 passim) including, but not restricted to, the master, ship's officer, crew members, design, construction, and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 17, 1917, as amended (50 U.S.C. 191 et seq.; 22 U.S.C. 401, et seq.); including the provisions of Executive Order 10173, as amended by Executive Orders 10277 and 10352 (3 CFR 1949–1953 Comp., pp. 356, 778, and 873); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). Also, this part does not apply to owners, operators, agents, or masters of vessels unless they are acting as "employers". However, this part is not intended to relieve owners, operators, agents, or masters of vessels who are not "employers" from responsibilities or duties now placed upon them by law, regulations, or custom.

(c) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

§ 1502.2 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including dry docks, graving docks, and marine railways) and any of whose employees are employed, in whole or in part, in shipbuilding or related employments as defined in paragraphs (i) and (j) of this section, on the navigable waters of the United States, including drydocks, graving docks, and marine railways.

(d) The term "employee" means any employee of an employer, as defined in paragraph (c) of this section, engaged in shipbuilding or related employments, as defined in paragraphs (i) and (j) of this section, on the navigable waters of the United States, including drydocks, graving docks and marine railways, other than the master, ships' officers, or crew of the vessel.

(e) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and brows.

(f) The term "vessel" includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(g) For purposes of § 1502.44, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of this section, the term does not include ship shaped or deep draft barges.

(h) For purposes of § 1502.44, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of this section, the term does not include other towing vessels.

(i) The term "shipbuilding" means the construction of a vessel, including the installation of machinery and equipment.

(j) The term "related employment" means any employments performed as an incident to or in conjunction with shipbuilding work including, but not restricted to inspection, testing trials and employment as a watchman.

(k) The term "hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant, or otherwise harmful is likely to cause injury.

(l) The term "competent person" for purposes of this part means a person who is capable of recognizing and evaluating employee exposure to hazardous substances or to other unsafe conditions and is capable of specifying the necessary protection and precautions to be taken to ensure the safety of employees as required by the particular regulation under the condition to which it applies. For the purposes of Subparts C and D of this part, except for § 1502.24(b)(8), to which the above definition applies, the com-

petent person must also meet the additional requirements of § 1502.10.

(m) The terms "confined space" means a compartment of small size and limited access such as a double bottom, tank, cofferdam, or other space which by its confined nature can readily create or aggravate a hazardous exposure.

(n) The term "hot-work" means riveting, welding, burning or other fire or spark producing operations.

(o) The term "cold-work" means any work which does not involve riveting, welding, burning or other fire or spark producing operations.

(p) The term "portable unfired pressure vessel" means any pressure container or vessel used aboard ship, other than the ship's equipment, containing liquids or gases under pressure, excepting pressure vessels built to ICC regulations under 49 CFR Part 78, Subparts C and H.

§ 1502.3 Penalty.

(a) As provided in Public Law 85–742, any employer who, willfully, violates or fails or refuses to comply with the provisions of the regulations of this part and any employer or other person who willfully interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of section 41 of the Act by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of the regulations of this part, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than $100 nor more than $3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than $100 nor more than $3,000.

(b) The liability under this provision of Public Law 85–742 shall not affect any other liability of the employer under the Longshoremen's and Harbor Workers' Compensation Act.

§ 1502.4 Variation from the regulations of this part.

(a) As provided in Public Law 85–742, in case of practical difficulties or unnecessary hardships, the Secretary in his discretion may grant variations from the regulations of this part or particular provisions thereof, and permit the use of other or different devices if he finds that the purpose of the regulation will be observed by the variation and the safety of employees will be equally secured thereby. Any person affected by such regulations or his agent, may request the Secretary to grant such variation, stating in writing the grounds on which his request is based. Any authorization by the Secretary of a variation shall be in writing, shall describe the conditions under which the variation shall be permitted, and shall be published as provided in section 3 of the Administrative Procedure Act (ch. 324, 60 Stat. 237), as amended. A properly indexed record of all variations shall be kept in the Office of the Secretary and be open to public inspection.

§ 1502.5 Reference specifications, standards, and codes.

(a) Specifications, standards, and codes of agencies of the United States Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the United States Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill.; Subpart C, § 1502.24(b)(7).

American Standard Safety Code for Portable Wood Ladders, A14.1—1959, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y.; Subpart E, § 1502.42(a)(6).

American Standard Safety Code for Portable Metal Ladders, A14.2—1956, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y.; Subpart E, § 1502.42(a)(4).

American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1—1959, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y.; Subpart I, §§ 1502.81(a)(1), 1502.83(b).

American Society of Mechanical Engineers, Boiler and Pressure Vessel Code Section VIII, Rules for Construction of Unfired Pressure Vessels, 1962. American Society of Mechanical Engineers, 29 West 39th Street, New York 18, N.Y.; Subpart K, § 1502.101(a).

§ 1502.6 Notification of accidents resulting in fatalities or serious injuries.

(a) Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form US—202 (approved by Budget Bureau No. 44–R 887.2) with the Field Safety Consultant of the Bureau of Labor Standards serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily. (44 Stat. 1444; 33 U.S.C. 930.)

§ 1502.7 Amendment of the regulations of this part.

The Secretary may at any time, upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of the regulations of this part.

42. Subpart B of Part 1502 would include only § 1502.10 to read as follows:

Subpart B—Competent Person

§ 1502.10 Requirements.

(a) *Designation.* (1) For the purposes of Subparts C and D of this part, except for § 1502.24(b)(8), one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section.

(2) For each competent person so designated the employer shall execute U.S. Department of Labor Form MAR–8, "Designation of Competent Person". Duplicate copies of this executed form shall be forwarded to the nearest office of the Bureau of Labor Standards.

(b) *Criteria.* The following criteria shall guide the employer in designating employees as competent persons:

(1) Ability to understand the meaning of designations on certificates and of any qualifications relating thereto and to carry out any instructions, either written or oral, left by the NFPA Certified Marine Chemist or issued by a consultant or chemist who may be used by the employer to make the tests and inspections required by Subparts C and D of this part.

(2) Ability to use and interpret the readings of an oxygen indicator and a combustible gas indicator. The ability to use and interpret the readings of a carbon monoxide indicator and a carbon dioxide indicator, if the operations involve such hazardous gases.

(3) Familiarity with and understanding of Subparts C and D of this part.

(4) Familiarity with the structure and knowledge of the location and designation of spaces of the types of vessels on which construction work is done.

(5) Capability to perform the tests and inspections required by Subparts C and D of this part and to write the required logs.

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts C and D of this part, except those in § 1502.24(b)(8), are made, a record of the date, time, locations and results of the test and any instructions resulting therefrom shall be recorded on Form MAR–9. A separate form shall be used for each vessel on which tests and inspections are made.

(2) This record shall be kept on file for a period of at least three months from the date of the completion of the job. A copy shall be available for inspection in the immediate vicinity of the job.

(3) A copy of any certificate issued by the NFPA certified Marine Chemist or issued by any Consultant or Chemist who may be used by the employer to make the tests and inspections required by Subparts C and D of this part shall be kept on file with the log for a period of at least three months from the date of the completion of the job.

(d) *Application.* The provisions of this section are intended to apply in their entirety to employers engaged in general vessel construction. They do not apply in their entirety to employers whose work involves only certain por-

tions of Subparts C and D of this part, such as the building of some wooden vessels, where only knowledge of the precautions to be taken when using flammable paints is necessary. In such cases employers may designate persons who are competent on the basis of the applicable portions of the criteria set forth in paragraph (b) of this section.

43. Subpart C of Part 1502 (formerly Subpart B of 29 CFR Part 8a) would be amended to read as follows (Part 1501 to which reference is made was formerly Part 8):

Subpart C—Surface Preparation and Preservation

§ 1502.21 Toxic cleaning solvents.

The provisions of § 1501.21 of this chapter shall apply.

§ 1502.22 Chemical paint removers.

The provisions of § 1501.22 of this chapter shall apply.

§ 1502.23 Mechanical paint removers.

The provisions of § 1501.23 of this chapter shall apply.

§ 1502.24 Painting.

The provisions of § 1501.24 of this chapter shall apply.

44. Subpart D of Part 1502 (formerly Subpart C of CFR 29 Part 8a) would be amended to read as follows (Part 1501 to which reference is made was formerly Part 8):

Subpart D—Welding, Cutting, and Heating

§ 1502.31 Ventilation and protection in welding, cutting, and heating.

The provisions of § 1502.31 of this chapter shall apply.

§ 1502.32 Fire prevention.

The provisions of § 1501.32 of this chapter shall apply.

§ 1502.33 Welding, cutting and heating in way of preservative coatings.

The provisions of § 1501.33 of this chapter shall apply.

§ 1502.34 Welding, cutting and heating of hollow metal containers and structures.

(a) Drums, containers, or hollow structures which have contained toxic or flammable substances shall, before welding, cutting or heating is undertaken on them, either be filled with water or thoroughly cleaned of such substances and ventilated and tested.

(b) Before heat is applied to a drum, container, or hollow structure, a vent or opening shall be provided for the release of any build-up pressure during the application of heat.

(c) Before welding, cutting, heating or brazing is begun on structural voids such as skegs, bilge keels, fair waters, masts, booms, support stanchions, pipe stanchions or railings, a competent person shall inspect the object and, if necessary, test it for the presence of flammable liquids or vapors. If flammable liquids or vapors are present, the object shall be made safe.

(d) Objects such as those listed in paragraph (c) of this section shall also be inspected to determine whether water or other non-flammable liquids are present which, when heated, would build up excessive pressure. If such liquids are determined to be present, the object shall be vented, cooled, or otherwise made safe during the application of heat.

(e) Jacketed vessels shall be vented before and during welding, cutting or heating operations in order to release any pressure which may build up during the application of heat.

§ 1502.35 Gas welding and cutting.

The provisions of § 1501.35 of this chapter shall apply.

§ 1502.36 Arc welding and cutting.

The provisions of § 1501.36 of this chapter shall apply.

§ 1502.37 Uses of fissionable material in shipbuilding.

(a) In shipbuilding and related activities involving the use of an exposure to sources of ionizing radiation not only on conventionally powered but also on nuclear powered vessels, the applicable provisions of the Atomic Energy Commission's Standards for Protection Against Radiation (10 CFR Part 20), relating to protection against occupational radiation exposure, shall apply.

(b) Any activity which involves the use of radioactive material, whether or not under license from the Atomic Energy Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under Commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

45. Subpart E of Part 1502 (formerly Subpart D of 29 CFR Part 8a) would be amended to read as follows (Part 1501 to which reference is made was formerly Part 8):

Subpart E—Scaffolds, Ladders and Other Working Surfaces

§ 1502.41 Scaffolds or staging.

The provisions of § 1501.41 of this chapter shall apply.

§ 1502.42 Ladders.

The provisions of § 1501.42 of this chapter shall apply.

§ 1502.43 Guarding of deck openings.

The provisions of § 1501.43 of this chapter shall apply.

§ 1502.44 Access to vessels.

The provisions of § 1501.44 of this chapter shall apply.

§ 1502.45 Access to and guarding of dry docks.

The provisions of § 1501.45 of this chapter shall apply.

§ 1502.46 Access to cargo spaces and confined spaces.

(a) *Cargo spaces.* (1) There shall be at least one safe and accessible ladder in any cargo space which employees must enter.

(2) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(3) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed ladders in cargo spaces do not meet the requirements of subparagraph (1) of this paragraph. When conditions are such that a straight ladder cannot be used, a Jacob's ladder meeting the requirements of § 1502.44(d) may be used.

(b) *Confined spaces.* (1) More than one means of access shall be provided to a confined space in which employees are working and in which the work may generate a hazardous atmosphere, except in cases in which the structure of the vessel makes impracticable, additional openings.

(2) When the ventilating ducts required by these regulations must pass through these means of access, the ducts shall be of such a type and so arranged as to permit free passage to an employee through at least two of these means of access.

§ 1502.47 Working surfaces.

(a) When firebox floors present tripping hazards of exposed tubing or from missing or removed refractory, sufficient planking to afford safe footing shall be laid while work is being carried on within the boiler.

46. Subpart F of Part 1502 (formerly Subpart E of 29 CFR Part 8a) would be amended to read as follows (Part 1501 to which reference is made was formerly Part 8):

Subpart F—General Working Conditions

§ 1502.51 Housekeeping.

The provisions of § 1501.51 of this chapter shall apply.

§ 1502.52 Illumination.

(a) All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

(b) Temporary lights shall meet the following requirements:

(1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension.

(3) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(c) Exposed non-current-carrying metal parts of temporary lights furnished by the employer shall be grounded either through a third wire in the cable containing the circuit conductors or

through a separate wire which is grounded at the source of the current. Grounding shall be in accordance with the requirements of § 1502.72(b).

(d) Where temporary lighting from sources outside the vessel is the only means of illumination, portable emergency lighting equipment shall be available to provide illumination for safe movement of employees.

(e) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited.

(f) Temporary lighting stringers or streamers shall be so arranged as to avoid overloading of branch circuits. Each branch circuit shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

(g) Lampholders with terminals of a type which puncture the insulation of the electric cords to make contact with the conductors shall not be used.

§ 1502.53 Utilities.

(a) *Steam supply and hoses.* (1) Prior to supplying a vessel with steam from a source outside the vessel, the employer shall install a pressure gauge and a relief valve of proper size and capacity at the point where the temporary steam hose joins the vessel's steam piping system or systems. The relief valve shall be set and capable of relieving at a pressure not exceeding the safe working pressure of the vessel's system in its present condition, and there shall be no means of isolating the relief valve from the system which it protects. The pressure gauge and relief valve shall be located so as to be visible and readily accessible.

(2) Steam hose and fittings shall have a safety factor of not less than five (5).

(3) When steam hose is hung in a bight or bights, the weight shall be relieved by appropriate lines. The hose shall be protected against chafing.

(4) Steam hose shall be protected from damage and shall be so shielded where passing through normal work areas as to prevent accidental contact by employees.

(b) *Electric power.* (1) When the vessel is supplied with electric power from a source outside the vessel, the following precautions shall be taken prior to energizing the vessel's circuits:

(i) If in dry dock, the vessel shall be adequately grounded.

(ii) The employer shall insure that all of the vessel's circuits to be energized are in a safe condition.

(iii) All circuits to be energized shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1502.54 Work in confined or isolated spaces.

The provisions of § 1501.54 of this chapter shall apply.

§ 1502.55 Work on or in the vicinity of radar and radio.

The provisions of § 1501.55 of this chapter shall apply.

§ 1502.56 Work in or on lifeboats.

The provisions of § 1501.56 of this chapter shall apply.

§ 1502.57 Health and sanitation.

The provisions of paragraphs (a) and (b) of § 1501.57 of this chapter shall apply.

§ 1502.58 First aid.

The provisions of § 1501.58 of this chapter shall apply.

47. Subpart G of Part 1502 (formerly Subpart F of CFR 29 Part 8a) would be amended to read as follows (Part 1501 to which reference is made was formerly Part 8):

Subpart G—Gear and Equipment for Rigging and Materials Handling

§ 1502.61 Inspection.

The provisions of § 1501.61 of this chapter shall apply.

§ 1502.62 Ropes, chains and slings.

The provisions of § 1501.62 of this chapter shall apply.

§ 1502.63 Shackles and hooks.

The provisions of § 1501.63 of this chapter shall apply.

§ 1502.64 Chain falls and pull-lifts.

The provisions of § 1501.64 of this chapter shall apply.

§ 1502.65 Hoisting and hauling equipment.

The provisions of § 1501.65 of this chapter shall apply.

§ 1502.66 Use of gear.

The provisions of § 1501.66 of this chapter shall apply.

§ 1502.67 Qualifications of operators.

The provisions of § 1501.67 of this chapter shall apply.

48. Subpart H of Part 1502 (formerly Subpart G of 29 CFR Part 8a) would be amended to read as follows (Part 1501 to which reference is made was formerly Part 8):

Subpart H—Tools and Related Equipment

§ 1502.71 General precautions.

The provisions of § 1501.71 of this chapter shall apply.

§ 1502.72 Portable electric tools.

The provisions of paragraphs (a) through (d) of § 1501.72 of this chapter shall apply.

§ 1502.73 Hand tools.

The provisions of § 1501.73 of this chapter shall apply.

§ 1502.74 Abrasive wheels.

The provisions of § 1501.74 of this chapter shall apply.

§ 1502.75 Powder actuated tools.

The provisions of § 1501.75 of this chapter shall apply.

49. Subpart I of Part 1502 (formerly Subpart H of 29 CFR Part 8a) would be amended to read as follows (Part 1501 to which reference is made was formerly Part 8):

Subpart I—Personal Protective Equipment

§ 1502.81 Eye protection.

The provisions of § 1501.81 of this chapter shall apply.

§ 1502.82 Respiratory protection.

The provisions of § 1501.82 of this chapter shall apply.

§ 1502.83 Head, foot and body protection.

The provisions of § 1501.83 of this chapter shall apply.

§ 1502.84 Life saving equipment.

The provisions of § 1501.84 of this chapter shall apply.

50. Subpart J of Part 1502 would be added to read as follows:

Subpart J—Ship's Machinery and Piping Systems

§ 1502.91 Ship's boilers.

The provisions of § 1501.91 of this chapter shall apply.

§ 1502.92 Ship's piping systems.

The provisions of § 1501.92 of this chapter shall apply.

§ 1502.93 Ship's propulsion machinery.

The provisions of § 1501.93 of this chapter shall apply.

§ 1502.94 Ship's deck machinery.

The provisions of § 1501.94 of this chapter shall apply.

51. Subpart K of Part 1502 would be added to read as follows:

Subpart K—Portable, Unfired Pressure Vessels, Drums and Containers, Other Than Ship's Equipment

§ 1502.101 Portable air receivers and other unfired pressure vessels.

The provisions of § 1501.101 of this chapter shall apply.

§ 1502.102 Drums and containers.

The provisions of § 1501.102 of this chapter shall apply.

52. Subpart L of Part 1502 would be added to read as follows:

Subpart L—Electrical Machinery

§ 1502.111 Electrical circuits and distribution boards.

The provisions of § 1501.111 of this chapter shall apply.

53. Appendix I, Threshold Limit Values would be amended to read as follows (Part 1501 to which reference is made was formerly Part 8):

APPENDIX I—THRESHOLD LIMIT VALUES

The provisions of Appendix I of Part 1501 of this chapter shall apply.

(Sec. 41, 44 Stat. 1444; Sec. 1, 72 Stat. 835; 33 U.S.C. 941)

Signed at Washington, D.C., this 16th day of August 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63-9019; Filed, Aug. 22, 1963; 8:51 a.m.]

[29 CFR Part 1503]

SHIPBREAKING

Proposed Safety and Health Regulations

Under authority contained in section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941) as amended, I hereby propose to issue Safety and Health Regulations for Shipbreaking.

In order that interested parties may have opportunity to participate in the rule making process, oral data, views and arguments of interested persons will be received by a duly assigned Hearing Examiner on October 23, 1963 beginning at 10:00 a.m. in Room 404 at Railway Labor Building, First and D Streets NW., Washington, D.C.

Any interested person desiring to participate orally shall file a notice of intention with the Director, Bureau of Labor Standards, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., not later than October 13, 1963. The notice of intention shall state the name and address of the person who is to appear, specify his interest, the amount of time he requires for such purpose, and identify his counsel or other representative, if any. Written material which is supplemental to an oral presentation must be filed in quadruplicate with the Hearing Examiner at the time of presentation.

Interested persons, in lieu of personal appearance, may submit written data, views and argument in quadruplicate to the Director of the Bureau of Labor Standards, United States Department of Labor, Washington 25, D.C., not later than five days before the above specified date. Such written submissions, timely received, will be transmitted to the Hearing Examiner for incorporation into the record of proceedings.

The oral proceedings shall be reported, and transcripts will be available to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of the oral presentations, dispose of procedural requests, objections and comparable matters, and confine the presentation to matters pertinent to the proposal. He shall have discretion to keep the record open for a reasonable stated time to receive written proposals and supporting reasons, or additional data, views and arguments from persons who have participated.

Upon completion of the oral proceedings the transcript thereof, together with the exhibits, written submissions and all posthearing proposals and supporting reasons shall be certified by the Hearing Examiner to the Secretary of Labor. The Secretary of Labor will give careful consideration to all relevant matter thus presented, together with such other information as may be available, and will thereafter issue appropriate regulations by publication in the FEDERAL REGISTER.

These proposals supersede the proposals published in the FEDERAL REGISTER of September 28, 1962, concerning Shipbreaking (27 F.R. 9623).

The new Part 1503 of Title 29 of the Code of Federal Regulations would read as follows:

PART 1503—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

Subpart A—General Provisions

Subpart B—Explosive and Dangerous Atmospheres

Subpart C—[Vacant]

Subpart D—Welding, Cutting and Heating

Subpart E—Scaffolds, Ladders, and Other Working Surfaces

Subpart F—General Working Conditions

Subpart G—Gear and Equipment for Rigging and Materials Handling

Subpart H—Tools and Related Equipment

Subpart I—Personal Protective Equipment

AUTHORITY: §§ 1503.1 to 1503.84 issued under sec. 41, 44 Stat. 1444; sec. 1, 72 Stat. 825; 33 U.S.C. 941.

Subpart A—General Provisions

§ 1503.1 Purpose, scope and responsibility.

(a) Section 41 of the Longshoremen's and Harbor Workers' Compensation Act requires every employer to furnish and maintain employment and places of employment which are reasonably safe for his employees in all employments covered thereby (the Act applies to all injuries sustained by employees on navigable waters of the United States if the employees are employed by an "employer" as defined in section 2(4) of the Act i.e., "an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any dry dock)." Calbeck v. Travelers Insurance Co. and Donovan v. Avondale Shipyards, Inc. (52 S. Ct. 1196 (1962)) and to install, furnish, maintain and use devices and safeguards (with particular reference to equipment used by such employers and working conditions established by them) determined by the Secretary of Labor to be reasonably necessary to protect the life, health and safety of such employees, and to render safe such employment and places of employment and to prevent injury to such employees. The purpose of this part is to make determinations under this standard with respect to shipbreaking activity.

(b) This part does not apply to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and acts supplementary or amendatory thereto (46 U.S.C. secs. 1–1388 passim) including, but not restricted to, the master, ship's officer, crew members, design, construction and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports and waterfront facilities under the provisions of the Espionage Act of June 17, 1917, as amended (50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.); including the provisions of Executive Order 10173, as amended by Executive Orders 10277 and 10352 (3 CFR 1949–1953 Comp., pp. 356, 778 and 873); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). Also, this part does not apply to owners, operators, agents or masters of vessels unless they are acting as "employers". However, this part is not intended to relieve owners, operators, agents or masters of vessels who are not "employers" from responsibilities or

duties now placed upon them by law, regulations or custom.

(c) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

§ 1503.2 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in shipbreaking or related employments as defined in paragraphs (i) and (j) of this section on navigable waters of the United States, including dry docks, graving docks and marine railways, and any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States, including dry docks, graving docks and marine railways.

(d) The term "employee" means any person employed in shipbreaking or related employments on the navigable waters of the United States, including dry docks, graving docks and marine railways, by an employer as defined in paragraph (c) of this section.

(e) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and brows.

(f) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(g) For purposes of § 1503.44, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of this section, the term does not include ship shaped or deep draft barges.

(h) For purposes of § 1503.44, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of this section, the term does not include other towing vessels.

(i) The term "shipbreaking" means any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of gear, equipment or any component part of a vessel.

(j) The term "related employments" means any employments performed as an incident to or in conjunction with shipbreaking work, including, but not restricted to, inspection, survey and employment as a watchman.

(k) The term "hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant or otherwise harmful is likely to cause injury.

(l) The term "competent person" for purposes of this part means a person who is capable of recognizing and evaluating employee exposure to hazardous substances or to other unsafe conditions and is capable of specifying the necessary protection and precautions to be taken to ensure the safety of employees as required by the particular regulation under the condition to which it applies. For the purposes of Subparts B and D, the competent person shall be one meeting the requirements of § 1503.10.

(m) The term "confined space" means a compartment of small size and limited access such as a double bottom, tank, cofferdam or other space which by its confined nature can readily create or aggravate a hazardous exposure.

(n) The term "hot work" means riveting, welding, burning or other fire or spark producing operations.

(o) The term "cold work" means any work which does not involve riveting, welding, burning or other fire or spark producing operations.

§ 1503.3 Penalty.

(a) As provided in Public Law 85–742, any employer who, willfully, violates or fails or refuses to comply with the provisions of the regulations of this part and any employer or other person who willfully interferes with, hinders or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of section 41 of the Act by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of the regulations of this part, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than $100 nor more than $3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than $100 nor more than $3,000.

(b) The liability under this provision of Public Law 85–742 shall not affect any other liability of the employer under the Longshoremen's and Harbor Workers' Compensation Act.

§ 1503.4 Variation from the regulations of this part.

(a) As provided in Public Law 85–742, in case of practical difficulties or unnecessary hardships, the Secretary in his discretion may grant variations from the regulations of this part or particular provisions thereof, and permit the use of other or different devices if he finds that the purpose of the regulation will be observed by the variation and the safety of employees will be equally secured thereby. Any person affected by such regulations or his agent, may request the Secretary to grant such variation, stating in writing the grounds on which his request is based. Any authorization by the Secretary of a variation shall be in writing, shall describe the conditions under which the variation shall be permitted, and shall be published as provided in section 3 of the Administrative Procedure Act (ch. 324, 60 Stat. 237), as amended. A properly indexed record of all variations shall be kept in the Office of the Secretary and be open to public inspection.

§ 1503.5 Reference specifications, standards and codes.

(a) Specifications, standards and codes of agencies of the United States Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards and codes of organizations which are not agencies of the United States Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill., Subpart B, § 1503.12(b).

American Standard Safety Code for Portable Wood Ladders, A14.1—1959, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y., Subpart E, § 1503.42(a)(6).

American Standard Safety Code for Portable Metal Ladders, A14.2—1956, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y., Subpart E, § 1503.42(a)(4).

American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1—1959, American Standards Association, Inc., 10 East 40th Street, New York 16, N.Y., Subpart I, §§ 1503.81(a)(1), 1503.83(b).

§ 1503.6 Notification of accidents resulting in fatalities or serious injuries.

(a) Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form US—202 (approved by Budget Bureau No. 44–R887.2) with the Field Safety Consultant of the Bureau of Labor Standards serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily. (44 Stat. 1444; 33 U.S.C. 930)

§ 1503.7 Amendment of the regulations of this part.

The Secretary may at any time, upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of the regulations of this part.

Subpart B—Explosive and Dangerous Atmospheres

§ 1503.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts B and D of this part, one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section.

(2) For each competent person so designated the employer shall execute U.S. Department of Labor Form MAR–8, "Designation of Competent Person." Duplicate copies of this executed form shall be forwarded to the nearest Office of the Bureau of Labor Standards.

(b) *Criteria.* The following criteria shall guide the employer in designating employees as competent persons:

(1) Ability to understand the meaning of designations on certificates and of any qualifications relating thereto and to carry out any instructions, either written or oral, left by the NFPA Certified Marine Chemist.

(2) Ability to use and interpret the readings of an oxygen indicator and a combustible gas indicator. The ability to use and interpret the reading of carbon monoxide indicator and a carbon dioxide indicator, if the operations involve such hazardous gases.

(3) Familiarity with and understanding of Subparts B and D of these regulations.

(4) Familiarity with the structure and knowledge of the location and designation of spaces of the types of vessels on which breaking work is done.

(5) Capability to perform the tests and inspections required by Subparts B and D of this part and to write the required logs.

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts B and D are made, a record of the date, time, locations and results of the tests and any instructions resulting therefrom shall be recorded on Form MAR–9. A separate form shall be used for each vessel on which tests and inspections are made.

(2) This record shall be kept on file for a period of at least three months from the date of the completion of the job. A copy shall be available for inspection in the immediate vicinity of the job.

(3) A copy of any certificate issued in accordance with § 1503.13 and of any instructions issued by the NFPA Certified Marine Chemist shall be kept on file with the log for a period of at least three months from the date of the completion of the job.

(d) *Application.* The provisions of this section are intended to apply in their entirety to employers engaged in general shipbreaking work where both Subparts B and D of this part are applicable. They do not apply in their entirety to employers whose work involves only certain portions of Subparts B and D of this part, such as the breaking of vessels with no exposure to fuel oil or other flammable hazards. In such cases employers may designate persons who are competent on the basis of the applicable portions of the criteria set forth in paragraph (b) of this section.

§ 1503.11 Precautions before entering.

(a) *Gassy atmospheres.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) to (iii) of this subparagraph, either the atmosphere shall be considered to be immediately dangerous to life and the employees shall be protected with self-contained breathing apparatus or hose masks with blowers in accordance with § 1503.82 (a) and (b) (2) (i) or (ii), or the atmosphere shall be tested by a competent person to determine whether or not a flammable atmosphere is present.

(i) Cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk.

(ii) Cargo spaces or other spaces containing or having last contained bulk liquid or gas cargoes of a poisonous, corrosive, or irritant nature.

(iii) Spaces immediately above or adjacent to those described in subdivisions (i) and (ii) of this subparagraph.

(2) If the atmosphere is found to contain flammable or explosive vapors in concentrations at or above ten (10) percent of their lower explosive limit, either the space shall be ventilated sufficiently to bring the concentration below ten (10) percent of the lower explosive limit and, when necessary, the provisions of subparagraph (4) of this paragraph shall be applied, or employees shall be protected by self-contained breathing apparatus or hose masks with blowers in accordance with § 1503.82 (a) and (b) (2) (i) or (ii).

(3) Only emergency work shall be performed in spaces where conditions exist requiring self-contained breathing apparatus or hose masks as prescribed by subparagraph (2) of this paragraph and paragraph (b) (1) of this section.

(4) If the atmosphere is found to contain a concentration of hazardous contaminants below ten (10) percent of the lower explosive limit and not immediately dangerous to life, but above the threshold limit values for toxic substances, employees shall be protected in accordance with § 1503.82 (a) and (c).

(5) Where tests indicate that no flammable vapors are present the competent person shall test for the presence of sufficient oxygen as specified by paragraph (b) (2) of this section.

(b) *Oxygen deficient atmospheres.* (1) Before employees are permitted to enter sealed compartments, spaces which have been in a state of preservation, or any nonventilated compartments which have been freshly painted, either the atmosphere shall be considered to be immediately dangerous to life and the employees shall be protected in accordance with the provisions of § 1503.82 (a) and (b) (2) (i) or (ii), or the atmosphere shall be tested by a competent person with an oxygen indicator or other suitable device to ensure that it contains sufficient oxygen to sustain life.

(2) For purposes of this paragraph, an atmosphere containing 16.5 percent oxygen or capable of supporting a flame shall be considered to contain sufficient oxygen to sustain life.

(3) Mechanical ventilation which will provide at least one complete change of uncontaminated air may be substituted in lieu of either of the requirements of subparagraph (1) of this paragraph.

§ 1503.12 Cleaning and other cold work.

(a) Employees shall be permitted to remove residue materials or to perform other cold work in spaces described in § 1503.11(a) (1) (i) through (iii) only under the following conditions:

(1) Liquid residues of flammable and toxic materials shall be removed from the spaces as thoroughly as practicable before employees start actual cleaning operations in these spaces. Drippings and spills of these materials on deck or elsewhere alongside the vessel shall be cleaned up as the work progresses. Special care shall be taken to prevent the spilling or the draining of these materials into the water surrounding the vessel.

(2) Continuous natural or mechanical ventilation shall be provided to keep the concentration of flammable vapors below ten (10) percent of the lower explosive limit in all parts of the space, provided that if, because of the high volatility of the residues, a uniform concentration of less than ten (10) percent of the lower explosive limit cannot be achieved, sufficient exhaust ventilation shall be provided to reduce the concentration to or below that level in the major portions of the compartment.

(3) Tests shall be made by a competent person prior to commencement of cold work and with sufficient frequency thereafter, in accordance with temperature, volatility of the residues and other existing conditions in and about the spaces to ensure that the concentration stated in subparagraph (2) of this paragraph is not exceeded.

(4) Cold work only shall be permitted.

(5) Tests shall be made by a competent person to ensure that the exhaust vapors from these spaces are not accumulating in other areas within or around the vessel, marine railway, drydock, or under the pier where sources of ignition may be present. Should such accumulations be found, any sources of ignition within the affected area shall be removed or extinguished.

(b) In spaces described in subparagraph (a) (1) of § 1503.11 only approved explosion-proof, self-contained battery fed portable lamps shall be used. Battery fed portable lamps bearing the approval of the Underwriters' Laboratories for use in Class I, Group D, or approved as permissible by the U.S. Bureau of Mines, and such lamps listed by the United States Coast Guard as approved for such use are deemed to meet the requirements of this paragraph.

§ 1503.13 Certification before hot work is begun.

(a) *Hot work in the open.* Before hot work is performed from open decks or in spaces from which the overhead has been completely removed, on the boundaries of cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk, the following steps shall be taken:

(1) Tests shall be made by a competent person to determine the concentration of flammable vapors in these spaces. The permissible level of concentration of flammable vapors shall be ten (10) per-

cent of the lower explosive limit in all parts of the spaces.

(2) When the tests indicate that a space contains a concentration of flammable vapors above the permissible concentration, the space shall be inerted with a nonflammable gas or with water, or sufficient ventilation shall be provided to reduce the concentration below the permissible level.

(3) When the bottom of a space contains flammable residues, it shall be flooded with water to cover all parts of the space to a depth of at least one (1) foot unless the space is inerted.

(b) *Hot work below decks.* (1) Before hot work is performed below decks in or on the boundaries of cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk, or in spaces adjacent thereto, except spaces described in subparagraphs (2) and (3) of this paragraph, or on lines and fittings connected to any of the foregoing spaces, a certificate setting forth that the hot work can be done in safety shall be issued. Such certificate shall be acceptable only if issued by a Marine Chemist certificated by the National Fire Protection Association.

(2) Before hot work is performed in or on the cargo holds of a vessel, except on a boundary of a space in the hold containing or having last contained flammable liquids or gases in bulk, a competent person shall carefully examine and test the hold for flammable liquids, gases and vapors. Hot work shall not be performed within the space until the flammable liquids, gases or vapors have been removed and a test indicates that the space is safe for fire.

(3) Before hot work is performed in engine room and boiler room spaces of a vessel and fuel tank and engine compartments of boats, the bilges shall be inspected and tested by a competent person for flammable liquids, gases and vapors. Hot work shall not be performed within the space until the flammable liquids, gases or vapors have been removed and a test indicates that the space is safe for fire.

§ 1503.14 Maintaining gas free conditions.

(a) *Hot work in the open.* (1) During the performance of hot work from open decks or in spaces from which the overhead has been completely removed, on the boundaries of spaces described in § 1503.13(a), other than those filled with water, the competent person shall make frequent tests to ensure that the inert atmosphere is being maintained or that the concentration of flammable vapors remains below ten (10) percent of the lower explosive limit.

(b) *Hot work below decks.* (1) When conditions in spaces below decks described in § 1503.13(b) are such that there is a possibility of hazardous vapors being released from residues or other sources, after a gas free certificate has been issued, a competent person shall make tests to ensure that the gas free condition is maintained irrespective of whether hot work is being performed in or on the aforementioned spaces. When the competent person finds that the atmospheric conditions have altered, work shall be stopped and a new gas free certificate, in accordance with § 1503.13 (b) shall be obtained, before work is resumed.

Subpart C—[Vacant]

Subpart D—Welding, Cutting and Heating

§ 1503.31 Ventilation and protection in welding, cutting and heating.

(a) *Mechanical ventilation; requirements.* (1) For purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen from a cylinder or torch shall not be used for ventilation purposes.

(b) *Welding, cutting and heating in confined spaces.* (1) Except as provided in subparagraph (3) of this paragraph and paragraph (c)(2) of this section, either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(2) The means of access shall be provided to a confined space in accordance with § 1503.46(b) (1) and (2).

(3) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of § 1503.82(a), and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(c) *Welding, cutting or heating of metals of toxic significance.* (1) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section.

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(2) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (a) of this section or employees shall be protected by air line respirators in accordance with the requirements of § 1503.82 (a).

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with requirements of paragraphs (a) and (d)(2)(iv) of § 1503.82, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of § 1503.82(a).

(4) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(d) *General welding, cutting and heating.* (1) Welding, cutting and heating not involving conditions or materials described in paragraph (b), (c) or (d) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(2) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of § 1503.81 (a) and (c).

§ 1503.32 Fire prevention.

(a) When hot work is performed below decks or in other situations in which accidental fire would jeopardize the safety of employees the following precautions shall be taken:

(1) When practical, objects to be welded, cut or heated shall be moved to a designated safe location or, if the object to be welded, cut or heated cannot be readily moved, all movable fire hazards in the vicinity shall be taken to a safe place.

(2) If the object to be welded, cut or heated cannot be moved and if all the fire hazards cannot be removed, positive means shall be taken to confine the heat, sparks and slag and to protect the immovable fire hazards from them.

(3) When welding, cutting or heating is performed on tank shells, decks, overheads and bulkheads, since direct pene-

tration of sparks or heat transfer may introduce a fire hazard to an adjacent compartment, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(4) In order to eliminate the possibility of fire in enclosed spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the enclosed space whenever the torch is not to be used for a substantial period of time, such as during the lunch hour. Overnight and at the change of shifts the torch and hose shall be removed from the enclosed space. Open end fuel gas and oxygen hoses shall be immediately removed from enclosed spaces when they are disconnected from the torch or other gas consuming device.

(b) In all cases suitable fire extinguishing equipment shall be available and shall be maintained in a state of readiness for instant use.

§ 1503.33 Welding, cutting and heating in way of preservative coatings.

(a) Before welding, cutting or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(b) When coatings are determined to be highly flammable either they shall be stripped from the area to be heated to prevent ignition or they shall be burned away under controlled conditions. A 1½-inch or larger fire hose with fog nozzle, which has been uncoiled and placed under pressure, shall be available for instant use in the immediate vicinity, consistent wtih avoiding freezing of the hose.

(c) In enclosed spaces all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least four inches from the area of heat application or the employees shall be protected by air line respirators meeting the requirements of § 1503.82 (a). In the open air employees shall be protected by a filter type respirator in accordance with requirements of § 1503.82 (a) and (d).

§ 1503.34 Welding, cutting and heating of hollow metal containers and structures not covered by § 1503.11.

(a) Drums, containers or hollow structures which have contained flammable substances shall, before welding, cutting or heating is undertaken on them, either be filled with water or thoroughly cleaned of such substances and ventilated and tested.

(b) Before heat is applied to a drum, container or hollow structure, a vent or opening shall be provided for the release of any built-up pressure during the application of heat.

(c) Before welding, cutting, heating or brazing is begun on structural voids such as skegs, bilge keels, fair waters, masts, booms, support stanchions, pipe stanchions or railings, a competent person shall inspect the object and, if necessary, test it for the presence of flammable liquids or vapors. If flammable liquids or vapors are present, the object shall be made safe.

(d) Objects such as those listed in paragraph (c) of this section shall also be inspected to determine whether water or other nonflammable liquids are present which, when heated, would build up excessive pressure. If such liquids are determined to be present, the object shall be vented, cooled or otherwise made safe during the application of heat.

(e) Jacketed vessels shall be vented before and during welding, cutting or heating operations in order to release any pressure which may build up during the application of heat.

§ 1503.35 Gas welding and cutting.

(a) *Transporting, moving and storing compressed gas cylinders.* (1) Valve protection caps shall be in place and secure. Oil shall not be used to lubricate protection caps.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard or pallet. They shall not be hoisted by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck or permitted to strike each other violently.

(4) When cylinders are transported by vehicle, they shall be secured in position.

(5) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(6) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(7) A suitable cylinder truck, chain or other steadying device shall be used to keep cylinders from being knocked over while in use.

(8) When work is finished, when cylinders are empty, or when cylinders are moved at any time, the cylinder valves shall be closed.

(9) Acetylene cylinders shall be kept in an upright position at all times.

(b) *Placing cylinders.* (1) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(2) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(3) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal or other sources of artificial heat.

(4) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(c) *Treatment of cylinders.* (1) Cylinders, whether full or empty, shall not be used as rollers or supports.

(2) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. Only cylinders bearing Interstate Commerce Commission identification and inspection markings shall be used.

(3) No damaged or defective cylinder shall be used.

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(1) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator.) The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame or other possible sources of ignition.

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. To permit quick closing, valves on fuel gas cylinders shall not be opened more than 1½ turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(3) Fuel gas shall no be used from cylinders through torches or other devices which are equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(5) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the vessel. In the event that fuel gas should leak from the cylinder valve rather than from the valve stem and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the vessel. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the vessel.

(6) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the vessel.

(e) *Manifolds.* (1) Manifolds shall bear the name of the substance they contain in letters at least one (1) inch

high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) All manifolds shall be placed in safe and accessible locations.

(3) Manifold hose connections shall be such that hose cannot be interchanged between fuel gases and oxygen manifolds. Adaptors shall not be used to permit the interchange of hose. Manifold hose connections shall be kept free of grease and oil.

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangable. A single hose having more than one gas passage, a wall failure of which would permit the flow of one gas into the other gas passage, shall not be used.

(2) When parallel sections of oxygen and fuel gas hose are taped together, not more than four inches out of eight inches shall be covered by tape.

(3) All hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion or be in any way harmful to employees, shall be inspected at the beginning of each shift. Defective hose shall be removed from service.

(4) Hose which has been subjected to flashback or which shows evidence of severe wear or damage shall be tested to twice the normal pressure to which it is subject, but in no case less than two hundred (200) psi. Defective hose or hose in doubtful condition shall not be used.

(5) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(6) Boxes used for the stowage of gas hose shall be ventilated.

(g) *Torch tips.* Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills or other devices designed for such purpose.

(h) *Pressure gauges.* Oxygen and fuel gas pressure gauges shall be in proper working order while in use.

§ 1503.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) Only manual electrode holders which are specifically designed for arc welding and cutting and are of a capacity capable of safely handling the maximum rated current required by the electrodes shall be used.

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(2) Only cable free from repair or splices for a minimum distance of ten (10) feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(3) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(4) Cables in poor repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tapes or other equivalent insulation.

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(2) Structures or pipe lines, except pipe lines containing gases or flammable liquids or conduits containing electrical circuits, may be used as part of the ground return circuit, provided that the pipe or structure has a current carrying capacity equal to that required by subparagraph (1) of this paragraph.

(3) When a structure or pipe line is employed as a ground return circuit, it shall be determined that the required electrical contact exists at all joints. The generation of an arc, sparks or heat at any point shall cause rejection of the structure as a ground circuit.

(4) When a structure or pipe line is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(5) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the vessel's structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(6) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(1) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(2) Hot electrode holders shall not be dipped in water, since to do so may expose the arc welder or cutter to electric shock.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Any faulty or defective equipment shall be reported to the supervisor.

(e) *Shielding.* Whenever practicable, all arc welding and cutting operations shall be shielded by noncombustible or flame-proof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

Subpart E—Scaffolds, Ladders and Other Working Surfaces

§ 1503.41 Scaffolds or staging.

(a) *General requirements.* (1) All scaffolds and their supports, whether of lumber, steel or other material, shall be capable of supporting the load they are designed to carry with a safety factor of not less than four (4).

(2) All lumber used in the construction of scaffolds shall be spruce, fir, long leaf yellow pine, Oregon pine or wood of equal strength. The use of hemlock, short leaf yellow pine or short fiber lumber is prohibited.

(3) Lumber dimensions as given in this subpart are nominal except where given in fractions of an inch.

(4) All lumber used in the construction of scaffolds shall be sound, straight-grained, free from cross grain, shakes and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength or durability.

(5) Scaffolds shall be maintained in a safe and secure condition. Any component of the scaffold which is broken, burned or otherwise defective shall be replaced.

(6) Barrels, boxes, cans, loose bricks or other unstable objects shall not be used for the support of planking intended as scaffolds or working platforms.

(7) No scaffold shall be erected, moved, dismantled or altered except under the supervision of competent persons.

(b) *Horse scaffolds.* (1) The minimum dimensions of lumber used in the construction of horses shall be in accodance with Table E–1 in § 1503.68.

(2) Horses constructed of materials other than lumber shall provide the strength, rigidity, and security required of horses constructed of lumber.

(3) The lateral spread of the legs shall be equal to not less than one-third of the height of the horse.

(4) All horses shall be kept in good repair, and shall be properly secured when used in staging or in locations where they may be insecure.

(5) Platform planking shall be in accordance with the requirements of paragraph (d) of this section.

(6) Backrails and toeboards shall be in accordance with paragraph (e) of this section.

(c) *Other types of scaffolds.* (1) Scaffolds of a type for which specifications are not contained in this section shall meet the general requirements of paragraphs (a), (d), and (e) of this section, shall be in accordance with recognized principles of design and shall be constructed in accordance with accepted standards covering such equipment.

(d) *Scaffold or platform planking.* (1) Platform planking shall be of not less than 2 x 10 inch lumber. Platform planking shall be straight-grained and free from large or loose knots and may be either rough or dressed.

(2) Platforms of staging shall be not less than two 10 inch planks in width except in such cases as the structure of the vessel or the width of the trestle ladders make it impossible to provide such a width.

(3) Platform planking shall project beyond the supporting members at either end by at least 6 inches but in no case shall project more than 12 inches unless the planks are fastened to the supporting members.

(4) Table E–2 shall be used as a guide in determining safe loads for scaffold planks.

(e) *Backrails and toeboards.* (1) Scaffolding, staging, runways, or working platforms which are supported or suspended more than 8 feet above a solid surface, or at any distance above the water, shall be provided with a railing which has a top rail whose upper surface is from 42 to 45 inches above the upper surface of the staging, platform, or runway and a midrail located half-way between the upper rail and the staging, platform, or runway.

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 8 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of § 1503.84(b), and employees working over water shall be protected by buoyant working vests meeting the requirements of § 1503.84(a).

(4) Employees working from scaffolds on paint floats subject to surging, shall be protected against falling toward the vessel by a railing or a safety belt and line attached to the backrail.

(5) When necessary, to prevent tools and materials from falling on men below, toeboards of not less than 1 x 4 inch lumber shall be provided.

(f) *Access to staging.* (1) Access to staging more than 5 feet above a floor, deck or the ground shall consist of well secured stairways, cleated ramps, fixed or portable ladders meeting the applicable requirements of § 1503.42 or rigid type non-collapsible trestles with parallel and level rungs.

(2) Ramps and stairways shall be provided with 36-inch handrails with midrails.

(3) Ladders shall be so located or other means shall be taken so that it is not necessary for employees to step more than one foot from the ladder to any intermediate landing or platform.

(4) Ladders forming integral parts of prefabricated staging are deemed to meet the requirements of these regulations.

(5) Access from above to staging more than 3 feet below the point of access shall consist of a Jacob's ladder properly secured, meeting the requirements of § 1503.44(d), or a straight, portable ladder meeting the applicable requirements of § 1503.42.

§ 1503.42 Ladders.

(a) *General requirements.* (1) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered they shall be immediately withdrawn from service.

(2) When sections of ladders are spliced, the ends shall be abutted, and not fewer than 2 cleats shall be securely nailed or bolted to each rail. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the side rail. The dimensions of side rails for their total length shall be those specified in paragraph (b) or (c) of this section.

(3) Portable ladders shall be lashed, blocked or otherwise secured to prevent their being displaced. The side rails of ladders used for access to any level shall extend not less than 36 inches above that level. When this is not practical, grab rails which will provide a secure grip for an employee moving to or from the point of access shall be installed.

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American Standard Safety Code for Portable Metal Ladders, A14.2.

(5) Portable metal ladders shall not be used near electrical conductors.

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American Standard Safety Code for Portable Wood Ladders, A14.1.

(b) *Construction of portable wood cleated ladders up to 30 feet in length.* (1) Wood side rails shall be made from West Coast hemlock, Eastern spruce, Sitka spruce, or wood of equivalent strength. Material shall be seasoned, straight-grained wood, and free from shakes, checks, decay or other defects which will impair its strength. The use of low density woods is prohibited.

(2) Side rails shall be dressed on all sides, and kept free of splinters.

(3) All knots shall be sound and hard. The use of material containing loose knots is prohibited. Knots shall not appear on the narrow face of the rail and, when in the side face, shall be not more than ½ inch in diameter or within ½ inch of the edge of the rail or nearer than 3 inches to a tread or rung.

(4) Pitch pockets not exceeding ⅛ inch in width, 2 inches in length and ½ inch in depth are permissible in wood side rails, provided that not more than one such pocket appears in each 4 feet of length.

(5) The width between side rails at the base shall be not less than 11½ inches for ladders 10 feet or less in length. For longer ladders this width shall be increased at least ¼ inch for each additional 2 feet of length.

(6) Side rails shall be at least 1⅝ x 3⅝ inches in cross section.

(7) Cleats (meaning rungs rectangular in cross section with the wide dimension parallel to the rails) shall be of the material used for side rails, straight-grained and free from knots. Cleats shall be mortised into the edges of the side rails ½ inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or fastened with through bolts or other fasteners of equivalent strength. Cleats shall be uniformly spaced not more than 12 inches apart.

(8) Cleats 20 inches or less in length shall be at least $^{25}/_{32}$ x 3 inches in cross section. Cleats over 20 inches but not more than 30 inches in length shall be at least $^{25}/_{32}$ x 3¾ inches in cross section.

(c) *Construction of portable wood cleated ladders from 30 to 60 feet in length.* (1) Ladders from 30 to 60 feet in length shall be in accordance with the specifications of paragraph (b) of this section with the following exceptions:

(i) Rails shall be of not less than 2 x 6 inch lumber.

(ii) Cleats shall be of not less than 1 x 4 inch lumber.

(iii) Cleats shall be nailed to each rail with five tenpenny common wire nails or fastened with through bolts or other fastenings of equivalent strength.

§ 1503.43 [Vacant]

§ 1503.44 Access to vessels.

(a) *Access to vessels afloat.* The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(1) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. In an emergency a Jacob's ladder meeting the requirements of paragraph (d) (1) and (2) of this section may be used.

(2) Each side of such gangway, and the turn table if used, shall have a railing with a minimum height of approximately 33 inches measured perpendicularly from rail to walking surface at the stanchion, with a midrail. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(3) The gangway shall be kept properly trimmed at all times.

(4) When a fixed tread accommodation ladder is used, and the angle is low

enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(5) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(6) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings, with a minimum height of approximately 33 inches with midrails on both sides.

(7) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(8) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(9) Obstructions shall not be laid on or across the gangway.

(10) The means of access shall be adequately illuminated for its full length.

(11) Loads shall not be passed over the means of access while employees are on it.

(b) *Access to vessels in drydock or between vessels.* Gangways meeting the requirements of paragraph (a) (1), (2), (8), (9) and (10) of this section shall be provided for access from wing wall to vessel or, when two or more vessels, other than barges or river towboats, are lying abreast, from one vessel to another.

(c) *Access to barges and river towboats.* (1) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained and properly secured.

(2) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp in accordance with the requirements of subparagraph (1) of this paragraph or a safe walkway in accordance with the requirements of paragraph (a)(6) of this section shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. In an emergency a Jacob's ladder in accordance with the requirements of paragraph (d) of this section may be used.

(3) The means of access shall be in accordance with the requirements of paragraph (a) (8), (9) and (10) of this section.

(d) *Jacob's ladders.* (1) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(2) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1503.45 Access to and guarding of dry docks.

(a) A gangway, ramp or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(b) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wing walls from dry dock floors, shall have a railing with a midrail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 or more than approximately 34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(c) Railings meeting the requirements of paragraph (b) of this section shall be provided on the means of access to and from the floors of graving docks.

(d) Railings approximately 42 inches in height, with a midrail, shall be provided on the edges of wing walls of floating dry docks and on the edges of graving docks. Sections of the railings may be temporarily removed where necessary to permit line handling while a vessel is entering the dock.

(e) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42-inch railings with a midrail. When such a railing would be impractical or ineffective, other effective means shall be provided to prevent men from falling into the water.

(f) Access to wingwalls from floors of dry docks shall be by ramps, permanent stairways or ladders meeting the applicable requirements of § 1503.42.

§ 1503.46 Access to cargo and confined spaces.

(a) *Cargo spaces.* (1) There shall be at least one safe and accessible ladder in any cargo space which employees must enter.

(2) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(3) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed ladders in cargo spaces do not meet the requirements of subparagraph (1) of this paragraph. In an emergency a Jacob's ladder meeting the requirements of § 1503.44(d) may be used.

(4) Fixed ladders or straight ladders provided for access to cargo spaces shall not be used at the same time that equipment, materials, scrap or other loads are entering or leaving the hold. Before using these ladders to enter or leave the hold, the employee shall be required to inform the winchman or crane signalman of his intention.

(b) *Confined spaces.* (1) More than one means of access shall be provided to a confined space in which employees are working and in which the work may generate a hazardous atmosphere.

(2) When the ventilating ducts required by these regulations must pass through these means of access an additional means of access shall be provided.

Subpart F—General Working Conditions

§ 1503.51 Housekeeping.

(a) All working areas on or immediately surrounding the vessel in a dry dock and graving dock or on a marine railway shall be kept in a reasonable state of order. Scrap, equipment and other materials shall be so piled as not to present a hazard to employees.

(b) Adequate aisles and passageways shall be maintained, as far as practicable, in all work areas, except when impossible due to the nature of the work being performed.

(c) Free access shall be maintained at all times to all exits and to fire-extinguishing equipment.

§ 1503.52 Illumination.

(a) All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

(b) Temporary lights shall meet the following requirements:

(1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension.

(3) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(c) Exposed non-current-carrying metal parts of temporary lights furnished by the employer shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current. Grounding shall be in accordance with the requirements of § 1503.72(b).

(d) Where temporary lighting from sources outside the vessel is the only means of illumination, portable emergency lighting equipment shall be available to provide illumination for safe movement of employees.

(e) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited. In non-gas free spaces, portable lights shall meet the requirements of § 1503.12(b).

(f) Temporary lighting stringers or streamers shall be so arranged as to avoid overloading of branch circuits. Each branch circuit shall be equipped with overcurrent protection of capacity not

exceeding the rated current carrying capacity of the cord used.

(g) Lampholders with terminals of a type which puncture the insulation of the electric cords to make contact with the conductors shall not be used.

§ 1503.53 Utilities.

(a) *Steam supply and hoses.* (1) Prior to supplying a vessel with steam from a source outside the vessel, the employer shall ascertain the safe working pressure of the vessel's steam system. The employer shall install a pressure gauge and a relief valve of proper size and capacity at the point where the temporary steam hose joins the vessel's steam piping system or systems. The relief valve shall be set and capable of relieving at a pressure not exceeding the safe working pressure of the vessel's system in its present condition, and there shall be no means of isolating the relief valve from the system which it protects. The pressure gauge and relief valve shall be located so as to be visible and readily accessible.

(2) Steam hose fittings shall have a safety factor of not less than five (5).

(3) When steam hose is hung in a bight or bights, the weight shall be relieved by appropriate lines. The hose shall be protected against chafing.

(4) Steam hose shall be protected from damage and shall be so shielded where passing through normal work areas as to prevent accidental contact by employees.

(b) *Electric power.* When the vessel is supplied with electric power from a source outside the vessel, the following precautions shall be taken prior to energizing the vessel's circuits:

(1) If in dry dock, the vessel shall be adequately grounded.

(2) The employer shall ensure that all circuits to be energized are in a safe condition.

(3) All circuits to be energized shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1503.54 Work in confined or isolated spaces.

When any work is performed in a confined space, except as provided in § 1503.31(b)(3), or when an employee is working alone in an isolated location, frequent checks shall be made to ensure the safety of the employees.

§ 1503.55 [Vacant]

§ 1503.56 Work in or on lifeboats.

(a) Before employees are permitted to work in or on a lifeboat, either stowed or in a suspended position, the employer shall ensure that precautions have been taken to prevent the boat from falling due to accidental tripping of the releasing gear, movement of the davits or capsizing of a boat in chocks.

(b) Employees shall not be permitted to work on the outboard side of lifeboats stowed on their chocks unless the boats are secured by gripes or otherwise secured to prevent them from swinging outboard.

§ 1503.57 Health and sanitation.

(a) The employer shall provide adequate washing facilities for employees engaged in the various shipbreaking operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employee. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(b) The employer shall not permit eating or smoking in the immediate areas where shipbreaking operations produce atmospheric contaminants.

(c) No minor under 18 years of age shall be employed in shipbreaking or related employments.

§ 1503.58 First aid.

(a) Unless a first aid room and a qualified attendant are close at hand and prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier, only one kit shall be required. The kit, when required, shall be kept close to the vessel and at least one employee, close at hand, shall be qualified to administer first aid to the injured.

(b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall contain a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandage, 40 inch.
Ammonia inhalants and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.
Wire or thin board splints.
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job, and at least weekly on each job, to insure that the expended items are replaced.

(d) There shall be available for each vessel one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

§ 1503.61 Inspection.

(a) All gear and equipment provided by the employer for rigging and materials handling shall be inspected before each shift and, when necessary, at intervals during its use to ensure that it is safe. Defective gear shall be removed and repaired or replaced before further use.

(b) The safe working load of gear as specified in §§ 1503.62 through 1503.66 shall not be exceeded.

§ 1503.62 Ropes, chains and slings.

(a) *Manila rope and manila rope slings.* Table G–1 in § 1503.68 shall be used to determine the safe working load of various sizes of manila rope and manila rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Wire rope and wire rope slings.* (1) Tables G–2 through G–5 in § 1503.68 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Where U-bolt wire rope clips are used to form eyes, Table G–6 in § 1503.68 shall be used to determine the number and spacing of clips. The U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(4) Wire rope shall not be secured by knots.

(c) *Chains and chain slings.* (1) Tables G–7 and G–8 in § 1503.68 shall be used to determine the working load limit of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products.

(2) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(3) Interlink wear, not accompanied by stretch in excess of 5 percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G–9 in § 1503.68, has been reached.

(4) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(5) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective as described in paragraph (d) of this section shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(6) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months when recommended by the manufacturer. The

chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall never be annealed.

(7) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1503.63 Shackles and hooks.

(a) *Shackles.* (1) Table G–10 in § 1503.68 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Hooks.* (1) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(2) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(3) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

§ 1503.64 Chain falls and pull-lifts.

(a) Chain falls and pull-lifts shall be clearly marked to show the capacity and the capacity shall not be exceeded.

(b) Chain falls shall be regularly inspected to ensure that they are safe, particular attention being given to the lift chain, pinion, sheaves and hooks for distortion and wear. Pull-lifts shall be regularly inspected to ensure that they are safe, particular attention being given to the ratchet, pawl, chain and hooks for distortion and wear.

(c) Straps, shackles, and the beam or overhead structure to which a chain fall or pull-lift is secured shall be of adequate strength to support the weight of load plus gear. The upper hook shall be moused or otherwise secured against coming free of its support.

§ 1503.65 Hoisting and hauling equipment.

(a) The moving parts of hoisting and hauling equipment shall be guarded.

(b) Mobile crawler or truck cranes used on a vessel:

(1) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(3) The area within the swing radius of the body of a crawler or truck crane and the extended parts thereof shall be guarded in such a manner as to prevent an employer from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(c) Marine railways:

(1) The cradle or carriage on the marine railway shall be positively blocked when in the hauled position to prevent it from being accidentally released.

§ 1503.66 Use of gear.

(a) Loads shall be safely rigged before being hoisted.

(b) When slings are secured to eyebolts, the slings shall be so arranged, using spreaders if necessary, that the pull is within 20 degrees of the axis of the bolt.

(c) Slings shall be padded by means of wood blocks or other suitable material where they pass over sharp edges or corners of loads so as to prevent cutting or kinking.

(d) Skips shall be rigged to be handled by not less than 3 legged bridles, and all legs shall always be used. When open end skips are used, means shall be taken to prevent the contents from falling.

(e) Loose ends of idle legs of slings in use shall be hung on the hook.

(f) Employees shall not be permitted to ride the hook or the load.

(g) Loads (tools, equipment or other materials) shall not be swung or suspended over the heads of employees.

(h) Pieces of equipment or structure susceptible to falling or dislodgement shall be lashed or removed as early as possible.

(i) An individual shall be assigned to act as a signalman when the hoist operator cannot see the load being handled. Communications shall be made by means of clear and distinct visual or auditory signals except that verbal signals shall not be permitted.

(j) Pallets, when used, shall be of such material and construction and so maintained as to safely support and carry the loads being handled on them.

(k) Before swinging or lowering lifting gear and before loads are raised, lowered, or swung, clear and sufficient advance warning shall be given to employees in the vicinity of such operations.

(l) At no time shall an employee be permitted to place himself in a hazardous position between a swinging load and a fixed object.

§ 1503.67 Qualifications of operators.

(a) Only those employees who understand the signs, notices, and operating instructions, and are familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power operated hoisting apparatus.

(b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailment which may suddenly incapacitate him, shall be permitted to operate a crane, winch or other power operated hoisting apparatus.

§ 1503.68 Tables.

TABLE E–1

SPECIFICATIONS FOR THE CONSTRUCTION OF HORSES

Structural members	Height in feet		
	Up to 10	10 to 16	16 to 20
	Inches	*Inches*	*Inches*
Legs	2 x 4	3 x 4	4 x 6
Bearers or headers	2 x 6	2 x 8	4 x 6
Crossbraces	2 x 4 or 1 x 8	2 x 4	2 x 6
Longitudinal braces	2 x 4	2 x 6	2 x 6

TABLE E–2

SAFE CENTER LOADS FOR SCAFFOLD PLANK OF 1,100 POUNDS FIBRE STRESS

Span in feet	Lumber dimensions in inches									
	A	B	A	B	A	B	A	B	A	B
	2 x 10	1⅝ x 9¼	2 x 12	1⅝ x 11¼	3 x 8	2⅝ x 7½	3 x 10	2⅝ x 9½	3 x 12	2⅝ x 11½
6	256		309		526		667		807	
8	192		232		395		500		605	
10	153		186		316		400		484	
12	128		155		263		333		404	
14	110		133		225		286		346	
16	-------		116		197		250		303	

(A)—Rough lumber.
(B)—Dressed lumber.

TABLE G-1
MANILA ROPE
(In pounds or tons of 2000 pounds)

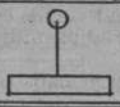
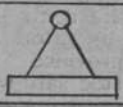
Circumference	Diameter in Inches	Single Leg 	60° 	45° 	30° 
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

TABLE G-2
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-3.
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

TWO - LEG BRIDLE OR BASKET HITCH												
Rope Dia. Inches	Vertical			60° 			45° 			30° 		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18.	17.	14.	15.	15.	12.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	18.	19.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	25.	28.	25.	22.	22.	21.	18.	16.	15.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	33.

(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

TABLE G-4

RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS

(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-5
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4	1.1	1.0	.99	.95	.88	.85	.77	.72	.70	.55	.51	.49
3/8	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1	17.	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
6x37 CLASSIFICATION												
1-1/4	25.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.8
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	55.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-6

NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter (inches)	Number of clips		Minimum spacing (inches)
	Drop forged	Other material	
1/2	3	4	3
5/8	3	4	3 3/4
3/4	4	5	4 1/2
7/8	4	5	5 1/4
1	4	6	6
1 1/8	5	6	6 3/4
1 1/4	5	7	7 1/2
1 3/8	6	7	8 1/4
1 1/2	6	8	9

TABLE G-7
WROUGHT IRON CHAIN
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
* 1/4	1060	1835	1500	1060
* 5/16	1655	2865	2340	1655
3/8	2385	2.1	3370	2385
* 7/16	3250	2.8	2.3	3250
1/2	2.1	3.7	3.0	2.1
* 9/16	2.7	4.6	3.8	2.7
5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

* These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G-8
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

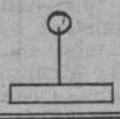
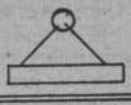
Nominal Size Chain Stock Inch.	Single Leg 	60° 	45° 	30° 
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

TABLE G-9

MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
¼ (9/32)	5/64
5/16	5/64
3/8	7/64
7/16	9/64
½	5/32
9/16	11/64
5/8	3/16
11/16	7/32
¾	¼
13/16	9/32
7/8	5/16
15/16	11/32

TABLE G-10

SAFE WORKING LOADS FOR SHACKLES
(In tons of 2,000 pounds)

Material size (inches)	Pin diameter (inches)	Safe working load
½	5/8	1.4
5/8	¾	2.2
¾	7/8	3.2
7/8	1	4.3
1	1⅛	5.6
1⅛	1¼	6.7
1¼	1⅜	8.2
1⅜	1½	10.0
1½	1⅝	11.9
1¾	2	16.2
2	2¼	21.2

TABLE I-1

FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY

Operation	Shade No.
Soldering	2
Torch Brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1–6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Light gas welding, up to ½ inch	4 or 5
Medium gas welding, ½–½ inch	5 or 6
Heavy gas welding, over ½ inch	6 or 8
Shielded Metal-Arc Welding 1/16- to 5/32-inch electrodes	10
Inert-gas Metal-Arc Welding (Nonferrous) 1/16- to 5/32-inch electrodes	11
Inert-gas Metal-Arc Welding (Ferrous) 1/16- to 5/32- inch electrodes	12
Shielded Metal-Arc Welding:	
3/16 to ¼ inch electrodes	12
5/16 and 3/8 inch electrodes	14
Atomic Hydrogen Welding	10 to 14
Carbon Arc Welding	14

Subpart H—Tools and Related Equipment

§ 1503.71 General precautions.

(a) Hand lines, slings, or tackles of adequate strength shall be used to handle tools, materials and equipment so that employees can have their hands free when using ship's ladders and access ladders. The use of hose or power cables for this purpose shall be prohibited.

(b) When air tools of the reciprocating type are not in use, the dies and tools shall be removed.

(c) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(d) The moving parts of machinery on dry docks shall be adequately guarded.

(e) Before use, pneumatic tools shall be secured to the extension hose or whip by some positive means to prevent the tool from becoming accidentally disconnected from the whip.

§ 1503.72 Portable electric tools.

(a) The frames of portable electric tools and appliances shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the tool is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(c) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in the close position.

(d) Worn or frayed electric cables shall not be used.

§ 1503.73 Hand tools.

(a) Employers shall not issue or permit the use of unsafe hand tools.

(b) Wrenches, including crescent, pipe, end and socket wrenches, shall not be used when jaws are sprung to the point that slippage occurs.

(c) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(d) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

§ 1503.74 Abrasive wheels.

(a) Floor stand and bench mounted abrasive wheels used for external grinding shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90 degrees, except that when work requires contact with the wheel below the horizontal plane of the spindle, the

angular exposure shall not exceed 125 degrees. In either case the exposure shall begin not more than 65 degrees above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(b) Floor and bench mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept a distance not to exceed ⅛ inch from the surface of the wheel.

(c) All portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

(1) When the work location makes it impossible, in which case a wheel equipped with safety flanges as described in paragraph (f) of this section shall be used.

(2) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(d) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of paragraph (f) of this section, except as follows:

(1) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(2) If the wheel is entirely within the work being ground while in use.

(e) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180 degrees.

(f) When safety flanges are required they shall be used only with wheels designed to fit the flanges. Only safety flanges of a type and design and properly assembled so as to ensure that the pieces of the wheel will be retained in case of accidental breakage shall be used.

(g) All abrasive wheels shall be closely inspected and ring tested before mounting to ensure that they are free from cracks or defects.

(h) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(i) The power supply shall be sufficient to maintain the rated spindle speed under all conditions of normal grinding. The rated maximum speed of the wheel shall not be exceeded.

(j) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of § 1503.81 (a) and (b), except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

Subpart I—Personal Protective Equipment

§ 1503.81 Eye protection.

(a) *General precautions.* (1) All eye protection equipment required by the regulations in this part shall meet the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1.

(2) Eye protection equipment shall be maintained in good condition.

(3) Eye protection equipment which has previously been used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

(b) *Protection against impact.* (1) In any operations such as chipping, caulking, drilling, riveting, grinding, and pouring babbitt metal, in which the eye hazard of flying particles, molten metal, or liquid chemical exists, employees shall be protected by suitable face shields or goggles meeting the requirements of paragraph (a) of this section.

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets or hand shields equipped with filter lenses in accordance with the requirements of paragraphs (a) and (c) (2) of this section.

(2) Filter lenses shall be of a shade number appropriate to the type of work to be performed as indicated in Table I–1 in § 1503.68, except that variations of one or two shade numbers are permissible to suit individual preferences.

(3) If filter lenses are used in the goggles worn under the helmet, the shade number of the lens in the helmet may be reduced so that the sum of the shade numbers of the two lenses will equal the value shown in Table I–1 in § 1503.68.

§ 1503.82 Respiratory protection.

(a) *General.* (1) All respiratory protective equipment required by these regulations shall carry the U.S. Bureau of Mines approval for the use for which it is intended. Respiratory protective equipment shall be used only for the purpose intended and no modifications of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.

(4) Employees required to use respiratory protective equipment approved for use in atmospheres immediately dangerous to life shall be thoroughly trained in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

(5) When an air line respirator is used, the air line shall be fitted with a pressure regulating valve and a filter which will remove oil, water, and rust particles. The air intake shall be from a source which is free from all contaminants, such as the exhaust from internal combustion engines.

(b) *Protection in atmospheres immediately dangerous to life.* (1) Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or high concentration of the contaminant, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(2) In atmospheres immediately dangerous to life the only approved types of respiratory protective equipment are the following:

(i) Self-contained breathing apparatus, in which the wearer carries with him a supply of oxygen, air, or an oxygen generating material.

(ii) Hose mask with blower, in which a hand or motor operated blower supplies air at high volume and low pressure through a large diameter hose through which the wearer can draw air in case the blower fails.

(iii) If there is known to be more than 16 percent oxygen and less than 2 percent gas by volume, a gas mask equipped with a canister approved for the particular type gas involved.

NOTE: A gas mask offers absolutely no protection in an atmosphere deficient in oxygen.

(3) Work in atmospheres immediately dangerous to life shall be performed only in an emergency, as when rescuing a man who has been overcome or when shutting off a source of contamination that cannot otherwise be controlled. When an employee enters such an atmosphere he shall be provided with and use an adequate, attended life line.

(4) In the vicinity of each vessel in which there is a danger of employees being exposed to an atmosphere immediately dangerous to life the employer shall have on hand and ready for use respiratory protective equipment approved for such use. When such equipment is required, one or more persons shall be thoroughly trained in the use of the equipment.

(c) *Protection against gaseous contaminants not immediately dangerous to life.* (1) Gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period without endangering the life of a person breathing them, but which might produce discomfort and possible injury after a prolonged single exposure or repeated short exposures.

(2) When employees are exposed to a gaseous contaminated atmosphere not immediately dangerous to life, they shall be protected by respiratory protective equipment approved for use in the type

and concentration of the gaseous contaminant as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator in lower concentrations is permissible.

(ii) In concentrations of ammonia of less than 3 percent or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister. Different canisters are approved for specific use against the following cases or groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide, or combination of the above.

(iii) In low concentrations (less than 0.1 percent by volume), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subdivision (ii) of this subparagraph.

(d) *Protection against particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to unsafe concentrations of particulate contaminants, such as dusts and fumes, mists and fogs or combinations of solids and liquids, they shall be protected by either air line or filter respirators, except as otherwise provided in the regulations of this part.

(2) Filter respirators shall be equipped with the proper type of filter. Different filters are approved for specific protection against groups of contaminants, as follows:

(i) Pneumoconiosis-producing dust and nuisance dust filters which provide respiratory protection against pneumoconiosis-producing dusts, such as aluminum, cellulose, cement, charcoal, coal, coke, flour, gypsum, iron ore, limestone and wood.

(ii) Toxic dust filters which provide respiratory protection against toxic dusts that are not significantly more toxic than lead, such as arsenic, cadmium, chromium, lead, manganese, selenium, vanadium, and their compounds.

(iii) Mist filters which provide respiratory protection against pneumoconiosis-producing mists, chromic acid mists and nuisance mists.

(iv) Fume filters which provide respiratory protection against fumes (solid dispersoids or particulate matter formed by the condensation of vapors, such as those from heated metals and other substances.)

(v) Filters which provide respiratory protection against combinations of two or more of the contaminants described in subdivisions (i) through (iv) of this subparagraph.

(e) *Protection against combinations of gaseous and particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to combinations of gaseous and particulate contaminants not immediately dangerous to life, as in spray painting, they shall be protected by respiratory protective equipment approved for use in the type and concentrations of the contaminants, as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator is permissible in lower concentrations.

(ii) In concentrations of gaseous contaminants of less than 2 percent by volume, a canister type gas mask with a combination canister approved for the particular type of gaseous contaminant as specified in paragraph (c)(2) of this section and a filter for the particular type of particulate contaminant as specified in paragraph (d)(1) of this section.

(iii) In low concentrations of gaseous contaminants (less than 0.1 percent by volume) a respirator equipped with the type of cartridge and filter as specified in subdivision (ii) of this subparagraph.

§ 1503.83 Head, foot and body protection.

(a) When employees are working in areas where there is danger of falling objects they shall be protected by protective hats.

(b) Protective hats shall meet the specifications contained in the American Standard Safety Code for Head, Eye and Respiratory Protection, Z–2.1. Hats without di-electric strength shall not be used where there is the possibility of contact with electric conductors.

(c) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

(d) The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use. Metal toe caps from which the covering has been worn shall be insulated when employees are working on exposed energized circuits of the vessel's electrical system.

(e) Employees shall not be permitted to wear excessively greasy clothing when performing hot work operations.

(f) Employees shall be protected by suitable gloves when engaged in operations hazardous to their hands.

§ 1503.84 Life saving equipment.

(a) *Buoyant working vests.* (1) When employees are working from small boats or floats, near the unguarded edges of decks, or over water on scaffolds without guard rails, they shall be protected by U.S. Coast Guard approved buoyant working vests.

(b) *Safety belts and life lines.* (1) When employees are working aloft, or over a solid surface on staging more than 8 feet high without guard rails, they shall be protected by safety belts equipped with life lines which are secured with a minimum amount of slack to a fixed structure.

(2) When employees are working in atmospheres immediately dangerous to life, they shall be protected by a safety belt and an adequate, attended life line.

(3) Prior to each use, belts and life lines shall be inspected for dry rot, chemical damage or other defects which may affect their strength. Defective belts and life lines shall not be used.

(4) When employees are working in any location requiring a safety belt and a life line, as required in subparagraph (1) or (2) of this paragraph, care shall be exercised to ensure that the life line is kept clear of a burning operation to prevent it from being burned, cut or pinched by parts of the structure. In order to keep the life line continuously attached with a minimum of slack to a fixed structure, the attachment point of the life line shall be appropriately changed as the work progresses.

(c) *Life rings and ladders.* (1) At least three 30-inch Coast Guard approved life rings with lines attached shall be kept in easily visible and readily accessible places in the immediate vicinity of each vessel afloat on which work is being performed.

(2) At least one life ring with a line attached shall be located on each staging float alongside a vessel on which work is being performed.

(3) At least 90 feet of line shall be attached to each life ring. Life rings and lines shall be maintained in good condition.

(4) In the vicinity of each vessel on which employees are working over water or close to unguarded deck edges there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

APPENDIX I—THRESHOLD LIMIT VALUES

The threshold limit values would conform to the 1963 edition adopted by the 25th Annual Meeting of the American Conference of Governmental Industrial Hygienists.

Signed at Washington, D.C., this 16th day of August 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63–9020; Filed, Aug. 22, 1963; 8:45 a.m.]

Division of Public Contracts

[41 CFR Part 50–202]

BATTERY INDUSTRY

Tentative Decision Determining Prevailing Minimum Wages

A complete record of proceedings under sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 43a) to determine the prevailing minimum wages for persons employed in the battery industry has been certified by the hearing examiner.

Prior to the hearing in these proceedings, the request of one manufacturer to be permitted to examine the answers of individual plants to the questionnaires submitted by the Bureau of Labor Statistics (BLS) and summarized in statistically anonymous form in the wage survey of this industry was denied. The decision in this matter was contained in a reasoned order denying this manufacturer's application for a subpoena duces tecum (27 F.R. 10299). A contention is now made that the order was in error, that the hearing should be reopened, and the original request granted. I am, however, convinced that the order which adheres to the Department's long standing policy of honoring the pledge of confidence given to employers by the BLS is fully justified. Such policy will

continue to receive the full support of my office in this and in other administrative proceedings under the Walsh-Healey Public Contracts Act, as well as in judicial review of such proceedings such as the litigation now before the Court of Appeals for the District of Columbia Circuit concerning a related issue which arose in recent proceedings to determine prevailing minimum wages in the motors and generators industry (27 F.R. 1913, 10163).

Accordingly, a tentative decision, including a statement of findings and conclusions as well as the reasons and basis therefor, on all material issues of fact, law, and discretion presented on the record, and any proposed wage determination, is now appropriate under the applicable rules of practice (41 CFR Part 50-203.21(b)) and the Administrative Procedure Act (5 U.S.C. 1007(b)).

Definition. The definition contained in the wage determination currently in effect for the battery industry (41 CFR 50-202.18) was proposed for continued use in the notice of hearing in these proceedings (27 F.R. 9656) because it had been found satisfactory in operation. No changes in this definition were recommended by representatives of employees or employers at the hearing or in the recommendations submitted subsequent to the hearing. I have therefore decided to adopt the current definition of this industry without change in its scope.

Product Division. The current wage determination divides the industry into three product branches. They are (1) the lead-acid storage battery branch, (2) the dry primary battery branch, and (3) the other battery branch. Representatives of employers in the lead-acid storage battery branch have requested that it now be separated into a lead-acid SLI (starting, lighting and ignition) storage battery branch and a lead-acid industrial storage battery branch. There appears to be no sound reason for adopting this suggestion. The present determination covering all types of lead-acid storage batteries by one minimum wage has proven satisfactory in operation. Moreover, all such batteries are classified within the same industry group by the Standard Industrial Classification Manual of the Bureau of the Budget (SIC No. 3691), which was developed in the Executive Office of the President for the purpose of promoting uniformity and comparability in industrial classifications by various agencies of the United States Government. As against these indications of the appropriateness of combining all lead-acid storage batteries, no evidence was offered at the hearing in support of their separation into two groups. I have decided, therefore, to make no division between the several types of lead-acid storage batteries in this tentative decision.

Representatives of employers have proposed that the "dry primary battery branch" and the "other battery branch" again be treated separately from one another and from the "lead-acid storage battery branch" for wage determination purposes. As will be seen in a later portion of this decision, however, there is no longer any purpose in making a division between the "dry primary battery branch" and the "other battery branch" because the same minimum wage prevails in each of these two segments of the industry.

Representatives of organized labor suggest that we combine all segments except the "dry primary battery branch." No evidence of the economic desirability or appropriateness of this suggestion is offered, and it involves departing from the separate treatment accorded the "lead-acid storage battery" segment and the "other battery" segment in the present determination which has proven satisfactory in operation. Accordingly, I decline to adopt labor's recommendation.

One manufacturer also suggests that separate determinations be made for wet primary batteries and storage batteries of other than the lead-acid type. This proposal is also rejected because it is not supported by any evidence warranting such an innovation, and because the record contains no separate wage tabulation for such narrow product divisions.

In view of the foregoing, I shall divide the industry into two branches for the purposes of this tentative decision: one for the manufacture or furnishing of all lead-acid storage batteries, and the other for the remainder of the industry.

Locality. The next issue to be considered concerns the question of whether the geographic area of competition for contracts subject to the Walsh-Healey Public Contracts Act for products of each branch of the industry extends to all the area in which the branch has its plants so as to require branch-wide minimum wage determinations, or whether such competition is limited to smaller geographic areas in either or both branches so as to authorize separate minimum wage determinations for smaller localities in either or both of the branches. An employer's representative contends that this issue is wrongly framed, that separate wage determinations should be made for various geographic areas based on differences in the minimum wages which prevail in those areas.

The record contains extensive data prepared by the Wage and Hour and Public Contracts Divisions of the Department of Labor which clearly indicate that when bids are invited the geographic area of competition for Government contracts for the products of each branch of this industry is not confined to plants near the place where the goods are to be delivered. There is no way to predict at that time the geographic area in which the successful bidder's plant will be located. An economist representing organized labor at the hearing took the position that the determination should have no geographic divisions because the area of competition for Government contracts for the products of this industry is industry-wide.

It is my finding that the locality in which products of each branch of the battery industry are to be manufactured or furnished for any Government contract subject to the Walsh-Healey Public Contracts Act cannot be defined more narrowly than the entire area in which the branch operates. Under these circumstances, a wage determination without geographic divisions is essential to achieve the purposes of Congress in enacting the statute. The precise contention here advanced was also advanced in the proceedings to determine prevailing minimum wages in the textile industry and in the judicial review of those proceedings. It was rejected there for the same reasons as are here found concerning this industry, and it will, therefore, also be rejected here. See the tentative decision in the textile industry, 17 F.R. 11197; Mitchell v. Covington Mills, Inc., 229 F. 2d 506, certiorari denied, 350 U.S. 1002, rehearing denied, 351 U.S. 934.

Prevailing Minimum Wages. The Bureau of Labor Statistics (BLS) prepared for use in these proceedings a comprehensive survey of the minimum wages paid by establishments with five or more employees, in which the manufacture of batteries constituted 50 percent or more of the total value of sales of products they manufactured in 1961. The tables based on this survey show that widely scattered plant minimum wage rates ranging from under $1.15 an hour to over $2.70 an hour were paid in January 1962, by 201 establishments employing 18,210 persons who were engaged in work of a type to which the determination will apply when performing under a contract subject to it (to be referred to hereafter as "covered workers"). The survey presents separate data showing the minimum wage rates paid to employees engaged in the manufacture of (1) lead-acid storage batteries and/or plates therefor, (2) lead-acid industrial storage batteries and/or plates therefor, (3) dry primary batteries, (4) all other batteries, and all four segments combined. As previously indicated, this determination combines the first two of these segments into one branch and the last two into another.

One manufacturer in the lead-acid storage battery branch proposes that the wage determination of $1.35 now in effect for that branch be retained without change. Several representatives of employers in the branch which will be composed of the remainder of the industry propose the establishment of a prevailing minimum wage determination of $1.25 an hour for application to them. One manufacturer suggests a rate of $1.41 as the prevailing minimum wage for this branch.

In connection with the $1.25 proposal, two contentions are made. First, it is argued that a determination above this rate would have a burdensome impact on the wage policies of certain manufacturers if they are to continue to seek and obtain Government contracts. To the extent that such an impact occurs, it is necessary to the accomplishment of the objective of the Act, to prevent establishments from paying less than prevailing minimum wages in order to underbid competitors for Government contracts who do pay at last prevailing minimum wages.

Secondly, it is contended that a redetermination for this industry at a higher level based on the median minimum wages paid in the industry would

be improper because it would involve what they call a "ratcheting effect." They argue that when a prevailing minimum wage is established, its effect in increasing lower minimum wages will produce a new minimum wage distribution in the industry such that a higher minimum wage can then be determined. It is apparent, however, that increasing all minimum wages in the industry to the determination rate can only succeed in raising the proportions of plants (and the covered worker employment in such plants) at that rate, but cannot raise the proportion with minima above the determined rate. Consequently no higher determination would be indicated even assuming all establishments in the industry participated in Government contracts and were required to observe the determination rate. These two assumptions are, of course, not realistic in the case of most industries, including the one presently under consideration.

The BLS survey provides information which establishes that 50.1 percent of the covered workers in the lead-acid storage battery branch were employed in establishments which paid no covered worker less than $2.12 an hour, and that 50.3 percent of the establishments in this branch paid no covered worker less than $1.73 an hour. Because the representatives of organized labor did not contemplate a division of the industry which would provide for a branch taking this form, they have made no recommendations concerning a prevailing minimum wage for it. Nevertheless, on the basis of principles they have advocated, I believe that it is fair to assume that they would recommend a rate approximating the $2.12 mentioned above. In accordance with long established principles used in determining prevailing minimum wages, however, I believe that the one wage rate that is most representative of all the minimum wages paid in the branch rests within the range between the two above mentioned median minimum rates ($1.73 and $2.12). I find this rate to be $1.80 an hour; 45.3 percent of the establishments employing 66.9 percent of the covered workers in this branch paid no covered worker less than $1.80.

Based on a comparable analysis of the BLS survey for the remainder of the industry, a wage determination between $1.41 and $1.43 would be warranted for the dry primary battery segment, and one between $1.41 and $1.42 would be warranted for the all-other batteries segment. When these two segments are looked at as a whole, the data points to the single rate of $1.41; 57.1 percent of the establishments employing 57.0 percent of the covered workers in this branch paid no covered worker less than $1.41. For the same reason as indicated in the preceding paragraph, it cannot be determined with certainty what labor's recommendation would be with regard to this branch. It clearly appears, however, that the $1.41 rate emerges as the one rate which is particularly representative of the minimum wages paid in both segments of this branch as well as in the branch when looked at as a whole.

The record also contains information showing the movement of average hourly wages in this industry for each month between the date of the BLS survey, January 1962, and September 1962. Based upon this evidence, representatives of labor recommended that I make a finding that prevailing minimum wages changed in an amount equal to the increases shown by this evidence to have taken place in average hourly earnings. These increases amount to a fraction of a cent for the manufacture of storage batteries and 5.3 cents for the manufacture of primary batteries. It is apparent from the insignificant increase registered by storage batteries that no post-survey increase in the prevailing minimum wage can be assumed to have taken place. The data on primary batteries also do not appear to justify any conclusion in this regard since the increase in average hourly earnings may have been attributable to the over 10-percent contraction in employment which occurred in the nine-month post-survey period. Accordingly, the record does not warrant adjusting prevailing minimum wages for post-survey wage movements.

Delay in effective date. For the reasons fully stated in the final decision for the paper and pulp and manifold business forms industries (26 F.R. 7698, 7699), this tentative decision finds good cause to make the final decision in these proceedings effective seven days after it is published in the FEDERAL REGISTER.

Proposed determination. Accordingly, upon the findings and conclusions stated herein, pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35 et seq.), and in accordance with the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1001 et seq.), notice is hereby given that I propose to amend 41 CFR 50–202.18 to read as follows:

§ 50–202.18 Battery industry.

(a) *Definition.* (1) The battery industry is defined as that industry which manufactures or furnishes storage batteries or plates therefor, and wet primary batteries or parts therefor, except glass containers and porcelain covers for wet primary batteries.

(2) Excluded is the manufacture or furnishing of solid-state semiconductor devices.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of lead-acid storage batteries or plates therefor shall be not less than $1.80 an hour.

(2) The minimum wage for persons employed in the manufacture or furnishing of all other products of the battery industry shall be not less than $1.41 an hour.

Within twenty-one days from the date of publication of this tentative decision in the FEDERAL REGISTER, interested persons may submit written exceptions to the proposed action described therein together with supporting reasons. Exceptions should be directed to the Secretary of Labor and filed with the Chief Hearing Examiner, Room 4410, United States Department of Labor, Washington 25, D.C.

Signed at Washington, D.C., this 19th day of August 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63–9100; Filed, Aug. 22, 1963; 8:56 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 981]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

Expenses of Control Board and Rate of Assessment for 1963–64 Crop Year

Notice is hereby given that there is under consideration a proposal regarding expenses of the Control Board and a rate of assessment for the 1963–64 crop year which began July 1, 1963. The proposal, which is based on the recommendation of the Control Board and other available information, would be established pursuant to the provisions of amended Marketing Agreement No. 119 and Order No. 981 (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to written data, views, or arguments pertaining to the proposal, which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, not later than ten days after publication of this notice in the FEDERAL REGISTER.

The quantity of assessable almonds for the 1963–64 crop year is presently estimated at 77 million pounds (kernel weight). On this basis, an assessment rate of 0.10 cent per pound of almond kernels would assure the availability of sufficient funds to meet the expenses of the Control Board for the 1963–64 crop year.

The proposal is as follows:

§ 981.13 Budget of expenses of the Control Board and rate of assessment for the 1963–64 crop year.

(a) *Budget of expenses.* The budget of expenses of the Control Board for the crop year beginning July 1, 1963, shall be in the total amount of $55,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Board, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The assessment required to be paid by each handler in accordance with § 981.81 is established for said year at the rate of 0.10 cent per pound of almonds (kernel weight basis).

Dated: August 20, 1963.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 63–9101; Filed, Aug. 22, 1963; 8:56 a.m.]

Agricultural Research Service

[7 CFR Part 318]

HAWAIIAN FRUITS AND VEGETABLES

Proposed Amendment of Quarantine, Administrative Instructions, and Regulations

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), is considering amending notice of quarantine No. 13 relating to Hawaiian fruits and vegetables and the administrative instructions in § 318.13a, and §§ 318.13–1, 318.13–5 and 318.13–7 through 318.13–13 of the regulations supplemental to said quarantine (7 CFR 318.13, 318.13a, 318.13–1, 318.13–5, 318.13–7 through 318.13–13) in the following respects:

1. Notice of quarantine No. 13 (§ 318.13) would be amended to read as follows:

§ 318.13 Notice of quarantine.

(a) Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), and after public hearing, it has been determined that it is necessary to quarantine Hawaii to prevent the spread of dangerous plant diseases and insect infestations, including the Mediterranean fruit fly (Ceratitis capitata (Wied.)), the melon fly (Dacus cucurbitae Coq.), the oriental fruit fly (Dacus dorsalis Hendl.), green coffee scale (Coccus viridis (Green)), the bean pod borer (Maruca testulalis (Geyer)), the bean butterfly (Lampides boeticus (L.)), the Asiatic rice borer (Chilo suppressalis), the mango weevil (Sternochetus mangiferae (F.)), the Chinese rose beetle (Adoretus sinicus Burm.), and a cactus borer (Cactoblastis cactorum (Berg.)), which are new to or not widely prevalent or distributed within and throughout the United States, and Hawaii is therefore quarantined.

(b) No fruits or vegetables, in the raw or unprocessed state; cut flowers; rice straw; mango seeds; or cactus plants or parts thereof shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Hawaii into or through the continental United States, Guam, Puerto Rico, or the Virgin Islands of the United States, in manner or method or under conditions other than those prescribed in the regulations hereinafter made or amendments thereto: *Provided*, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to the pest risk involved in the movement of any of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such finding in administrative instructions specifying the manner in which the restrictions shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interest will permit, with respect to the movement of any of such articles to Guam, upon request in specific cases and notification to the person making the request, authorize their certification under conditions, specified in the certificate to carry out the purposes of this subpart, that are less stringent than those contained in the regulations: *And provided, further*, That no restrictions are placed hereby on the movement of cactus plants from Hawaii to St. Croix, Virgin Islands of the United States.

(c) This subpart leaves in full force and effect § 318.30 which restricts the movement from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State or certain Territories or Districts of the United States of all varieties of sweetpotatoes (Ipomoea batatas Poir.). It also leaves in full force and effect § 318.60 which restricts the movement from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State or certain Territories or Districts of the United States of sand, soil, or earth about the roots of plants.

(d) Regulations governing the movement of live plant pests designated in this section are contained in Part 330 of this chapter.

§ 318.13a [Amendment]

2. The administrative instructions in § 318.13a would be amended by deleting paragraph (a)(1) thereof.

3. Section 318.13–1 of the regulations would be amended by adding a paragraph (k) to read as follows:

§ 318.13–1 Definitions.

* * * * *

(k) *Cactus plants.* Any of various fleshy-stemmed plants of the botanical family *Cactaceae*.

§§ 318.13–1, 318.13–7—318.13–13 [Amendment]

4. Wherever in §§ 318.13–1, and 318.13–7 through 318.13–13, the term "Alaska," appears it would be deleted.

§ 318.13–5 [Amendment]

5. Section 318.13–5 would be amended by deleting the words "fruits and vegetables" therein and substituting therefor the word "articles."

(Sec. 9, 37 Stat. 318, 7 U.S.C. 162; 19 F.R. 74, as amended. Interprets or applies sec. 8, 37 Stat. 318, as amended, 7 U.S.C. 161)

This notice proposes that the Hawaiian Fruit and Vegetable Quarantine be amended to include a cactus borer, Cactoblastis cactorum (Berg.) in the list contained therein of dangerous insects occurring in Hawaii, and to exclude the citrus canker (Xanthomonas citri (Hasse) Dowson) from such list. In the notice of quarantine, cactus plants and parts thereof would be included in the list of the plant materials subject to the quarantine and the present reference to "peel of fruits of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae or Toddalioideae of the botantical family Rutaceae" would be deleted from such list. It is proposed to exempt from restriction under the quarantine the movement of cactus plants or parts thereof from Hawaii to the island of St. Croix, Virgin Islands of the United States, inasmuch as Cactoblastis cactorum occurs in both Hawaii and St. Croix. This borer was introduced into Hawaii from Uruguay in 1950 and has accomplished near eradication of undesirable species of cactus in Hawaii. However its spread to other parts of the United States might result in destruction of desirable cactus species. Hawaii is now free of citrus canker disease and therefore there is no reason to continue the restrictions under this quarantine on citrus fruit peel. The notice proposes that administrative instructions appearing as § 318.13a be amended by deleting paragraph (a)(1) thereof, relating to peel of citrus fruits. The notice further proposes that a definition of cactus plants be added to the regulations as § 318.13–1(k). It is also proposed to delete from the quarantine notice and regulations specific references to Alaska since Alaska is included in the provisions therein referring to the continental United States.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of August 1963.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 63–9082; Filed, Aug. 22, 1963; 8:51 a.m.]

[7 CFR Part 318]

FRUITS AND VEGETABLES FROM PUERTO RICO OR VIRGIN ISLANDS

Proposed Amendment of Quarantine and Regulations

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), is considering amending notice of quarantine No. 58 relating to fruits and vegetables from Puerto Rico and the Virgin Islands of the United States and §§ 318.58–1 through 318.58–14 of the regulations supplemental to said quarantine (7 CFR 318.58, 318.58–1 through 318.58–14) in the following respects:

1. Notice of quarantine No. 58 (§ 318.58) would be amended to read as follows:

§ 318.58 Notice of quarantine.

(a) Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), and after public hearing, it has been determined that it is necessary to quarantine Puerto Rico and the Virgin Islands of the United States to prevent the spread of certain dangerous insect infestations

not heretofore widely prevalent or distributed within and throughout the United States, including the fruit flies, Anastrepha suspensa (Loew) and A. mombinpraeoptans Sein, and the bean pod borer, Maruca testulalis (Geyer), and that it is necessary to quarantine the Island of St. Croix in the said Virgin Islands to prevent the spread of a cactus borer, Cactoblastis cactorum (Berg.), not heretofore widely prevalent or distributed within and throughout the United States; and Puerto Rico and the said Virgin Islands, and the Island of St. Croix, respectively, are therefore quarantined.

(b) No fruits or vegetables, in the raw or unprocessed state, shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Puerto Rico or the Virgin Islands of the United States into or through Guam, Hawaii, or the continental United States, and no cactus plants or parts thereof shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from the Island of St. Croix in the Virgin Islands of the United States into or through Guam, Puerto Rico, or the continental United States; in manner or method or under conditions other than those prescribed in the regulations hereinafter made or amendments thereto: *Provided*, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to the pest risk involved in the movement of any of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such finding in administrative instructions, specifying the manner in which the restrictions shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interest will permit, with respect to the movement of any of such articles to Guam, upon request in specific cases and notification to the person making the request, authorize their certification under conditions, specified in the certificate to carry out the purposes of this subpart, that are less stringent than those contained in the regulations.

(c) No restrictions are placed hereby on the movement of fruits or vegetables in either direction between Puerto Rico and the Virgin Islands of the United States.

(d) This subpart leaves in full force and effect § 318.30 which restricts the movement from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State or certain Territories or Districts of the United States of all varieties of sweetpotatoes (Ipomoea batatas Poir.). It also leaves in full force and effect § 318.60 which restricts the movement from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State or certain Territories or Districts of the United States of sand, soil, or earth about the roots of plants.

(e) Regulations governing the movement of live plant pests designated in this section are contained in Part 330 of this chapter.

2a. Section 318.58–1 of the regulations would be amended by changing paragraph (d) to read as follows:

§ 318.58–1 Definitions.

* * * * *

(d) *Moved (movement and move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person as specified in § 318.58(b) with respect to fruits and vegetables and with respect to cactus plants and parts thereof. "Movement" and "move" shall be construed accordingly.

2b. Section 318.58–1 of the regulations would be further amended by adding a paragraph (e) to read as follows:

(e) *Cactus plants.* Any of various fleshy-stemmed plants of the botanical family Cactaceae.

3. Wherever in §§ 318.58–1, 318.58–7, and 318.58–14 the term "Alaska," appears, it would be deleted.

4. Section 318.58–3 would be amended by changing the section heading to read:

§ 318.58–3 Products the movement of which is authorized.[1]

5. Section 318.58–3(a) would be amended by changing the final subparagraph in the list of products to read: "String beans, lima beans, faba beans, and pigeon peas, in the pod, and fresh okra. However, products within this subparagraph will be certified for movement to Pacific Coast ports or to Atlantic Coast ports south of Baltimore, Maryland, only when they have been treated as prescribed by the Director of the Plant Quarantine Division, and under the supervision of an inspector. Such products may be certified for movement to Baltimore, Maryland, and Atlantic Coast ports north thereof without such treatment, but untreated fresh okra may be so certified only for immediate processing or consumption in these northern areas."

6. Section 318.58–3 would be further amended by adding thereto a new paragraph (c) to read:

(c) Cactus plants or parts thereof from St. Croix, Virgin Islands of the United States, may be moved to Guam, Puerto Rico, or the continental United States when they have been given an approved treatment and are so certified by an inspector.

7. Sections 318.58–2, 318.58–4, 318.58–5, 318.58–6, 318.58–7, 318.58–8, 318.58–9, 318.58–10, 318.58–11, 318.58–12, and 318.58–13 would be amended by deleting the words "fruits and vegetables" and "fruits or vegetables" wherever they occur therein and substituting therefor the word "products" and by deleting the words "fruit or vegetable" wherever they occur therein and substituting therefor the word "product".

(Sec. 9, 37 Stat. 318, 7 U.S.C. 162; 19 F.R. 74, as amended. Interprets or applies sec. 8, 37 Stat. 318, as amended, 7 U.S.C. 161)

This notice proposes that Notice of Quarantine No. 58 be amended to specify a cactus borer, Cactoblastis cactorum as a dangerous insect occurring in the Island of St. Croix, in the Virgin Islands of the United States, and to include cactus plants and parts thereof among the plant materials subject to specified restrictions under the quarantine.

It is also proposed to amend the regulations to include a definition of cactus plants and to permit the movement of cactus plants and parts thereof from the Island of St. Croix to Guam, Puerto Rico, or the continental United States after treatment and certification by an inspector. Movement of cactus plants and parts thereof from St. Croix to Hawaii would be unrestricted. Another proposed change would clarify the wording of a subparagraph relating to the treatment of string beans, lima beans, and certain other vegetables. It is also proposed to delete from the quarantine notice and regulations specific references to Alaska since Alaska is included in the provisions therein referring to the continental United States.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of August 1963.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 63–9083; Filed, Aug. 22, 1963; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–CE–96]

CONTROL ZONE

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA has under consideration the designation of a part-time control zone at Brainerd, Minn. The proposed control zone would be designated from 0700 to 2000 hours, local time, daily, within a 5-mile radius of the Crow Wing County Airport (latitude 46°23'25" N., longitude 94°08'20" W.) and within 2 miles each side of the Brainerd VOR 297° True radial, extending from the 5-mile radius zone to the VOR.

An identical proposal to establish a control zone at Brainerd was previously proposed in Airspace Docket No. 62–CE–71 as a part of the notice of proposed rule making dated February 14, 1963 (28 F.R. 1426). This proposal was sub-

sequently withdrawn July 6, 1963 (28 F.R. 6912) for lack of land lines required for the establishment of interphone communications with the controlling air traffic control facility.

It has now been determined by the FAA that an interphone circuit from the Alexandria, Minn., Flight Service Station to the Crow Wing County Airport will become available on or about August 16, 1963.

The proposed control zone would provide protection for aircraft executing prescribed Crow Wing County Airport instrument arrival and departure procedures. The time of designation would coincide with the hours of operation of the weather reporting service which is to be provided by North Central Airlines. Communications would be provided within the proposed control zone via remoted receiver and voice facilities controlled by the FAA's Alexandria, Minn., Flight Service Station.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9048; Filed, Aug. 22, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-31]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA has under consideration the following airspace actions in the Panama City, Fla., terminal area:

1. Designate the Panama City control zone as that airspace within a 5-mile radius of the Panama City-Bay County Airport (latitude 30°12'45'' N., longitude 85°40'55'' W.) and within 2 miles each side of the Panama City VOR 328° and 090° True radials, extending from the 5-mile radius zone to 7 miles northwest and east of the VOR from 0600 to 2200 hours, local time, daily, excluding the portion which would coincide with the Tyndall AFB control zone. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Panama City-Bay County Airport. Communications service would be provided by the Tallahassee, Fla., FAA Flight Service Station and by remote communications with the Tyndall AFB radar approach control facility. Weather services for the proposed control zone would be provided by personnel of National Airlines.

2. The description of the 700-foot portion of the Panama City transition area would be altered by substituting the Panama City VOR 328° and 090° True radials for the 328° and 090° True bearings from the Panama City-Bay County Airport. This would be an editorial change and would not designate additional airspace.

3. Editorial action would be taken to change the name of the Panama City, Fla. (Tyndall AFB), control zone to the Tyndall AFB, Fla., control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 19, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-9049; Filed, Aug. 22, 1963; 8:45 a.m.]

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket No. 62-WE-86]

RESTRICTED AREA AND FEDERAL AIRWAYS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 73.25 and 71.123 of the Federal Aviation Regulations, the substance of which is stated below.

The Camp Roberts, Calif., Restricted Area R-2504 encompasses an area of approximately 21 square miles and is designated for continuous use from the surface to 5,000 feet m.s.l. The Commanding Officer, Camp Roberts, Calif., is the designated using agency.

The Department of the Army has requested that R-2504 be expanded to the northeast, east and south to encompass indirect weapons firing positions, principally mortars, needed to support squad, platoon and company battle training exercises programmed for Camp Roberts. Training activities at Camp Roberts are under the jurisdiction of the Infantry Training Center, Fort Ord, Calif. Accordingly, it is proposed that the Commanding General, Fort Ord, be designated as the using agency of R-2504. Although, a small segment of airspace, approximately 5 square miles, along the northwest and southwest boundaries of the present area would be released under this proposal, the overall amount of restricted airspace at Camp Roberts would be increased approximately 15 square miles. Further the Department of the Army has proposed to reduce the time of designation from "Continuous" to "0600 to 2400 P.s.t.". However, to date sufficient justification has not been provided to support the designation of this restricted area during Saturdays and Sundays. Therefore, the Federal Aviation Agency proposes to further reduce the time of designation from "Continuous" to "0600 to 2400 P.s.t., Monday through Friday".

In order to provide for the most efficient utilization of the airspace within R-2504, it is proposed that the Federal Aviation Agency, Oakland, Calif., ARTC Center be designated as the controlling agency.

As presently described low altitude VOR Federal airway Nos. 25 and 25E exclude the airspace which coincides with R-2504. It is proposed that the description of these airways be altered to permit use of the portion which would coincide with R-2504 after prior approval has been obtained from the appropriate authority.

Accordingly, the following actions are proposed:

1. R-2504 Camp Roberts, Calif., would be redesignated as follows:

R–2504 Camp Roberts, Calif.

Boundaries. Beginning at latitude 35°-42'18" N., longitude 120°47'55" W.; to latitude 35°42'18" N., longitude 120°47'20" W.; to latitude 35°42'58" N., longitude 120°45'33" W.; to latitude 35°46'38" N., longitude 120°-44'38" W.; to latitude 35°47'18" N., longitude 120°44'45" W.; to latitude 35°47'54" N., longitude 120°45'49" W.; to latitude 35°-49'10" N., longitude 120°45'40" W.; to latitude 35°51'00" N., longitude 120°46'25" W.; to latitude 35°51'11" N., longitude 120°47'-55" W.; to latitude 35°48'50" N., longitude 120°49'58" W.; to latitude 35°46'00" N., longitude 120°49'55" W.; to latitude 35°44'-03" N., longitude 120°48'08" W.; to latitude 35°43'08" N., longitude 120°49'00" W.; to latitude 35°42'44" N., longitude 120°48'48" W.; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. 0600 to 2400 P.s.t., Monday through Friday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commanding General, Fort Ord, Calif.

2. The description of low altitude VOR Federal airway Nos. 25 and 25E would be altered to require prior approval from the appropriate authority before using the portions of the airways impinging upon R–2504.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box, 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–9050; Filed, Aug. 22, 1963; 8:45 a.m.]

[14 CFR Part 153 [New]]

[Notice 63–33; Docket No. 1896]

ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS

Proposed Covenants Against Exclusive Rights at Airports

Correction

In F.R. Doc. 63–8605, appearing at page 8292 of the issue for Tuesday, August 13, 1963, the bracket in the heading should read as set forth above.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

FORT TOTTEN INDIAN RESERVATION

Transfer of Land Records to Aberdeen Area Office

AUGUST 19, 1963.

In accordance with 25 CFR Part 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to the Fort Totten Indian Reservation in the State of North Dakota, have been transferred from the City of Washington, D.C., to the Aberdeen Area Office, Bureau of Indian Affairs, 820 South Main Street, Aberdeen, South Dakota.

Effective August 5, 1963, the Aberdeen Area Office will be the office for the maintenance of records for all such trust and restricted lands.

JOHN O. CROW,
Deputy Commissioner.

AUGUST 19, 1963.

[F.R. Doc. 63-9073; Filed, Aug. 22, 1963; 8:49 a.m.]

FORT YUMA INDIAN RESERVATION ET AL.

Transfer of Land Records to Phoenix Area Office

AUGUST 19, 1963.

In accordance with 25 CFR Part 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to the Big Sandy, Camp Verde, Peeples Valley and San Carlos Public Domain allotments in the State of Arizona, to the Fallon Public Domain allotments in the State of Nevada, to the Fort Yuma Homestead allotments in the State of Arizona, and to trust or restricted Indian-owned land on the Fort Yuma Indian Reservation in the State of California, the Gila River Indian Reservation in the State of Arizona, and the Fallon and the Walker River Indian Reservations in the State of Nevada, have been transferred from the City of Washington, D.C., to the Phoenix Area Office, Bureau of Indian Affairs, 3508 North Seventh Street, Phoenix, Arizona.

Effective August 20, 1963, the Phoenix Area Office will be the office for the maintenance of records for all such trust and restricted lands.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 63-9074; Filed, Aug. 22, 1963; 8:49 a.m.]

SAUK VALLEY (SKAGIT) PUBLIC DOMAIN ALLOTMENTS

Transfer of Land Records to Portland Area Office

AUGUST 19, 1963.

In accordance with 25 CFR Part 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to the Sauk Valley Public Domain allotments (also known as the Skagit Public Domain allotments) in the State of Washington, have been transferred from the city of Washington, D.C., to the Portland Area Office, Bureau of Indian Affairs, 1002 Northeast Holliday Street, Portland, Oregon.

Effective August 20, 1963, the Portland Area Office will be the office for the maintenance of records for these trust and restricted lands.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 63-9075; Filed, Aug. 22, 1963; 8:49 a.m.]

Bureau of Land Management

OREGON

Correction of Stock Driveway Withdrawal No. 57-1; Correction

AUGUST 16, 1963.

Correction Notice, Oregon 04919, published as F.R. Doc. 63-3776 on page 3558 of the issue for April 11, 1963 is corrected by substituting T. 15 S., R. 13 E., W.M., Oregon, instead of T. 16 S., R. 13 E., W.M., Oregon.

STANLEY D. LESTER,
Land Office Manager.

[F.R. Doc. 63-9076; Filed, Aug. 22, 1963; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Bell.	Coryell.
Burleson.	Falls.
Caldwell.	Gonzales.
Cameron.	Hamilton.

TEXAS—Continued

Hays.	Milan.
Hidalgo.	Starr.
Jackson.	Travis.
Johnson.	Willacy.
Karnes.	Williamson.
Lavaca.	Zapata.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of August 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-9104; Filed, Aug. 22, 1963; 8:57 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 321]

JOSE ARCE GUTIERREZ

Default Order Denying Export Privileges

On May 8, 1963 the Acting Director, Export Control Investigations Division, issued a charging letter against the above named respondent, Jose Arce Gutierrez (Arce), Huastusco, No. 21, Mexico City, Mexico, alleging violations of the United States Export Control Law of 1949, as amended. It was alleged that the respondent did business under the firm name Proveedora Agricola Industrial, S.A. with a place of business in Mexico City, and said firm was also named as a respondent. It now appears that respondent never legally incorporated or registered a firm by this name but he merely used this firm name to carry on some of his activities. There is a duly organized and responsible firm by this name in Celaya, Guantajuato, Mexico, and the respondent has no connection with this firm.

The charging letter was served on Arce and he failed to answer the charges and was held to be in default.

Prior to the issuance of the charging letter, and in accordance with § 382.11 of the Export Regulations, an order temporarily denying export privileges was issued aaginst the respondent (February 21, 1963, 28 F.R. 2290) and this order was extended until the completion of administrative compliance proceedings (May 7, 1963, 28 F.R. 4798) and is presently in effect.

In accordance with the usual practice, the case was referred to the Compliance Commissioner for default proceedings and an informal hearing was held on July 10, 1963 at which evidence in support of the charges was presented. The

Compliance Commissioner has reported the findings of fact and findings that violations have occurred and has recommended that the respondent be denied all United States export privileges so long as export controls are in effect.

After considering the entire record and the report and recommendations of the Compliance Commissioner, I hereby make the following findings of fact:

1. The respondent Jose Arce Gutierrez (Arce) was a resident of Mexico City, Mexico. At the time of the events hereinafter set forth he was employed as purchasing agent by a large construction company, and in connection with his work he had access to suppliers of various types of goods of United States origin.

2. In June 1962, the respondent ordered from a dealer in Texas, in a city near the Mexican border, a sugar cane harvester and loader, and spare parts therefor. The respondent represented to the dealer that the commodities were for export to Mexico and his customer was an individual in Veracruz and that they were to be used on a sugar cane plantation in Veracruz.

3. To fill the respondent's order the dealer in Texas purchased the commodities from the manufacturer in Louisiana. The harvester was shipped from the factory on July 27, 1962 and the loader and parts were shipped on August 15, 1962. Acting on instructions from respondent, the goods were consigned to Arce in care of a customs broker at Hidalgo, Texas.

4. On August 13, 1962 the dealer in Texas, at the request of respondent, invoiced the goods to respondent's alleged purchaser in Veracruz for the total price of $19,240. The respondent paid the dealer for the goods.

5. On August 22, 1962 a shipper's export declaration was filed with the Collector of Customs at Hidalgo, Texas, by an agent for Arce. In accordance with instructions from Arce, the agent represented that the consignee was the individual in Veracruz (referred to in Finding 2) and that Mexico was the country of ultimate destination. The agent declared the goods as exportable under General License GO.

6. An import permit was issued by the Mexican authorities on August 6, 1962 authorizing the import into Mexico of the goods in question. The goods were imported into Mexico on August 22, 1962 at Reynosa, across the river from Hidalgo.

7. On verbal instructions from Arce to his agent in Reynosa, when the goods arrived in Mexico, they were transported by truck to Veracruz and placed in a warehouse there. The goods were entered in the warehouse on August 25, 1962.

8. On August 27, 1962, Arce, on a form bearing the firm name under which he operated, invoiced the goods to one Cosme Tome, Havana, Cuba. On September 10, 1962, Arce, under this firm name caused the goods to be shipped to said Cosme Tome, Havana, Cuba, via the Cuban vessel, Bahia de Siguanea.

9. In the course of the investigation concerning this transaction, the respondent made false and misleading statements concerning certain material and important aspects of the transaction to a representative of the U.S. Government.

10. Arce at all times knew that the United States Export Control Law and regulations prohibited the shipment of U.S. goods to Cuba without first obtaining authorization from the United States Government, and he did not obtain such authorization for the above shipment.

Based on these findings, I have reached the following conclusions.

The respondent by the foregoing conduct (a) knowingly caused the doing of acts prohibited by the United States Export Control Law and regulations issued thereunder; (b) bought, received, sold, disposed of, and transported commodities exported and to be exported from the United States and subject to the United States Export Regulations with knowledge that violations of the United States Export Control Law and regulations had occurred and were intended to occur with respect to such transactions; (c) made and caused to be made false representations to, and concealed material facts from, the U.S. Department of Commerce and the U.S. Collector of Customs in connection with the preparation and use of export control documents in effecting the exportation of commodities from the United States and their reexportation to Cuba; (d) made false and misleading statements to representatives of the U.S. Government in the course of an investigation instituted under authority of the United States Export Control Law of 1949, as amended; (e) without authorization from the Office of Export Control knowingly diverted, transshipped, and reexported commodities of U.S. origin to unauthorized persons and destinations in violation of and contrary to the terms and conditions of the export control documents and contrary to the provisions of the Export Control Law and regulations thereunder. All of said actions being in violation of §§ 381.2, 381.4, 381.5, and 381.6 of the United States Export Regulations.

I have concluded that the recommendation of the Compliance Commissioner as to the sanction that should be imposed is fair and just and necessary to achieve effective enforcement of the law. *Accordingly, it is hereby ordered:*

I. The restrictions of the Temporary Denial Order which was entered against respondent on February 21, 1963 (28 F.R. 2290) and extended on May 7, 1963 (28 F.R. 4798) are hereby continued in full force and effect.

II. So long as export controls are in effect the respondent hereby is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents and employees and to any successor and to any person, firm, corporation, or other busines organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. During the time when the respondent, any related party, or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with said respondent or other person denied export privileges within the scope of this order, or whereby such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: August 7, 1963.

WILSON E. SWEENEY,
Acting Director,
Office of Export Control.

[F.R. Doc. 63-9089; Filed, Aug. 22, 1963; 8:52 a.m.]

[Case 320]

VICTOR HERNANDEZ RODRIGUEZ AND RAMON ALVAREZ GUTIERREZ

Default Order Denying Export Privileges

In the matter of Victor Hernandez Rodriguez, Condor No. 286, Mexico City, Mexico; Ramon Alvarez Gutierrez, Colorado 79, Mexico City, Mexico; respondents.

By letter dated April 22, 1963 the Acting Director, Export Control Investigations Division, brought charges against Victor Hernandez Rodriguez (Hernandez) and Ramon Alvarez Gutierrez (Alvarez) for violations of the U.S. Export Control Act of 1949, as amended, and regulations issued thereunder. It was alleged that Hernandez was principal owner and operator of two firms—EMDA Import and Export Company, Inc., of North Hollywood, California, and Aero Distribuidora, S.A., of Mexico City (with branches in other cities). Said firms were also named as respondents. It was also alleged that Alvarez was operator of Refacciones y Accesories, S.A., of Mexico City, and this firm was also named as a respondent. Copies of the charging letter were served on Hernandez and Alvarez in Mexico City.

On December 19, 1961, prior to issuance of the charging letter, in accordance with § 382.11 of the Export Regulations, an order was entered against respondents temporarily denying export privileges (26 F.R. 12534). This order was extended on March 19, 1962 (27 F.R. 2740) and again on May 1, 1962 (27 F.R. 4394), the latter extension to be effective until the completion of administrative compliance proceedings.

The respondents failed to file answers to the charges and were held to be in default. The case was referred to the Compliance Commissioner for default proceedings and he held an informal hearing on May 27, 1963 at which evidence in support of the charges was presented. The Compliance Commissioner has reported the findings of fact, and conclusions that the evidence substantiates the charges. He recommended that remedial action as hereinafter provided be taken against the respondents. After considering the record and the recommendations of the Compliance Commissioner, I hereby make the following findings of fact:

1. The respondent Victor Hernandez Rodriguez (Hernandez) is a resident of Mexico City, Mexico. He controlled and operated the firm known as EMDA Import and Export Company, Inc. which maintained a place of business in North Hollywood, California. He also controlled and operated the firm known as Aero Distribuidora, S.A. (Aero) which maintained a place of business in Mexico City and branches in the cities of Torreon, Sinaloa and Los Mochis, Mexico. Hernandez and his companies were engaged in the purchase and sale, including sales for export, of aircraft parts and equipment. EMDA served as purchasing agency of aircraft parts and equipment from U.S. manufacturers. These two firms under which Hernandez operated are no longer in business.

2. The respondent Dr. Roman Alvarez Gutierrez (Alvarez) is a resident of Mexico City and is an employee of the Mexican Public Health Service. He controlled and operated the firm known as Refacciones y Accesories, S.A. (Refacciones) in Mexico City. Through this firm Alvarez carried on trade with Cuba, including exportations of aircraft parts and equipment. This firm is no longer in business.

3. During the period from May 1961 through December 1961 Hernandez, acting through the EMDA firm, purchased from various manufacturers and suppliers in the United States aircraft parts and equipment totalling over $32,000 in value. EMDA sold and shipped these commodities to Aero in Mexico City.

4. The commodities were exported from the United States under validated export licenses, issued by the U.S. Department of Commerce, on representations by Hernandez, or those under his control and acting on his instructions, that Aero in Mexico was the ultimate consignee and purchaser and that Mexico was the country of ultimate destination. Hernandez knew that these representations were false.

5. As the commodities arrived in Mexico, Hernandez, through his firm Aero, sold and delivered them to Alvarez or his firm Refacciones, and Alvarez reexported the commodities from Mexico to Cuba to fill orders previously received by him from customers in Cuba.

6. When Hernandez sold and delivered these commodities to Alvarez, Hernandez knew that the United States laws and regulations prohibited the reexportation of these commodities from Mexico to Cuba. He also knew that Alvarez intended to and would reexport these commodities from Mexico to Cuba. Hernandez has admitted to officials of the United States Government that he knowingly exported commodities of U.S. origin from the United States to Mexico and sold them to Alvarez knowing that Alvarez intended to ship them to Cuba.

7. When Alvarez received these commodities, he knew that they were of United States origin and that United States laws and regulations prohibited the reexportation of these commodities from Mexico to Cuba. He has admitted that he knowingly reexported from Mexico to Cuba commodities of U.S. origin.

Based on the foregoing, I have concluded that the respondents Hernandez and Alvarez: (a) Acted in concert to bring about violations of the Export Control Law and regulations and licenses issued thereunder; (b) bought, sold, disposed of, and transported commodities exported from the United States with knowledge that violations of the Export Control Law and regulations and licenses issued thereunder had occurred, were about to occur, and were intended to occur; all in violation of §§ 381.2, 381.3, 381.4 of the Export Control Regulations. I have further concluded that the respondent Hernandez: (a) Made false representations to and concealed material facts from the Department of Commerce and the Collector of Customs regarding the ultimate consignee and destination of U.S. exportations; (b) knowingly disposed of U.S. commodities to unauthorized persons contrary to prior representations, and contrary to prohibitions against such action in licenses and regulations issued under the Export Control Law; knowingly caused, aided and permitted the reexportation, diversion and transshipment of U.S. commodities to unauthorized persons and destinations in violation of regulations and licenses issued under the Export Control Law; all in violation of §§ 381.2, 381.5, and 381.6 of the Export Regulations. I have further concluded that the respondent Alvarez without specific authorization from the Department of Commerce knowingly reexported, transshipped, and diverted commodities of U.S. origin from Mexico to Cuba contrary to the provisions of the Export Regulations and export control documents, in violation of § 381.6 of the Export Regulations.

I have concluded that the recommendations of the Compliance Commissioner as to the sanctions that should be imposed are fair and just and necessary to achieve effective enforcement of the law. *Accordingly, it is hereby ordered:*

I. The restrictions of the Temporary Denial Order which was entered against the respondents on December 19, 1961 (26 F.R. 12534) and extended on March 19, 1962 (27 F.R. 2740) and May 1, 1962 (27 F.R. 4394) are hereby continued in full force and effect.

II. So long as export controls are in effect the respondents and each of them hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. During the time when any respondent, related party, or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in

any manner or capacity, on behalf of or in any association with any respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: August 7, 1963.

WILSON E. SWEENEY,
Acting Director,
Office of Export Control.

[F.R. Doc. 63-9090; Filed, Aug. 22, 1963; 8: 52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-38]

DEPARTMENT OF THE ARMY

Notice of Receipt of Application for a Byproduct, Source and Special Nuclear Material License

Please take notice that an application for a byproduct, source and special nuclear material license has been filed by the Department of the Army, Headquarters, U.S. Army Chemical-Biological-Radiological Agency, Army Chemical Center, Maryland.

The application proposes the receipt of waste radioactive material from Army installations and activities and from other Federal agencies for the purpose of storage and repackaging at the U.S. Army Alaska Radioactive Material Disposal Facility, Fort Richardson, Alaska. The waste material will be generated primarily by Army installations in Alaska. Ultimate disposal will be by transfer to authorized land burial sites. A copy of the application is available for public inspection in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington 25, D.C.

Dated at Bethesda, Md., August 15, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 63-9046; Filed, Aug. 22, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10281]

INSPECTION AND REVIEW OF ACTIVITIES OF AIR TRANSPORT ASSOCIATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument on the above-entitled matter is assigned to be heard on September 25, 1963, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Reference: Order E-19423.

Dated at Washington, D.C., August 19, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-9096; Filed, Aug. 22, 1963; 8:55 a.m.]

[Docket No. 3426, etc.; Order E-19920]

BRANIFF AIRWAYS, INC., AND EASTERN AIR LINES, INC.

Through Service Proceeding; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1963.

Braniff Airways, Inc. (Braniff) and Eastern Air Lines, Inc. (Eastern) on June 7, 1963, filed a joint application requesting modification of certain Board approved through-plane interchange services authorized by the Board's decision in the Through Service Proceeding, 12 CAB 266 (1950). Among other things, the decision authorized an interchange agreement between the parties[1] to provide service between Denver, Colorado, and Miami, Florida, via the junction point Memphis, Tennessee, and other intermediate points. By the instant application the parties seek to amend or modify their agreement so as to permit service between Tulsa, Oklahoma, or points west thereof on Braniff's route 9, on the one hand, and Atlanta, Georgia, or points southeast thereof on Eastern's routes, on the other, via the junction point Memphis, Tennessee, and other intermediates. Also, in the interest of operational convenience and for the convenience of local passengers, the carriers wish to retain their authority to operate the interchange flight beyond Tulsa or beyond Atlanta as they do at present.

In support of their application the carriers allege that while the interchange agreement was approved by the Board because it was found to "meet a public need and be in the public interest," the Board did not exercise any authority to compel such through service since the volume of "through traffic was relatively low," and permitted such service on a voluntary basis.[2] The interchange in question is operated with twin-engine Convair equipment and is limited to a single round trip via a number of intermediate points. These are Colorado Springs, Amarillo, Oklahoma City, Tulsa, Fort Smith, Little Rock, Memphis, Birmingham, Atlanta, Albany, and Melbourne or Tallahassee, each of the last two named cities being served in one direction only. Thus, according to the applicants, the service is attractive primarily to short-haul traffic.

Applicants further state that during the six months ended March 1963, there were only 30 passengers between Denver and all points east of Memphis, while Colorado Springs, lacking the connecting service available at Denver, produced only 81 passengers to and from all points east of Memphis, some 40 in each direction, or about three passengers every two weeks in each direction. All the Braniff points contributed a total of only 137 passengers destined to Melbourne, Albany or Miami, an average of less than one passenger per day from all Braniff points to all the destinations southeast of Atlanta. Similarly, points southeast of Atlanta produced less than one passenger per day to all points west of Memphis on Braniff's route.

During the six months ended March 1963, Oklahoma City enplaned 165 passengers for Birmingham and Atlanta, Tulsa enplaned 513, Fort Smith 273, and Little Rock 805. These passengers numbered more than 10 per day eastbound. A similar volume moved westbound from Atlanta and Birmingham to Little Rock, Fort Smith, Tulsa and Oklahoma City. The flights thus provide a useful service for which few alternatives are available.

On June 17, 1963, a letter was filed in behalf of Delta Air Lines, Inc. (Delta) stating that this carrier had no objection to the modification of the authority requested by the carrier applicants provided the points to be served beyond Tulsa are those points which Braniff is authorized to serve on the Memphis-Denver segment on route 9.

On July 8, 1963, the City of Oklahoma City and the Oklahoma City Chamber of Commerce filed a petition for leave to intervene in the proceeding. The petitioners contend that through plane service should be maintained between Atlanta and Oklahoma City via the intermediate points, rather than between Atlanta and Tulsa. In support thereof petitioners state that $25.5 million either has been spent or will be spent improving the community's airport. Additionally, it is alleged that the area economy is expanding and air service is of utmost importance in sustaining this expansion.

---

[1] Approved in Order E-5299, April 17, 1951 and Order E-5978, December 28, 1951.

[2] In the Through Service Proceeding, cited supra, we said: "We therefore find that the provision of the through services heretofore discussed over routes of * * * Braniff and Eastern, would be consistent with the public interest if operated pursuant to voluntary agreements."

Upon consideration of the foregoing matters, we tentatively find and conclude that the public interest would best be served by permitting the modification of the interchange as requested, since it seems clear that the Colorado and Florida portions are not providing a useful through service to the public. Further, the approval of the relief requested would remove the unnecessary and burdensome requirements of compelling the carriers to file an application, and the Board to issue an order, each time they desire to delete an uneconomic Braniff point beyond Tulsa or an Eastern point beyond Atlanta from the interchange schedule.

Delta's request is reasonable since its effect does not deprive the two carriers providing the service of any authority they now hold, and would preclude any possible future interchange competitive service from being created which might fall outside the intent of the Board when the original agreement was approved.

Turning to the petition of the City of Oklahoma City and the Oklahoma City Chamber of Commerce, we shall grant the petition to the extent that intervention is sought. However, no facts are presented which appear to justify the grant of the remainder of the relief requested. Our tentative findings and conclusions place no restriction whatsoever on the interchange agreement which would prevent the operation of service via Oklahoma City should traffic warrant. Since Oklahoma City was not specifically mentioned in our original approval of the agreement, it falling in the "other intermediate points category," our findings and conclusions here would continue to permit Oklahoma City service to be a scheduling prerogative of the carriers subject to traffic potential and other considerations necessary for such operation.

Accordingly, it is ordered, That

1. All interested persons be and they hereby are directed to show cause, within 30 days from the date of service of this order, why the Board should not issue an order making final the tentative findings and conclusions stated herein and authorizing Braniff and Eastern to modify the interchange agreements, approved in Order E–5299 and amended by Order E–5978, governing service between Denver, Colorado, and Miami, Florida, via the junction point Memphis, Tennessee, and other intermediate points so as to permit service between Tulsa, Oklahoma, or points west thereof on Braniff's route 9, segment 3, on the one hand, and Atlanta, Georgia, or points southeast thereof on Eastern's routes, on the other, via the junction point Memphis, Tennessee and other intermediates;[1]

2. If timely objections are filed, further consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

3. If no objections are filed within the twenty day period specified above, all further procedural steps will be deemed waived and the matter will be submitted to the Board for final decision;

4. The petition for leave to intervene filed by the City of Oklahoma City, Oklahoma, and the Oklahoma City Chamber of Commerce, be and it hereby is granted and a copy of this order shall be served upon petitioners;

5. Copies of this order shall be served upon Eastern Air Lines, Inc., Braniff Airways, Inc., and Delta Air Lines, Inc., all of whom are hereby made parties to this proceeding; and

6. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63–9097; Filed, Aug. 22, 1963; 8:55 a.m.]

[1] The Board will not separately entertain petitions for reconsideration of this order. All requests for relief from, or modifications of, this order shall be submitted with such objections as may be made to the issuance of an order making final the proposed findings and conclusions set forth herein.

[Docket No. 14526]

FRONTIER TEACHERS TARIFF

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 19, 1963, at 10:00 a.m. (mountain daylight time) in Conference Room 37, New Custom House, Nineteenth and Stout Streets, Denver, Colorado, before the undersigned Examiner.

For further information regarding the issues involved herein, interested persons may refer to the Board's order of investigation and the prehearing conference report which are on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 19, 1963.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 63–9098; Filed, Aug. 22, 1963; 8:56 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ELANCO PRODUCTS CO., A DIVISION OF ELI LILLY AND CO.

Notice of Filing of Petition Regarding Food Additive Tylosin

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 1068) has been filed by Elanco Products Company, a division of Eli Lilly and Company, Indianapolis 6, Indiana, proposing the amendment of § 121.217 *Tylosin* to provide for the safe use of tylosin with 3-nitro-4-hydroxyphenylarsonic acid in swine feed, as follows:

Principal ingredient [1]	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Tylosin	10–100			For swine; continuous use; as tylosin phosphate; as follows: 10–20 gm.—101 lb. to market weight. 20–40 gm.—41–100 lb. animal weight. 20–100 gm.—up to 40 lb. animal weight.	Growth promotion and feed efficiency.
a. Tylosin	10–40	3-nitro-4-hydroxyphenylarsonic acid.	22.5	Withdraw 5 days prior to slaughter; not to exceed 40 gm. of tylosin per ton.	Do.

[1] Where tylosin is combined with other additives, appropriate limitations and indications for use for each additive are combined.

Dated: August 19, 1963.

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

[F.R. Doc. 63–9093; Filed, Aug. 22, 1963; 8:55 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Food Additive Polyacrylamide

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 1203) has been filed by American Cyanamid Company, Berdan Avenue, Wayne, New Jersey, proposing the amendment of § 121.1091 *Chemicals used in washing fruits and vegetables* to provide for the safe use of polyacrylamide containing not more than 0.2 percent acrylamide monomer as a chemical to be used in washing fruits and vegetables.

Dated: August 19, 1963.

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

[F.R. Doc. 63–9079; Filed, Aug. 22, 1963; 8:50 a.m.]

DEPARTMENT OF THE ARMY

Notice of Filing of Petition Regarding Food Additive

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