

(c) Appeal Board proceedings shall be conducted in the same manner as that specified in Section 125.43.

125.49 Action by Commandant after appeal.

(a) If, upon receipt of the Appeal Board's recommendation, the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall, in the case of an applicant, direct that a Coast Guard Port Security Card be issued to the applicant, or in the case of a holder, notify him accordingly.

(b) If, upon receipt of the Appeal Board's recommendation, the Commandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, the Commandant shall notify the applicant or holder that his appeal is denied.

125.51 Replacement of lost Coast Guard Port Security Card. (a) Any person whose Coast Guard Port Security Card has been stolen, lost, or destroyed shall report that fact to a Coast Guard Port Security Unit or Captain of the Port as soon thereafter as possible.

(b) A person who has lost a Coast Guard Port Security Card may apply for a replacement card by submitting "An Application for Replacement of Lost Port Security Card" (Form CG 2685A) to a Coast Guard Port Security Unit. A replacement will be issued only after a full explanation of the loss of the Coast Guard Port Security Card is made in writing to the Coast Guard and after a full check is made and authorization is granted by the Commandant.

(c) Any person to whom a Coast Guard Port Security Card has been issued as a replacement for a lost card, shall immediately surrender the original card to the nearest Coast Guard Port Security Unit or Captain of the Port if the original card should be recovered.

125.53 Requirements for credentials; certain vessels operating on navigable waters of the United States (including the Great Lakes and Western Rivers). (a) Every person desiring access to vessels, except public vessels, falling within any of the categories listed below, as a master, person in charge, or member of the crew thereof, shall be required to be in possession of one of the identification credentials listed in Section 125.09.

(1) Towing vessels, barges, and lighters operating in the navigable waters of the continental

United States other than the Great Lakes and Western Rivers.

(2) Harbor craft, such as water taxis, junk boats, garbage disposal boats, bum boats, supply boats, repair boats, and ship cleaning boats, which in the course of their normal operations service or contact vessels, foreign or domestic, public or merchant, in the navigable waters of the continental United States other than the Great Lakes and Western Rivers.

(b) The term "master, person in charge, or member of the crew" shall be deemed to include any person who serves on board in any capacity concerned with the operation, maintenance, or administration of the vessel or its cargo.

(c) Where the Coast Guard Port Security Card (Form CG 2514) is to be used as the identification required by paragraph (a) of this section, application for such card may be made immediately by the persons concerned. The issuance of the Coast Guard Port Security Card shall be in the form and manner prescribed by Section 125.11.

(d) At the discretion of the District Commander any person desiring access to vessels of the categories named in this section, who may be required by the provisions hereof to possess identification credentials, may be furnished a letter signed by the District Commander or the Captain of the Port and this letter shall serve in lieu of a Coast Guard Port Security Card and will authorize such access for a period not to exceed 60 days, and such a letter issued shall be deemed to be satisfactory identification within the meaning of Section 125.09. The issuance of the letter shall be subject to the following conditions:

(1) The services of the person are necessary to avoid delay in the operation of the vessel;

(2) The person does not possess one of the identification credentials listed in Section 125.09;

(3) The person has filed his application for a Coast Guard Port Security Card or submits his application before the letter is issued; and,

(4) The person has been screened by the District Commander or Captain of the Port and such officer is satisfied concerning the eligibility of the applicant to receive a temporary letter.

(CGFR 56-51, 21 F. R. 9339, Nov. 30, 1956)

125.55 Outstanding Port Security Card Applications. A person who has filed an application for a Coast Guard Port Security Card and who did not receive such a document prior to May 1, 1956, shall submit a new application in accordance with the requirements of this part.

(CGFR 61-54, 26 F. R. 11862, Dec. 12, 1961)

125.57 Applications previously denied. A person who has been denied a Coast Guard Port Security Card before May 1, 1956, may file a new application for such a document in accordance with the requirements of this part.

PART 126—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

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 126.29 Supervision and control of dangerous cargo.
 126.31 Termination or suspension of general permit.
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 126.35 Primary responsibility.
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AUTHORITY: §§ 126.01 to 126.37 issued under sec. 1, 46 Stat. 229, as amended; 50 U.S.C. 191, E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., as amended, E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp. **SOURCE:** §§ 126.01 to 126.37 contained in CGFR 51-37, 16 F.R. 8677, Aug. 28, 1951, except as otherwise noted.

126.01 General definitions. (a) The terms "Commandant", "District Commander", "Captain of the Port", and "Waterfront Facility" when used in this part shall have the meaning set forth in Sections 6.01-1, 6.01-2, 6.01-3, and 6.01-4, respectively, of Executive Order No. 10173 (15 F.R. 7005, 3 CFR, 1950 Supp.), except that the term "waterfront facility" shall not include such a facility directly operated by the Departments of the Army, Navy, or Air Force.

(b) The term "net tons" when used in Paragraph 126.27 (b), shall be "net weights" of the materials as prepared for shipment, i.e.: gross weight less tare (weight of packing and shipping containers).

(CGFR 57-52, 22 F.R. 10302, Dec. 20, 1957)

126.05 Designated waterfront facility. The term "designated waterfront facility" shall mean a waterfront facility designated by Section 126.13 for the handling and storage of, and for vessel loading and discharging of, explosives, inflammable or combustible liquids in bulk, or other dangerous articles or cargo covered by the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR Part 146)

and the regulations governing tank vessels (46 CFR Parts 30 to 39, inclusive).

126.07 Dangerous cargo. The term "dangerous cargo" shall mean all explosives and other dangerous articles or cargo covered by the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR Part 146) and the regulations governing tank vessels (46 CFR Parts 30 to 39, inclusive).

126.09 Designated dangerous cargo. The term "designated dangerous cargo" shall mean Explosives (commercial or military), Class A, as classified in 46 CFR Part 146.
 (CGFR 52-30, 17 F.R. 5397, June 14, 1952)

126.11 Waiver authority based on local or unusual conditions. Whenever the Commandant, the District Commander, or the Captain of the Port shall find that the application of any provision contained in this part is not necessary to the security of the port and vessels and waterfront facilities therein, or that its application is not practical because of local conditions or because the materials or personnel required for compliance are not available, or because the requirements of the national defense justify a departure from such provision, he may waive compliance with such provision to the extent and under such requirements as he may determine.

126.13 Designation of waterfront facilities. (a) Waterfront facilities which fulfill the conditions required in Section 126.15, unless waived under provisions of Section 126.11, and only such waterfront facilities are designated for the handling, storing, stowing, loading, discharging, or transporting of dangerous cargo, subject to compliance with other applicable requirements and provisions set forth in this part.

(b) Handling, storing, stowing, loading, discharging, or transporting dangerous cargo at any waterfront facility other than one designated by this section is hereby prohibited, and violation of this prohibition will subject the violator to the penalties of fine and imprisonment provided in section 2, Title II of the act of June 15, 1917, as amended, 50 U.S.C. 192.
 (CGFR 57-52, 22 F.R. 10302, Dec. 20, 1957)

126.15 Conditions for designation as designated waterfront facility. The conditions referred to in Section 126.13 for designation of a waterfront facility for the purpose of handling, storing, stowing, loading, discharging, or transporting of dangerous cargo shall be as follows:

(a) **Guards.** That guards are provided by the owner or operator of the waterfront facility for

the protection thereof in such numbers and of such qualifications as to assure adequate surveillance, prevent unlawful entrance, detect fire hazards, and check the readiness of protective equipment.

(b) **Smoking.** That smoking is prohibited on the waterfront facility except at such portions thereof as may be designated by the owner or operator thereof: *Provided*, That smoking in such areas shall only be permitted in accordance with local ordinances and regulations and that signs are conspicuously posted marking such authorized smoking areas and that "No Smoking" signs are conspicuously posted elsewhere on the waterfront facility.

(c) **Welding or hot work.** That oxyacetylene or similar welding or burning, or other hot work including electric welding or the operation of equipment therefor is prohibited on the waterfront facility during the handling, storing, stowing, loading, discharging, or transporting of dangerous cargo thereon, except when approved by the Captain of the Port: *Provided*, That such work shall not be conducted at any time during the handling, storing, stowing, loading, discharging, or transporting of explosives.

(d) **Trucks and other motor vehicles.** That trucks and other motor vehicles are not permitted to remain or park upon the waterfront facility except under the following conditions:

(1) When actually awaiting opportunity to load or discharge cargo, ship supplies, or passengers and is attended by a driver.

(2) When loading or discharging tools, equipment or materials incident to maintenance, repair, or alterations and is attended by a driver.

(3) When the vehicle is headed toward an unimpeded exit and is attended by a driver.

(4) When a vehicle is handled and stored as an item of cargo.

(5) When parking areas are designated and permitted in accordance with local ordinances and regulations and provided no fire lanes are blocked nor exits impeded by their presence, passenger vehicles may be parked in such portions of the waterfront facility as may be designated and marked off by the owner or operator.

(e) **Pier automotive equipment.** That tractors, stackers, lift trucks, hoisters and other equipment driven by internal combustion engines used on the waterfront facility are of such construction and condition and free from excess grease, oil, or lint as not to constitute a fire hazard; that each unit of such equipment is provided with an approved type fire extinguisher attached, except where waterfront facilities are provided with fire extinguishers approved by the Captain of the Port as being adequate in numbers, type and location for additional protection of pier automotive equipment; that, when not in use, such equip-

ment is stored in a safe manner and location; that gasoline or other fuel used for such equipment is stored and handled in accordance with accepted safe practices and is not stored on the waterfront facility, except in conformity with paragraph (g) of this section; and that refueling of such equipment or any vehicle is prohibited on any pier or wharf within the waterfront facility.

(f) **Rubbish and waste materials.** That the waterfront facility is free from rubbish, debris, and waste materials.

(g) **Maintenance stores and supplies.** That supplies classified as dangerous by the provisions of the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR Part 146), to be used in connection with operation or maintenance of the property or facility are not stored on any pier or wharf within the waterfront facility and are not stored elsewhere on the waterfront facility except in amounts necessary for normal current operating conditions; that such storage is in a compartment remote from combustible material and so constructed as to be readily accessible and provide safe storage; that storage compartments are kept clean and maintained free of scrap materials, empty containers, soiled wiping rags, waste, and other debris; that covered metal containers are provided for storage of used wiping cloths and contents removed at the end of each working day; that clothing lockers are maintained clean and orderly and properly ventilated; and that fire-extinguishing equipment suitable for the type of hazard is readily available.

(h) **Electric wiring.** That new installations of electric wiring and equipment are made in accordance with accepted safe practices (conformity with the requirements of the National Electric Code (current edition) and the requirements of applicable local regulations shall be deemed evidence of compliance with such accepted safe practices); that materials, fittings, and devices are of type and character approved for the intended use by Underwriters Laboratories, Inc., Associated Factory Mutual Laboratories, or United States National Bureau of Standards; that existing electric wiring is maintained in a safe condition, free of defects or modifications which may cause fire or personal injury; that defective or dangerous wiring, equipment, and devices are permanently disconnected from sources of energy.

(i) **Heating equipment.** That heating equipment is safely installed and maintained in good operating condition; that adequate clearances to prevent undue heating of nearby combustible materials are maintained between heating appliances, chimneys, stove pipes, gas vents, or other heat producing elements, and any combustible materials of the floor, walls, partitions or roofs; that, in general, clearances are such that continuous operation of the heat producing device at full ca-

capacity will not increase the temperature of nearby woodwork more than 90 degrees above the ambient temperature; that, where necessary to prevent contact with movable combustible materials, heating appliances are enclosed or screened; that spark arresters are provided on chimneys or appliances burning solid fuel used in locations where sparks constitute a hazard to nearby combustible materials. (As a guide to safe installation of heating equipment, the appropriate chapters of the National Board of Fire Underwriters Building Code (current edition) are recommended.)

(j) **Fire extinguishing equipment.** That fire extinguishing appliances are made available in adequate quantities, locations, and types; that first aid fire appliances are installed and maintained in accordance with accepted safe practices (conformity with the requirements prescribed in the current "Standards for the Installation, Maintenance and Use of Portable Fire Extinguishers," issued by the National Fire Protection Association, shall be deemed evidence of compliance with such accepted safe practices); that fire extinguishing equipment, fire alarm systems and devices, and fire doors and other safety equipment are maintained in good operating condition at all times; that provision is made so that, when hazards arise which require such precaution, emergency hose lines will be led out and other emergency firefighting equipment will be placed immediately adjacent to such hazards.

(k) **Marking of fire appliance locations.** That the locations of all fire appliances, including hydrants, standpipe and hose stations, fire extinguishers, and fire alarm boxes, are conspicuously marked; and that ready accessibility to such appliances is maintained.

(l) **Lighting.** That subject to applicable dimout and blackout regulations, such waterfront facility is adequately illuminated during the handling, storing, stowing, loading, discharging or transporting of dangerous cargo thereon; and that kerosene and gasoline lamps and lanterns are not used on such waterfront facility.

(m) **Arrangement of cargo, freight, merchandise or material.** That cargo, freight, merchandise or material is arranged on the waterfront facility according to the individual structure of such facility, in a manner to permit complete access for the purpose of fire extinguishment; that, except on facilities used primarily for the transfer of railroad or highway vehicles to or from cargo vessels and carfloats; cargo, freight, merchandise or other material is placed on the waterfront facility in accordance with the following:

(1) At least two feet of clear and open space shall be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise, or other material piles and both sides

of the walls of the waterfront facility, fire walls or fire stops in enclosed waterfront facilities. This distance shall be measured from the most prominent projection of the wall such as studding, bracings, or other obstructions that are part of the structure. In an unenclosed facility, two feet of clear and open space shall be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise or other materials and the sides of the pier.

(2) Inflammable or combustible cargo, freight, merchandise or material, not including bulk cargo, shall not be tiered higher than 12 feet. All cargo, freight, merchandise or other materials including inflammable or combustible cargo, freight, merchandise or materials shall be so tiered as to maintain a clearance between the upper level of the top tier and trusses, beams, girders, or other structural members of not less than 36 inches, and between such upper level and sprinkler heads a clearance of at least 12 inches shall be maintained.

(3) There shall be maintained at least four feet of clear and open operating space around any fire alarm box, standpipe, firehose, sprinkler valve, fire door, deck hatch, or first-aid fire appliance.

(4) When first aid fire appliances, alarm boxes, other safety equipment or deck hatches are located in a space surrounded by cargo, freight, merchandise, or other materials, there shall be maintained a straight, free, and open space at least three feet in width running therefrom to the center aisle. This space shall be kept clear of all rubbish, dunnage, and other obstruction.

(5) A main aisle of at least twenty feet in width shall be maintained the entire length of the waterfront facility if control of fire requires trucks to come on the pier. The aisle may be reduced to eight feet in width if such access by fire trucks is not required.

(6) Cross aisles, at least five feet wide, straight and at right angles to the main aisle, shall be maintained at intervals not exceeding seventy-five feet, and extending to the side of the waterfront facility.

(n) **Adequacy of guarding, fire extinguishing equipment, and lighting.** That the word "adequate," as used in paragraphs (a), (j), and (l) of this section with respect to guarding, fire extinguishing equipment, and lighting, respectively, means that determination which a reasonable person would make under the circumstances of the particular case. Unless there is gross noncompliance, the judgment and determination of the operator of the facility will be acceptable as fulfilling the requirements unless and until the Captain of the Port inspects the facility and notifies the operator thereof in writing in what respect the guarding, fire extinguishing equipment, or light-

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ing, is deemed inadequate and affords such operator an opportunity to correct the deficiency.

(CGFR 51-52, 16 F.R. 11311, Nov. 7, 1951; CGFR 57-52, 22 F.R. 10303, Dec. 20, 1957; CGFR 58-4, 23 F.R. 1597, Mar. 8, 1958; CGFR 59-40, 24 F.R. 10487, Dec. 23, 1959; CGFR 60-35, 24 F.R. 7581, Sept. 10, 1959; CGFR 64-6, 29 F.R. 1570, Jan. 30, 1964)

126.17 Permits required for handling designated dangerous cargo. Designated dangerous cargo may be handled, loaded, discharged, or transported at any designated waterfront facility only if a permit therefor has been issued by the Captain of the Port. This permit requirement may be waived, at the discretion of the Captain of the Port, when such cargoes are contained within railroad cars or highway vehicles which are moved on or across a waterfront facility used primarily for the transfer of railroad cars or highway vehicles to or from a railroad or highway vehicle ferry or carfloat; provided such designated cargoes are not removed from, or placed in, the railroad car or highway vehicle while it is in or on such waterfront facility.

(CGFR 58-43, 23 F.R. 8542, Nov. 1, 1958)

126.19 Issuance of permits for handling designated dangerous cargo. (a) Upon the application of the owners or operators of a designated waterfront facility or of their authorized representatives, the Captain of the Port is authorized to issue a permit for each transaction of handling, loading, discharging, or transporting designated dangerous cargo at such waterfront facility provided the following requirements are met:

(1) The facility shall comply in all respects with the regulations in this subchapter.

(2) The quantity of designated dangerous cargo, except military explosives shipped by or for the Armed Forces of the United States, on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness established by local, municipal, territorial, or State authorities. Each permit issued under these conditions shall specify that the limits so established shall not be exceeded.

(3) The quantity of designated dangerous cargo consisting of military explosives shipped by or for the Armed Forces of the United States on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness as established by the Captain of the Port. Each permit issued under these conditions shall specify that the limits so established shall not be exceeded.

(CGFR 53-27, 18 F.R. 5348, Sept. 3, 1953)

126.21 Permitted transactions. All permits issued pursuant to Section 126.19 are hereby conditioned upon the observance and fulfillment of the following:

(a) The conditions set forth in Section 126.15 shall at all times be strictly observed.

(b) No amount of designated dangerous cargo, except military explosives shipped by or for the Armed Forces of the United States, in excess of the maximum quantity established by local, municipal, territorial, or State authorities shall be present on the waterfront facility and vessels moored thereto.

(c) Designated dangerous cargo shall not be brought onto the waterfront facility from shore except when laden within a railroad car or highway vehicle and shall remain in such railroad car or highway vehicle except when removed as an incident of its prompt transshipment. Designated dangerous cargo shall not be brought onto the waterfront facility from a vessel except as an incident of its prompt transshipment by railroad car or highway vehicle.

(d) No other dangerous cargo shall be on the waterfront facility during the period of transactions involving designated dangerous cargo, unless its presence is authorized by the Captain of the Port. This shall not apply to maintenance stores and supplies on the waterfront facility in conformity with Paragraph 126.15(g).

(CGFR 53-27, 18 F.R. 5348, Sept. 3, 1953)

126.23 Termination or suspension of permits. Any permit issued pursuant to Section 126.19 shall terminate automatically at the conclusion of the transaction for which the permit has been issued and may be terminated, or suspended, prior thereto by the Captain of the Port whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires. Confirmation of such termination or suspension by the Captain of the Port shall be given to the permittee in writing.

126.25 Penalties for handling designated dangerous cargo without permit. Handling, loading, discharging, or transporting any designated dangerous cargo without a permit, as provided under Section 126.17, being in force, will subject persons responsible therefor to the penalties of fine and imprisonment provided in section 2, Title II of the act of June 15, 1917, as amended, 50 U. S. C. 192.

(CGFR 53-27, 18 F.R. 5348, Sept. 3, 1953)

126.27 General permit for handling dangerous articles and substances. A general permit is hereby issued for the handling, storing, stowing, loading, discharging, or transporting of dangerous articles and substances (other than designated dangerous cargo) at designated waterfront facilities, conditioned upon the observance and fulfillment of the following:

(a) The conditions set forth in Section 126.15 shall at all times be strictly observed.

(b) The following classes of dangerous articles and substances as classified in the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR Part 146), in the

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amounts specified, shall not be handled, stored, stowed, loaded, discharged, or transported, except when contained within railroad or highway vehicles being transported across or on waterfront facilities used primarily for the transfer of railroad or highway vehicles to or from a railroad car ferry or highway vehicle ferry, or carfloats, without written notification to the Captain of the Port:

(1) Explosives, Class B, in excess of 1 net ton at any one time.

(2) Explosives, Class C, in excess of 10 net tons at any one time.

(3) Inflammable liquids, in containers, in excess of 10 net tons at any one time.

(4) Inflammable solids or oxidizing materials, in excess of 100 net tons at any one time.

(5) Inflammable compressed gases, in excess of 10 net tons at any one time.

(6) Poisons, Class A, or radioactive materials, Class D, for which special approval for water transportation is required by the Commandant in 46 CFR 146.25-30. Storage of all Class D radioactive materials shall be so arranged as to preclude a gamma radiation in excess of 200 milliroentgens per hour or physical equivalent at any readily accessible surface.

(c) Explosives or other dangerous articles prohibited from or not permitted transportation by 46 CFR Part 146 shall not be present on the waterfront facility.

(d) Inflammable liquids and compressed gases shall be so handled and stored as to provide maximum separation between articles consisting of acids, corrosive liquids, or combustible materials. Storage for inflammable solids or oxidizing materials shall be so arranged as to prevent moisture coming in contact therewith.

(e) Acids and corrosive liquids shall be so handled and stored as to prevent such acids and liquids, in event of leakage, from contacting any organic materials.

(f) Poisonous gases, poisonous liquids, and poisonous solids shall be so handled and stored as to prevent their contact with acids, corrosive liquids, inflammable liquids or inflammable solids.

(g) Dangerous articles and substances which may be stored on the waterfront facility shall be arranged in such manner as to retard the spread of fire. This may be accomplished by interspersing piles of dangerous articles with piles of inert or less combustible materials.

(h) All dangerous articles and substances stored on the waterfront facility shall be packaged, marked, and labeled in accordance with 46 CFR Part 146.

(CGFR 58-43, 23 F.R. 8542, Nov. 1, 1958)

126.28 Ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate; general provisions.

(a) When any item of ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate, described and defined as an oxidizing material by the regulations of 46 CFR 146.22, is handled, stored, stowed, loaded, discharged or transported on a waterfront facility, the following provisions shall apply:

(1) All outside containers shall be marked with the proper shipping name of the nitrate packed within the container.

(2) The building on a waterfront facility used for storage of any of these materials shall be of such construction as to afford good ventilation.

(3) Storage of any of these materials shall be at a safe distance from electric wiring, steam pipes, radiators or any heating mechanism.

(4) These materials shall be separated by a fire resistant wall or by a distance of at least 30 feet from organic materials or other chemicals and substances which could cause contamination such as flammable liquids, combustible liquids, corrosive liquids, chlorates, permanganates, finely divided metals, caustic soda, charcoal, sulfur, cotton, coal, fats, fish oils or vegetable oils.

(5) Storage of any of these materials shall be in a clean area upon clean wood dunnage, or on pallets over a clean floor. In the case of a concrete floor, storage may be made directly on the floor if it is first covered with a moisture barrier such as a polyethylene sheet or asphaltic laminated paper.

(6) Any spilled material shall be promptly and thoroughly cleaned up and removed from the waterfront facility. If any spilled material has remained in contact with a wooden floor for any length of time the floor shall be scrubbed with water and all spilled material shall be thoroughly dissolved and flushed away.

(7) An abundance of water for firefighting shall be readily available.

(8) Such open drains, traps, pits, or pockets shall be eliminated or plugged as in case of fire could be filled with molten ammonium nitrate (and thus become potential detonators for the storage piles).

(CGFR 64-17, 29 F.R. 5277, Apr. 17, 1964)

126.29 Supervision and control of dangerous cargo. The Captain of the Port is authorized to require that any transaction of handling, storing, stowing, loading, discharging, or transporting the dangerous cargo covered by this subchapter shall be undertaken and continued only under the immediate supervision and control of the Captain of the Port or his duly authorized representative. In case the Captain of the Port exercises such authority, all directions, instructions, and orders

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of the Captain of the Port or his representative, not inconsistent with this part, with respect to such handling, storing, stowing, loading, discharging and transporting; with respect to the operation of the waterfront facility; with respect to vessels handling, stowing, loading, or discharging of dangerous cargo at anchorages when the operations are under the immediate control and supervision of the Captain of the Port or his duly authorized representative; with respect to the ingress and egress of persons, articles and things and to their presence on the waterfront facility or vessel; and with respect to vessels approaching, moored at, and departing from the waterfront facility, shall be promptly obeyed.

(CGFR 57-52, 22 F. R. 10303, Dec. 20, 1957)

126.31 Termination or suspension of general permit. The Captain of the Port is hereby authorized to terminate or to suspend the general permit granted by Section 126.27 in respect to any particular designated waterfront facility whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires. Confirmation of such termination or suspension shall be given to the permittee in writing. After such termination, the general permit may be revived by the Commandant with respect to such particular waterfront facility upon a finding by him that the cause of termination no longer exists and is unlikely to recur. After such suspension, the general permit shall be revived by the Captain of the Port with respect to such particular

waterfront facility when the cause of suspension no longer exists, and he shall so advise the permittee in writing.

126.33 Penalties for handling dangerous cargo without permit. Handling, storing, stowing, loading, discharging, or transporting any dangerous cargo covered by Section 126.27 under circumstances not covered by the general permit granted in Section 126.27 or when such general permit is not in force will subject persons responsible therefor to the penalties of fine and imprisonment provided in section 2, Title II of the act of June 15, 1917, as amended, 50 U. S. C. 192.

126.35 Primary responsibility. Nothing contained in the rules, regulations, conditions, and designations in this part shall be construed as relieving the masters, owners, operators, and agents of vessels, docks, piers, wharves, or other waterfront facilities from their primary responsibility for the security of such vessels, docks, piers, wharves, or waterfront facilities.

126.37 Separability. If any provision of the rules, regulations, conditions, or designations contained in this part or the application of such provision to any person, waterfront facility, or circumstances shall be held invalid, the validity of the remainder of the rules, regulations, conditions, or designations contained in this part and applicability of such provision to other persons, waterfront facilities, or circumstances, shall not be affected thereby.

APPENDIX

EXCERPTS FROM THE UNITED STATES CODE

TITLE 50.—WAR AND NATIONAL DEFENSE

CHAPTER 12.—VESSELS IN TERRITORIAL WATERS
OF UNITED STATES§ 191. Secretary of Treasury and Governor of Canal
Zone authorized to regulate anchorage, move-
ment, etc., of vessels.

Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

Within the territory and waters of the Canal Zone the Governor of the Canal Zone, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the Treasury.

Whenever the President finds that the security of the United States is endangered by reason of actual or threatened war, or invasion, or insurrection, or subversive activity, or of disturbances or threatened disturbances of the international relations of the United States, the President is authorized to institute such measures and issue such rules and regulations—

(a) to govern the anchorage and movement of any foreign-flag vessels in the territorial waters of the United States, to inspect such vessels at any time, to place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United

States, or to secure the observance of rights and obligations of the United States, may take for such purposes full possession and control of such vessels and remove therefrom the officers and crew thereof, and all other persons not especially authorized by him to go or remain on board thereof;

(b) to safeguard against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature, vessels, harbors, ports, and waterfront facilities in the United States, the Canal Zone, and all territory and water, continental or insular, subject to the jurisdiction of the United States.

Any appropriation available to any of the Executive Departments shall be available to carry out the provisions of this title. (June 15, 1917, ch. 30, title II, § 1, 40 Stat. 220; as amended Aug. 9, 1950, ch. 656, § 1, 64 Stat. 427; Sept. 26, 1950, ch. 1049, § 2 (b), 64 Stat. 1038.)

EXECUTIVE ORDER 10637

Delegating to the Secretary of the Treasury Certain
Functions of the President Relating to the
United States Coast Guard

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, section 499 of title 14 of the United States Code, and Article 140 of the Uniform Code of Military Justice (64 Stat. 145), and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of the Treasury is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

* * * * *

(r) The authority vested in the Secretary of the Treasury by the first paragraph of section 1 of Title II of the act of June 15, 1917, ch. 30, 40 Stat. 220, as amended (50 U. S. C. 191), during a national emergency proclaimed as provided in the said paragraph (1) to make rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, and (2) to take full posses-

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sion and control of such vessel for the purposes set forth in the said paragraph.

* * * * *

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 16, 1955.

§ 191a. Same; transfer of Secretary of Treasury powers to Secretary of Navy when Coast Guard operates as part of Navy.

When the Coast Guard operates as a part of the Navy pursuant to section 1 of Title 14, the powers conferred on the Secretary of the Treasury by section 191 of this title, shall vest in and be exercised by the Secretary of the Navy. (Nov. 15, 1941, ch. 471, § 2, 55 Stat. 763.)

§ 191b. Effect of sections 191a-191c on certain laws relating to Canal Zone.

Nothing in sections 191a-191c of this title shall be construed as affecting the authority conferred upon the Governor of The Canal Zone by the second paragraph of section 191 of this title, notwithstanding the provisions of section 191a of this title; nor shall anything in sections 191a-191c of this title be construed as affecting the powers and authority conferred by section 1306 of Title 48. (Nov. 15, 1941, ch. 471, § 4, 55 Stat. 763, as amended Sept. 26, 1950, ch. 1049, § 2 (b), 64 Stat. 1038.)

§ 192. Seizure and forfeiture of vessels for failure to observe regulations.

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this

chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than \$10,000. (June 15, 1917, ch. 30, title II, § 2, 40 Stat. 220; as amended Mar. 28, 1940, ch. 72, § 3 (a), 54 Stat. 79; Nov. 15, 1941, ch. 471, § 3, 55 Stat. 763; Aug. 9, 1950, ch. 656, § 3, 64 Stat. 428.)

§ 194. Enforcement of chapter.

The President may employ such departments, agencies, officers, or instrumentalities of the United States as he may deem necessary to carry out the purpose of this chapter. (June 15, 1917, ch. 30, title II, 40 Stat. 220; as amended Aug. 9, 1950, ch. 656, § 2, 64 Stat. 428.)

Termination Date of Aug. 9, 1950, Amendments

Section 4 of act Aug. 9, 1950, cited to text, provided that the amendments to sections 191, 192 (a), and 194 of this title by said act Aug. 9, 1950, should expire on such date as Congress by concurrent resolution may specify.

TITLE 14.—COAST GUARD

CHAPTER 5. FUNCTIONS AND POWERS

§ 89. Law enforcement.

(a) The Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of laws of the United States. For such purposes, commissioned, warrant, and petty officers may at any time go on board of any vessel subject to the jurisdiction, or to the operation of any law, of the United States, address inquiries to those on board, examine the ship's documents and papers, and examine, inspect, and search the vessel and use all necessary force to compel compliance. When from such inquiries, examination, inspection, or

search it appears that a breach of the laws of the United States rendering a person liable to arrest is being, or has been committed, by any person, such person shall be arrested or, if escaping to shore, shall be immediately pursued and arrested on shore, or other lawful and appropriate action shall be taken; or, if it shall appear that a breach of the laws of the United States has been committed so as to render such vessel, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel, liable to forfeiture, or so as to render such vessel liable to a fine or penalty and if necessary to secure such fine or penalty, such vessel or such merchandise, or both, shall be seized.

(b) The officers of the Coast Guard insofar as they are engaged, pursuant to the authority con-

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tained in this section, in enforcing any law of the United States shall:

(1) be deemed to be acting as agents of the particular executive department or independent establishment charged with the administration of the particular law; and

(2) be subject to all the rules and regulations promulgated by such department or independent establishment with respect to the enforcement of that law.

(c) The provisions of this section are in addition to any powers conferred by law upon such officers, and not in limitation of any powers conferred by law upon such officers, or any other officers of the United States. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 502, amended Aug. 3, 1950, ch. 536, § 1, 64 Stat. 406.)

§ 91. Safety of naval vessels.

The Captain of the Port, Coast Guard District

Commander, or other officer of the Coast Guard designated by the Commandant thereof, or the Governor of the Canal Zone in the case of the territory and waters of the Canal Zone, shall so control the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, as to insure the safety or security of such United States naval vessels as may be present in his jurisdiction. In territorial waters of the United States where immediate action is required or where representatives of the Coast Guard are not present, or not present in sufficient force to exercise effective control of shipping as provided herein, the senior naval officer present in command of any naval force may control the anchorage or movement of any vessel, foreign or domestic, to the extent deemed necessary to insure the safety and security of his command. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 503, amended Sept. 26, 1950, ch. 1049, § 2 (b), 64 Stat. 1038.)

TITLE 18 —CRIMES AND CRIMINAL PROCEDURE

CHAPTER 25.—COUNTERFEITING AND FORGERY

§ 499. Military, naval, or official passes.

Whoever falsely makes, forges, counterfeits, alters, or tampers with any naval, military, or official pass or permit, issued by or under the authority of the United States, or with intent to defraud uses or possesses any such pass or permit, or personates or falsely represents himself to be or not to be a person to whom such pass or permit has been duly issued, or willfully allows any other person to have or use any such pass or permit, issued for his use alone, shall be fined not more than \$2,000 or imprisoned not more than 5 years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 712, eff. Sept. 1, 1948.)

§ 506. Seals of departments or agencies.

Whoever falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States; or

Whoever knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal to or upon any certificate, instrument, commission, document, or paper, of any description; or

Whoever, with fraudulent intent, possesses any such seal, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered—

Shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 714, eff. Sept. 1, 1948.)

§ 701. Official badges, identification cards, other insignia.

Whoever manufactures, sells, or possesses any badge, identification card, or other insignia, of the design prescribed by the head of any department or agency of the United States for use by any officer or employee thereof, or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or any colorable imitation thereof, except as authorized under regulations made pursuant to law, shall be fined not more than \$250 or imprisoned not more than 6 months, or both. (June 25, 1948, ch. 645 § 1, 62 Stat. 731, eff. Sept. 1, 1948.)

CHAPTER 47.—FRAUD AND FALSE STATEMENTS

§ 1001. Statements or entries generally.

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 749, eff. Sept. 1, 1948.)

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CHAPTER 105.—SABOTAGE

§ 2153. Destruction of war material, war premises, or war utilities.

(a) Whoever, when the United States is at war, or in times of national emergency as declared by the President or by the Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, willfully injures, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any war material, war premises, or war utilities, shall be fined not more than \$10,000 or imprisoned not more than thirty years, or both.

(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section. (As amended June 30, 1953, ch. 175, § 2, 67 Stat. 133; Sept. 3, 1954, ch. 1261, title I, § 102, 68 Stat. 1217.)

§ 2155. Destruction of national-defense materials, national-defense premises or national-defense utilities.

(a) Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully injures, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any national-defense material, national-defense premises, or national-defense utilities, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section. (As amended Sept. 3, 1954, ch. 1261, title I, § 104, 68 Stat. 1218.)

CHAPTER 111.—SHIPPING

§ 2271. Conspiracy to destroy vessels.

Whoever, on the high seas, or within the United States, willfully and corruptly conspires, combines, and confederates with any other person, such other person being either within or without the United States, to cast away or otherwise destroy any vessel, with intent to injure any person that may have underwritten or may thereafter underwrite any policy of insurance thereon or on goods on board thereof, or with intent to injure

any person that has lent or advanced, or may lend or advance, any money on such vessel on bottomry or respondentia; or

Whoever, within the United States, builds, or fits out any vessel to be cast away or destroyed, with like intent—

Shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 803, eff. Sept. 1, 1948.)

§ 2272. Destruction of vessel by owner.

Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel of which he is owner, in whole or in part, with intent to injure any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall be imprisoned for life or for any term of years. (June 25, 1948, ch. 645, § 1, 62 Stat. 803, eff. Sept. 1, 1948.)

§ 2273. Destruction of vessel by nonowner.

Whoever, not being an owner, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel of the United States to which he belongs, or willfully attempts the destruction thereof, shall be imprisoned not more than 10 years. (June 25, 1948, ch. 645, § 1, 62 Stat. 804, eff. Sept. 1, 1948.)

§ 2274. Destruction or misuse of vessel by person in charge.

Whoever, being the owner, master or person in charge or command of any private vessel, foreign or domestic, or a member of the crew or other person, within the territorial waters of the United States, willfully causes or permits the destruction or injury of such vessel or knowingly permits said vessel to be used as a place of resort for any person conspiring with another or preparing to commit any offense against the United States, or any offense in violation of the treaties of the United States or of the obligations of the United States under the law of nations, or to defraud the United States; or knowingly permits such vessels to be used in violation of the rights and obligations of the United States under the law of nations, shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

In case such vessels are so used, with the knowledge of the owner or master or other person in charge or command thereof, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to

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the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws. (June 25, 1948, ch. 645, § 1, 62 Stat. 804, eff. Sept. 1, 1948.)

§ 2275. Firing or tampering with vessels.

Whoever sets fire to any vessel of foreign registry, or any vessel of American registry entitled to engage in commerce with foreign nations, or to any vessel of the United States, or to the cargo of the same, or tampers with the motive power or instrumentalities of navigation of such vessel, or places bombs or explosives in or upon such vessel, or does any other act to or upon such vessel while within the jurisdiction of the United States, or, if such vessel is of American registry, while she is on the high sea, with intent to injure or endanger the safety of the vessel or of her cargo, or of persons on board, whether the injury or danger is so intended to take place within the jurisdiction of the United States, or after the vessel shall have departed therefrom and whoever attempts to do so shall be fined not more than \$10,000 or imprisoned not more than 20 years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 804, eff. Sept. 1, 1948.)

§ 2276. Breaking and entering vessel.

Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State, breaks or enters any vessel with intent to commit any felony, or maliciously cuts, spoils, or destroys any cordage, cable, buoys, buoy rope, head fast, or other fast, fixed to the anchor or moorings belonging to any vessel, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 804, eff. Sept. 1, 1948.)

§ 2277. Explosives or dangerous weapons aboard vessels.

(a) Whoever brings, carries, or possesses any dangerous weapon, instrument, or device, or any dynamite, nitroglycerin, or other explosive article or compound on board of any vessel registered, enrolled, or licensed under the laws of the United States, or any vessel purchased, requisitioned, chartered, or taken over by the United States pursuant to the provisions of Act June 6, 1941, ch. 174, 55 Stat. 242, as amended, without previously obtaining the permission of the owner or the master of such vessel; or

Whoever brings, carries, or possesses any such weapon or explosive on board of any vessel in the possession and under the control of the United States or which has been seized and forfeited by the United States or upon which a guard has been

placed by the United States pursuant to the provisions of section 191 of Title 50, without previously obtaining the permission of the Captain of the Port in which such vessel is located, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

(b) This section shall not apply to the personnel of the Armed Forces of the United States or to officers or employees of the United States or of a State or of a political subdivision thereof, while acting in the performance of their duties, who are authorized by law or by rules or regulations to own or possess any such weapon or explosive. (June 25, 1948, ch. 645, § 1, 62 Stat. 804, eff. Sept. 1, 1948.)

§ 2278. Explosives on vessels carrying steerage passengers.

Whoever, being the master of a steamship or other vessel referred to in section 151 of Title 46, except as otherwise expressly provided by law, takes, carries, or has on board of any such vessel any nitroglycerin, dynamite, or any other explosive article or compound, or any vitriol or like acids, or gunpowder, except for the ship's use, or any article or number of articles, whether as a cargo or ballast, which, by reason of the nature or quantity or mode of storage thereof, shall, either singly or collectively, be likely to endanger the health or lives of the passengers or the safety of the vessel, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 805, eff. Sept. 1, 1948.)

§ 2279. Boarding vessels before arrival.

Whoever, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, shall be fined not more than \$200 or imprisoned not more than 6 months, or both.

The master of such vessel may take any such person into custody, and deliver him up forthwith to any law enforcement officer, to be by him taken before any committing magistrate, to be dealt with according to law. (June 25, 1948, ch. 645, § 1, 62 Stat. 805, eff. Sept. 1, 1948.)

CHAPTER 115.—TREASON, SEDITION, AND SUBVERSIVE ACTIVITIES

§ 2384. Seditious conspiracy.

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down,

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or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take,

or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than \$20,000 or imprisoned not more than twenty years, or both. (As amended July 24, 1956, ch. 678, § 1, 70 Stat. 623.)

TITLE 46—SHIPPING

CHAPTER 7—CARRIAGE OF EXPLOSIVES OR DANGEROUS SUBSTANCES

Sec.
170. Regulation of carriage of explosives or other dangerous articles on vessels.

- (1) Vessel defined.
- (2) Passenger-carrying vessel defined.
- (3) Transportation, etc., of certain explosives prohibited.
- (4) Transportation, etc., of certain high explosives on passenger-carrying vessels prohibited; exceptions.
- (5) Same; non-passenger-carrying vessels.
- (6) Transportation, etc., of other explosives or other dangerous articles; exceptions.
- (7) Regulations for protection against hazards created by explosives or other dangerous articles.
- (8) Masters, owners, etc., required to refuse unlawful transportation of explosives or other dangerous articles.
- (9) Publication of, hearings on, and effective date of proposed regulations.
- (10) Tendering explosives or other dangerous articles for shipment without divulging true character or in violation of section.
- (11) Exemption of vessels from section or regulations when compliance unnecessary for safety.
- (12) Agencies charged with enforcement.
- (13) Detention of vessels pending compliance with section and regulations; penalty for false swearing.
- (14) Violation of section or regulations; penalty; liability of vessel.
- (15) Same; increased penalty in event of personal injury or death.
- (16) Transportation of motor vehicles carrying gasoline, etc., penalty for violations.

170a. Same; use by vessels of launches, lifeboats, etc., employing combustible fuel; regulations.
170b. Same; appropriations.

§ 170. Regulation of carriage of explosives or other dangerous articles on vessels.

(1) Vessel defined.

The word "vessel" as used in this section shall include every vessel, domestic or foreign, regardless of character, tonnage, size, service, and whether self-propelled or not, on the navigable waters of the United States, including its Territories and possessions, but not including the Panama Canal Zone, whether arriving or departing, or under way, moored, anchored, aground, or while in drydock; it shall not include any public vessel which is not engaged in commercial service, nor any vessel subject to the provisions of section 391a of this title, which is constructed or converted for the principal purpose of carrying inflammable or combustible liquid cargo in bulk in its own tanks: *Provided*, That the provisions of subsection (3) of this section shall apply to every such vessel subject to the provisions of section 391a of

this title, which is constructed or converted for the principal purpose of carrying inflammable or combustible liquid cargo in bulk in its own tanks.

(2) Passenger-carrying vessel defined.

The phrase "passenger-carrying vessel" as used in this section, when applied to a vessel subject to any provision of the International Convention for Safety of Life at Sea, 1929, means a vessel which carries or is authorized to carry more than twelve passengers.

(3) Transportation, etc., of certain explosives prohibited.

It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any vessel fulminates or other detonating compounds in bulk in dry condition, or explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for forty-eight consecutive hours to a temperature of one hundred and sixty-seven degrees Fahrenheit, or compositions containing an ammonium salt and a chlorate, or other like explosives.

(4) Transportation, etc., of certain high explosives on passenger-carrying vessels prohibited; exceptions.

It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any passenger-carrying vessel any high explosives such as, and including, liquid nitroglycerin, dynamite, trinitrotoluene, picrates, detonating fuzes, fireworks that can be exploded en masse, or other explosives susceptible to detonation by a blasting cap or detonating fuze, except ships' signal and emergency equipment, and samples of such explosives (but not including liquid nitroglycerin) for laboratory or sales purposes in restricted quantities as may be permitted by regulations of the Commandant of the Coast Guard established hereunder.

(5) Same; non-passenger-carrying vessels.

It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any vessel other than a passenger-carrying vessel, any high explosive referred to in subsection (4) of this section except as permitted by the regulations of the Commandant of the Coast Guard established hereunder.

(6) Transportation, etc., of other explosives or other dangerous articles; exceptions.

(a) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use (except as fuel for its own machinery) on board any vessel, ex-

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cept one specifically exempted by paragraph (b) of this subsection, any other explosives or other dangerous articles or substances, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous articles or substances, hazardous articles, and ships' stores and supplies of a dangerous nature, except as permitted by the regulations of the Commandant of the Coast Guard established hereunder: *Provided*, That all of the provisions of this subsection relating to the transportation, carrying, conveying, storing, stowing, or use of explosives or other dangerous articles or substances shall apply to the transportation, carrying, conveying, storing, stowing, or using on board any passenger vessel of any barrels, drums, or other packages of any combustible liquid which gives off inflammable vapors (as determined by flash-point in open cup tester as used for test of burning oil) at or below a temperature of one hundred and fifty degrees Fahrenheit and above eighty degrees Fahrenheit.

(b) This subsection shall not apply to—

(i) vessels not exceeding fifteen gross tons when not engaged in carrying passengers for hire;

(ii) vessels used exclusively for pleasure;

(iii) vessels not exceeding five hundred gross tons while engaged in the fisheries;

(iv) tags or towing vessels: *Provided, however*, That any such vessel, when engaged in towing any vessel that has explosives, inflammable liquids, or inflammable compressed gases on board on deck, shall be required to make such provisions to guard against and extinguish fire as shall be prescribed by the Commandant of the Coast Guard;

(v) cable vessels, dredges, elevator vessels, fireboats, icebreakers, pile drivers, pilot boats, welding vessels, salvage and wrecking vessels;

(vi) inflammable or combustible liquid cargo in bulk: *Provided, however*, That the handling and stowage of any inflammable or combustible liquid cargo in bulk shall be subject to the provisions of section 391a of this title.

(7) Regulations for protection against hazards created by explosives or other dangerous articles.

In order to secure effective provisions against the hazards of health, life, limb, or property created by explosives or other dangerous articles or substances to which subsection (3)—(4), (5) or (6) of this section apply—

(a) The Commandant of the Coast Guard shall by regulations define, describe, name, and classify all explosives or other dangerous articles or substances, and shall establish such regulations as may be necessary to make effective the provisions of this section with respect to the descriptive names, packing, marking, labeling, and certification of such explosives or other dangerous

articles or substances; with respect to the specifications of containers for explosives or other dangerous articles or substances; with respect to the marking and labeling of said containers; and shall accept and adopt for the purposes above mentioned in this subsection such definitions, descriptions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification of explosives or other dangerous articles or substances to the extent as are or may be established from time to time by the Interstate Commerce Commission insofar as they apply to shippers by common carriers engaged in interstate or foreign commerce by water. The Commandant of the Coast Guard shall also establish regulations with respect to the marking, handling, storage, stowage, and use of explosives or other dangerous articles or substances on board such vessels; with respect to the disposition of any explosives or other dangerous articles or substances found to be in an unsafe condition; with respect to the necessary shipping papers, manifests, cargo-stowage plans, and the description and descriptive names of explosives or other dangerous articles or substances to be entered in such shipping documents; also any other regulations for the safe transportation, carriage, conveyance, storage, stowage, or use of explosives or other dangerous articles or substances on board such vessels as the Commandant of the Coast Guard shall deem necessary; and with respect to the inspection of all the foregoing mentioned in this paragraph. The Commandant of the Coast Guard may utilize the services of the Bureau for the Safe Transportation of Explosives and Other Dangerous Articles, and of such other organizations whose services he may deem to be helpful.

(b) The transportation, carriage, conveyance, storage, stowage, or use of such explosives or other dangerous articles or substances shall be in accordance with the regulations so established, which shall, insofar as applicable to them, respectively, be binding upon shippers and the owners, charterers, agents, masters, or persons in charge of such vessels and upon all other persons transporting, carrying, conveying, storing, stowing, or using on board any such vessels any explosives or other dangerous articles or substances: *Provided*, That this section shall not be construed to prevent the transportation of military or naval forces with their accompanying munitions of war and stores.

(c) Nothing contained in this section shall be construed to relieve any vessel subject to the provisions of this section from any of the requirements of title 52 (secs. 4399 to 4500, inclusive) of the Revised Statutes or acts amendatory or supplementary thereto and regulations thereunder applicable to such vessel, which are not inconsistent herewith.

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(d) Nothing contained in this section shall be construed as preventing the enforcement of reasonable local regulations now in effect or hereafter adopted, which are not inconsistent or in conflict with this section or the regulations of the Commandant of the Coast Guard established hereunder.

(e) The United States Coast Guard shall issue no permit or authorization for the loading or discharging to or from any vessel at any point or place in the United States, its territories or possessions (not including Panama Canal Zone) of any explosives unless such explosives, for which a permit is required by the regulations promulgated pursuant to this section, are packaged, marked, and labeled in conformity with regulations prescribed by the Interstate Commerce Commission under section 835 of Title 18, and unless such permit or authorization specifies that the limits as to maximum quantity, isolation and remoteness established by local, municipal, territorial, or State authorities for each port shall not be exceeded. Nothing herein contained shall be deemed to limit or restrict the shipment, transportation, or handling of military explosives by or for the Armed Forces of the United States.

(8) Masters, owners, etc., required to refuse unlawful transportation of explosives or other dangerous articles.

Any master, owner, charterer, or agent shall refuse to transport any explosives or other dangerous articles or substances in violation of any provisions of this section and the regulations established thereunder, and may require that any container or package which he has reason to believe contains explosives or other dangerous articles or substances be opened to ascertain the facts.

(9) Publication of, hearings on, and effective date of proposed regulations.

Before any regulations or any additions, alterations, amendments, or repeals thereof are made under the provisions of this section, except in an emergency, such proposed regulations shall be published and public hearings with respect thereto shall be held on such notice as the Commandant of the Coast Guard deems advisable under the circumstances. Any additions, alterations, amendments, or repeals of such regulations shall, unless a shorter time is authorized by the Commandant of the Coast Guard, take effect ninety days after their promulgation.

(10) Tendering explosives or other dangerous articles for shipment without divulging true character or in violation of section.

It shall be unlawful knowingly to deliver or cause to be delivered, or tender for shipment to any vessel subject to this section any explosives or any other dangerous articles or substances defined

in the regulations of the Commandant of the Coast Guard established hereunder under any false or deceptive descriptive name, marking, invoice, shipping paper, or other declaration and without informing the agent of such vessel in writing of the true character thereof at or before the time such delivery or transportation is made. It shall be unlawful for any person to tender for shipment, or ship on any vessel to which this section applies, any explosives or other dangerous articles or substances the transportation, carriage, conveyance, storage, stowage, or use of which on board vessels is prohibited by this section.

(11) Exemption of vessels from section or regulations when compliance unnecessary for safety.

The Commandant of the Coast Guard may exempt any vessel or class of vessels from any of the provisions of this section or any regulations or parts thereof established hereunder upon a finding by him that the vessel, route, area of operations, conditions of the voyage, or other circumstances are such as to render the application of this section or any of the regulations established hereunder unnecessary for the purposes of safety: *Provided*, That except in an emergency such exception shall be made for any vessel or class of vessels only after a public hearing.

(12) Agencies charged with enforcement.

The provisions of this section and the regulations established hereunder shall be enforced primarily by the Coast Guard of the Department of the Treasury; which with the consent of the head of any executive department, independent establishment, or other agency of the Government, may avail itself of the use of information, advice, services, facilities, officers, and employees thereof (including the field service) in carrying out the provisions of this section: *Provided*, That no officer or employee of the United States shall receive any additional compensation for such services, except as permitted by law.

(13) Detention of vessels pending compliance with section and regulations; penalty for false swearing.

Any collector of customs may, upon his own knowledge, or upon the sworn information of any reputable citizen of the United States, that any vessel subject to this section is violating any of the provisions of this section or of the regulations established hereunder, by written order served on the master, person in charge of such vessel, or the owner or charterer thereof, or the agent of the owner or charterer, detain such vessel until such time as the provisions of this section and of the regulations established hereunder have been complied with. If the vessel be ordered detained, the master, person in charge, or owner

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or charterer, or the agent of the owner or charterer thereof, may within five days appeal to the Commandant of the Coast Guard, who may, after investigation, affirm, set aside, or modify the order of such collector. If any reputable citizen of the United States furnishes sworn information to any collector of customs that any vessel, subject to this section, is violating any of the provisions of this section or of the regulations established hereunder, and such information is knowingly false, the person so falsely swearing shall be deemed guilty of perjury.

(14) Violation of section or regulations; penalty; liability of vessel.

Whoever shall knowingly violate any of the provisions of this section or of any regulations established under this section shall be subject to a penalty of not more than \$2,000 for each violation. In the case of any such violation on the part of the owner, charterer, agent, master, or person in charge of the vessel, such vessel shall be liable for the penalty and may be seized and proceeded against by way of libel in the district court of the United States in any district in which such vessel may be found.

(15) Same; increased penalty in event of personal injury or death.

When the death or bodily injury of any person results from the violation of this section or any regulations made in pursuance thereof, the person or persons who shall have knowingly violated or caused to be violated such provisions or regulations shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

(16) Transportation of motor vehicles carrying gasoline, etc., penalty for violations.

The transportation by vessels of gasoline or any other inflammable or combustible liquid or inflammable gas when carried by motor vehicles using the same as a source of their own motive power, or motive power for driving auxiliaries forming a part of the vehicle, shall be lawful under the conditions as set forth in the regulations established by the Commandant of the Coast Guard under this section: *Provided, however*, That the motor or motors in any vehicle be stopped immediately after entering the said vessel, and that the same be not restarted until immediately before said vehicle shall leave the vessel after said vessel has been made fast to the wharf or ferry bridge at which she lands. All other fire, if any, in such vehicle shall be extinguished before entering the said vessel and the same shall not be relighted until after said vehicle shall leave the vessel: *Provided*

further, That the Commandant of the Coast Guard, may, by regulation, permit the operation on board vessels of motive power for driving auxiliaries forming a part of motor vehicles, under such conditions as he may deem proper: *Provided further*, That any owner, charterer, agent, master, or other person having charge of a vessel shall have the right to refuse to transport motor vehicles the fuel tanks of which contain gasoline or other inflammable or combustible liquid or inflammable gas used as a source of power for the vehicle or its auxiliaries: *Provided further*, That the owner, motor carrier, and operator of any such vehicle in which all fires have not been extinguished or the motor or motors stopped as required by this subsection or regulations established thereunder, and the owner, charterer, agent, master, or person in charge of the vessel on which such vehicle is transported, shall each be liable to a penalty of not more than \$500, for which the motor vehicle and vessel respectively, shall be liable: *And provided further*, That a violation of this subsection shall not subject any person to the penalty provided in subsection (14) or (15) of this section.

(R.S. § 4472; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 262; Feb. 20, 1901, ch. 356, § 1 Stat. 769; Feb. 18, 1905, ch. 586, § 3 Stat. 720; Mar. 3, 1905, ch. 1487, § 5, 33 Stat. 1031; May 28, 1906, ch. 2565, § 4 Stat. 204; Jan. 24, 1913, ch. 10, 37 Stat. 650; Mar. 4, 1915, ch. 141, § 1, 37 Stat. 738; Oct. 22, 1914, ch. 336, 38 Stat. 768; Mar. 23, 1918, ch. 30, 40 Stat. 426; Mar. 2, 1925, ch. 387, 43 Stat. 1093; Oct. 9, 1940, ch. 777, § 1, 54 Stat. 1023; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1007; July 16, 1952, ch. 887, 66 Stat. 730.)

§ 170a. Same; use by vessels of launches, lifeboats, etc., employing combustible fuel; regulations.

Nothing contained in section 170 of this title shall prohibit the use by any vessel of motorboats, launches, or lifeboats equipped with engines using an inflammable or combustible fuel, nor shall anything contained in said section prohibit such motorboats, launches, or lifeboats from carrying such inflammable or combustible fuel in their tanks: *Provided*, That no such inflammable or combustible fuel for the engines of such motorboats, launches, or lifeboats shall be carried except as may be prescribed by regulations of the Commandant of the Coast Guard: *Provided further*, That the use of such lifeboats shall be under such regulations as shall be prescribed by the Commandant of the Coast Guard.

§ 170b. Same; appropriations.

There are authorized to be appropriated such sums of money as may be necessary to carry out the provisions of sections 170—170b, 391a, 402, 414, and 481 of this title and sections 382—385 of Title 18. (Oct. 9, 1940, ch. 777, § 8, 54 Stat. 1028.)

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CHAPTER 14—INSPECTION OF STEAM VESSELS

Sec.
391a. Vessels having on board inflammable or combustible liquid cargo in bulk.

- (1) Vessels included.
- (2) Rules and regulations for handling liquid cargo.
- (3) Hearing before approval of rules.
- (4) Certificate of inspection and permit required; time of endorsing permit; inspection; duration of permit; vessels of foreign nations; permit for prohibited materials.
- (5) Shipping documents required on board; contents.
- (6) Number of officers and tankermen; certificate as tankerman; suspension or revocation of certificate.
- (7) Penalties.
- (8) Effective date of rules and regulations.

§ 391a. Vessels having on board inflammable or combustible liquid cargo in bulk.

(1) Vessels included.

All vessels, regardless of tonnage, size, or manner of propulsion, and whether self-propelled or not, and whether carrying freight or passengers for hire or not, that shall have on board any inflammable or combustible liquid cargo in bulk, except public vessels owned by the United States, other than those engaged in commercial service, shall be considered steam vessels for the purposes of title 52 of the Revised Statutes and shall be subject to the provisions thereof: *Provided*, That this section shall not apply to vessels having on board only inflammable or combustible liquid for use as fuel or stores or to vessels carrying liquid cargo only in drums, barrels, or other packages.

(2) Rules and regulations for handling liquid cargo.

In order to secure effective provision against the hazards of life and property created by the vessels to which this section applies, the Commandant of the Coast Guard shall establish such additional rules and regulations as may be necessary with respect to the design and construction, alteration, or repair of such vessels, including the superstructures, hulls, places for stowing and carrying such liquid cargo, fittings, equipment, appliances, propulsive machinery, auxiliary machinery, and boilers thereof; and with respect to all materials used in such construction, alteration, or repair; and with respect to the handling and stowage of such liquid cargo; the manner of such handling or stowage; and the machinery and appliances used in such handling and stowage; and with respect to equipment and appliances for lifesaving and fire protection; and with respect to the operation of such vessels; and with respect to the requirements of the manning of such vessels and the

duties and qualifications of the officers and crews thereof; and with respect to the inspection of all the foregoing. In establishing such rules and regulations the Commandant of the Coast Guard may adopt rules of the American Bureau of Shipping or similar American classification society for classed vessels insofar as such rules pertain to the efficiency of hulls and the reliability of machinery of vessels to which this section applies. In establishing such rules and regulations, the Commandant of the Coast Guard shall give due consideration to the kinds and grades of such liquid cargo permitted to be on board such vessel.

(3) Hearing before approval of rules.

Before any rules and regulations, or any alteration, amendment, or repeal thereof, are approved by the Commandant of the Coast Guard under the provisions of this section, except in an emergency, the said Commandant shall publish such rules and regulations and hold hearings with respect thereto on such notice as he deems advisable under the circumstances.

(4) Certificate of inspection and permit required; time of endorsing permit; inspection; duration of permit; vessels of foreign nations; permit for prohibited materials.

No vessel subject to the provisions of this section shall, after the effective date of the rules and regulations established hereunder, have on board such liquid cargo, until a certificate of inspection has been issued to such vessel in accordance with the provisions of title 52 of the Revised Statutes and until a permit has been endorsed on such certificate of inspection by the Coast Guard, indicating that such vessel is in compliance with the provisions of this section and the rules and regulations established hereunder, and showing the kinds and grades of such liquid cargo that such vessel may have on board or transport. Such permit shall not be endorsed by the Coast Guard on such certificate of inspection until such vessel has been inspected by the Coast Guard and found to be in compliance with the provisions of this section and the rules and regulations established hereunder. For the purpose of any such inspection, approved plans and certificates of class of the American Bureau of Shipping or other recognized classification society for classed vessels may be accepted as evidence of the structural efficiency of the hull and the reliability of the machinery of such classed vessels except as far as existing law places definite responsibility on the Coast Guard. A permit issued under the provisions of this section shall be valid for a period of time not to exceed the duration of

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the certificate of inspection on which such permit is endorsed, and shall be subject to revocation by the Coast Guard whenever it shall find that the vessel concerned does not comply with the conditions upon which such permit was issued: *Provided*, That the provisions of this subsection shall not apply to vessels of a foreign nation having on board a valid certificate of inspection recognized under law or treaty by the United States: *And provided further*, That no permit shall be issued under the provisions of this section authorizing the presence on board any vessel of any of the materials expressly prohibited from being thereon by subsection 3 of section 170 of this title.

(5) Shipping documents required on board; contents.

Vessels subject to the provisions of this section shall have on board such shipping documents as may be prescribed by the Commandant of the Coast Guard indicating the kinds, grades, and approximate quantities of such liquid cargo on board such vessel, the shippers and consignees thereof, and the location of the shipping and destination points.

(6) Number of officers and tankermen; certificate as tankerman; suspension or revocation of certificate.

(a) In all cases where the certificate of inspection does not require at least two licensed officers, the Coast Guard shall enter in the permit issued to any vessel under the provisions of this section the number of the crew required to be certificated as tankermen.

(b) The Coast Guard shall issue to applicants certificates as tankerman, stating the kinds of

liquid cargo the holder of such certificate is, in the judgment of the Coast Guard, qualified to handle aboard vessels with safety, upon satisfactory proof and examination, in form and manner prescribed by the Commandant of the Coast Guard, that the applicant is in good physical condition, that such applicant is trained in and capable efficiently to perform the necessary operations aboard vessels having such liquid cargo on board, and that the applicant fulfills the qualifications of tankerman as prescribed by the Commandant of the Coast Guard under the provisions of this section. Such certificates shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 239 of this title.

(7) Penalties.

The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall violate the provisions of this section, or of the rules and regulations established hereunder, shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment.

(8) Effective date of rules and regulations.

The rules and regulations to be established pursuant to this section shall become effective ninety days after their promulgation unless the Commandant of the Coast Guard shall for good cause fix a different time.

(R.S. § 4417a, as added June 23, 1936, ch. 720, 49 Stat. 1889, and amended Oct. 9, 1940, ch. 777, § 3, 54 Stat. 1028; 1946 Reorg. Plan No. 3, § 101-104, eff. July 10, 1946, 11 F.R. 7875, 60 Stat. 1057.)

CHAPTER 24—MERCHANT MARINE ACT, 1920

§ 882. Number of passengers cargo vessels may carry.

Cargo vessels documented under the laws of the United States may carry not to exceed sixteen persons in addition to the crew between any ports or places in the United States or its Districts, Territories, or possessions, or between any such port or place and any foreign port, or from any foreign port to another foreign port, and such vessels shall not be held to be "passenger vessels" or "vessels carrying passengers" within the meaning of the inspection laws and the rules and regulations thereunder: *Provided*, That nothing herein shall be taken to exempt such vessels from the laws, rules, and regulations respecting life-saving

equipment: *Provided further*, That when any such vessel carries persons other than the crew as herein provided for, the owner, agent, or master of the vessel shall first notify such persons of the presence on board of any dangerous articles, as defined by law, or of any other condition or circumstance which would constitute a risk of safety for passenger or crew.

The privilege bestowed by this section on vessels of the United States shall be extended insofar as the foreign trade is concerned to the cargo vessels of any nation which allows the like privilege to cargo vessels of the United States in trades not restricted to vessels under its own flag.

Failure on the part of the owner, agent, or master of the vessel to give such notice shall subject

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the vessel to a penalty of \$500, which may be mitigated or remitted by the Commandant of the Coast Guard upon a proper representation of the facts.

(June 5, 1920, ch. 250, § 26, 41 Stat. 998; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Note: This law is modified by the International Convention for Safety of Life at Sea, 1948, for all cargo vessels engaged on international voyages, which may carry no more than 12 passengers.

CHAPTER 28—CARRIAGE OF GOODS BY SEA

- 1300. Bills of lading subject to chapter.
- 1301. Definitions.
- 1302. Duties and rights of carrier.
- 1303. Responsibilities and liabilities of carrier and ship.
 - (1) Seaworthiness.
 - (2) Cargo.
 - (3) Contents of bill.
 - (4) Bill as prima facie evidence.
 - (5) Guaranty of statements.
 - (6) Notice of loss or damage; limitation of actions.
 - (7) "Shipped" bill of lading.
 - (8) Limitation of liability for negligence.
- 1304. Rights and immunities of carrier and ship.
 - (1) Unseaworthiness.
 - (2) Uncontrollable causes of loss.
 - (3) Freedom from negligence.
 - (4) Deviations.
 - (5) Amount of liability; valuation of cargo.
 - (6) Inflammable, explosive, or dangerous cargo.
- 1305. Surrender of rights; increase of liabilities; charter parties; general average.
- 1306. Special agreement as to particular goods.
- 1307. Agreement as to liability prior to loading or after discharge.
- 1308. Rights and liabilities under other provisions of Title 46.
- 1309. Discrimination between competing shippers.
- 1310. Weight of bulk cargo.
- 1311. Liabilities before loading and after discharge; effect on other laws.
- 1312. Scope of chapter; "United States"; "foreign trade".
- 1313. Suspension of provisions by President.
- 1314. Effective date; retroactive effect.
- 1315. Short title.

§ 1300. Bills of lading subject to chapter.

Every bill of lading or similar document of title which is evidence of a contract for the carriage of goods by sea to or from ports of the United States, in foreign trade, shall have effect subject to the provisions of this chapter.

(Apr. 16, 1936, ch. 229, 49 Stat. 1207.)

§ 1301. Definitions.

When used in this chapter—

(a) The term "carrier" includes the owner or the charterer who enters into a contract of carriage with a shipper.

(b) The term "contract of carriage" applies only to contracts of carriage covered by a bill of lading or any similar document of title, insofar as such document relates to the carriage of goods by sea, including any bill of lading or any similar document as aforesaid issued under or pursuant to a charter party from the moment at which such bill

of lading or similar document of title regulates the relations between a carrier and a holder of the same.

(c) The term "goods" includes goods, wares, merchandise, and articles of every kind whatsoever, except live animals and cargo which by the contract of carriage is stated as being carried on deck and is so carried.

(d) The term "ship" means any vessel used for the carriage of goods by sea.

(e) The term "carriage of goods" covers the period from the time when the goods are loaded on to the time when they are discharged from the ship.

(Apr. 16, 1936, ch. 229, § 1, 49 Stat. 1208.)

§ 1302. Duties and rights of carrier.

Subject to the provisions of section 1306 of this title, under every contract of carriage of goods by sea, the carrier in relation to the loading, handling, stowage, carriage, custody, care, and discharge of such goods, shall be subject to the responsibilities and liabilities and entitled to the rights and immunities set forth in sections 1303 and 1304 of this title.

(Apr. 16, 1936, ch. 229, § 2, 49 Stat. 1208.)

§ 1303. Responsibilities and liabilities of carrier and ship.

(1) Seaworthiness.

The carrier shall be bound, before and at the beginning of the voyage, to exercise due diligence to—

- (a) Make the ship seaworthy;
- (b) Properly man, equip, and supply the ship;
- (c) Make the holds, refrigerating and cooling chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage, and preservation.

(2) Cargo.

The carrier shall properly and carefully load, handle, stow, carry, keep, care for, and discharge the goods carried.

(3) Contents of bill.

After receiving the goods into his charge the carrier, or the master or agent of the carrier, shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things—

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(a) The leading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts, provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage.

(b) Either the number of packages or pieces, or the quantity or weight, as the case may be, as furnished in writing by the shipper.

(c) The apparent order and condition of the goods: *Provided*, That no carrier, master, or agent of the carrier, shall be bound to state or show in the bill of lading any marks, number, quantity, or weight which he has reasonable ground for suspecting not accurately to represent the goods actually received, or which he has had no reasonable means of checking.

(4) Bill as prima facie evidence.

Such a bill of lading shall be prima facie evidence of the receipt by the carrier of the goods as therein described in accordance with paragraphs (3) (a), (b), and (c), of this section: *Provided*, That nothing in this chapter shall be construed as repealing or limiting the application of any part of sections 81-124 of Title 49.

(5) Guaranty of statements.

The shipper shall be deemed to have guaranteed to the carrier the accuracy at the time of shipment of the marks, number, quantity, and weight, as furnished by him; and the shipper shall indemnify the carrier against all loss, damages, and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

(6) Notice of loss or damage; limitation of actions.

Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage, such removal shall be prima facie evidence of the delivery by the carrier of the goods as described in the bill of lading. If the loss or damage is not apparent, the notice must be given within three days of the delivery.

Said notice of loss or damage may be endorsed upon the receipt for the goods given by the person taking delivery thereof.

The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of joint survey or inspection.

In any event the carrier and the ship shall be discharged from all liability in respect of loss or damage unless suit is brought within one year after delivery of the goods or the date when the goods should have been delivered: *Provided*, That if a notice of loss or damage, either apparent or concealed, is not given as provided for in this section, that fact shall not affect or prejudice the right of the shipper to bring suit within one year after the delivery of the goods or the date when the goods should have been delivered.

In the case of any actual or apprehended loss or damage the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods.

(7) "Shipped" bill of lading.

After the goods are loaded the bill of lading to be issued by the carrier, master, or agent of the carrier to the shipper shall, if the shipper so demands, be a "shipped" bill of lading: *Provided*, That if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issue of the "shipped" bill of lading, but at the option of the carrier such document of title may be noted at the port of shipment by the carrier, master, or agent with the name or names of the ship or ships upon which the goods have been shipped and the date or dates of shipment, and when so noted the same shall for the purpose of this section be deemed to constitute a "shipped" bill of lading.

(8) Limitation of liability for negligence.

Any clause, covenant, or agreement in a contract of carriage relieving the carrier or the ship from liability for loss or damage to or in connection with the goods, arising from negligence, fault, or failure in the duties and obligations provided in this section, or lessening such liability otherwise than as provided in this chapter, shall be null and void and of no effect. A benefit of insurance in favor of the carrier, or similar clause, shall be deemed to be a clause relieving the carrier from liability.

(Apr. 16, 1936, ch. 229, § 3, 49 Stat. 1208.)

§ 1304. Rights and immunities of carrier and ship.

(1) Unseaworthiness.

Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness unless caused by want of due diligence on the part of the carrier to make the ship seaworthy, and to secure that the ship is properly manned, equipped, and supplied, and to make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried fit and safe for their reception, carriage, and preservation in accordance with the provisions of paragraph (1) of section 1303 of this title. When-

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ever loss or damage has resulted from the unseaworthiness, the burden of proving the exercise of due diligence shall be on the carrier or other persons claiming exemption under this section.

(2) Uncontrollable causes of loss.

Neither the carrier nor the ship shall be responsible for loss or damage arising or resulting from—

- (a) Act, neglect, or default of the master, mariner, pilot, or the servants of the carrier in the navigation or in the management of the ship;
- (b) Fire, unless caused by the actual fault or privity of the carrier;
- (c) Perils, dangers, and accidents of the sea or other navigable waters;
- (d) Act of God;
- (e) Act of war;
- (f) Act of public enemies;
- (g) Arrest or restraint of princes, rulers, or people, or seizure under legal process;
- (h) Quarantine restrictions;
- (i) Act or omission of the shipper or owner of the goods, his agent or representative;
- (j) Strikes or lockouts or stoppage or restraint of labor from whatever cause, whether partial or general: *Provided*, That nothing herein contained shall be construed to relieve a carrier from responsibility for the carrier's own acts;
- (k) Riots and civil commotions;
- (l) Saving or attempting to save life or property at sea;
- (m) Wastage in bulk or weight or any other loss or damage arising from inherent defect, quality, or vice of the goods;
- (n) Insufficiency of packing;
- (o) Insufficiency or inadequacy of marks;
- (p) Latent defects not discoverable by due diligence; and
- (q) Any other cause arising without the actual fault and privity of the carrier and without the fault or neglect of the agents or servants of the carrier, but the burden of proof shall be on the person claiming the benefit of this exception to show that neither the actual fault or privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage.

(3) Freedom from negligence.

The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act, fault, or neglect of the shipper, his agents, or his servants.

(4) Deviations.

Any deviation in saving or attempting to save life or property at sea, or any reasonable deviation shall not be deemed to be an infringement or breach of this chapter or of the contract of carriage, and the carrier shall not be liable for

any loss or damage resulting therefrom: *Provided, however*, That if the deviation is for the purpose of loading or unloading cargo or passengers it shall, *prima facie*, be regarded as unreasonable.

(5) Amount of liability; valuation of cargo.

Neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with the transportation of goods in an amount exceeding \$500 per package lawful money of the United States, or in case of goods not shipped in packages, per customary freight unit, or the equivalent of that sum in other currency, unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading. This declaration, if embodied in the bill of lading, shall be *prima facie* evidence, but shall not be conclusive on the carrier.

By agreement between the carrier, master, or agent of the carrier, and the shipper another maximum amount than that mentioned in this paragraph may be fixed: *Provided*, That such maximum shall not be less than the figure above named. In no event shall the carrier be liable for more than the amount of damage actually sustained.

Neither the carrier nor the ship shall be responsible in any event for loss or damage to or in connection with the transportation of the goods if the nature or value thereof has been knowingly and fraudulently misstated by the shipper in the bill of lading.

(6) Inflammable, explosive, or dangerous cargo.

Goods of an inflammable, explosive, or dangerous nature to the shipment whereof the carrier, master or agent of the carrier, has not consented with knowledge of their nature and character, may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment. If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be landed at any place, or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any.

(Apr. 16, 1936, ch. 229, § 4, 49 Stat. 1210.)

§ 1305. Surrender of rights; increase of liabilities; charter parties; general average.

A carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities or to increase any of his responsibilities and liabilities under this chapter, provided such surrender or increase shall be embodied in the bill of lading issued to the shipper.

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The provisions of this chapter shall not be applicable to charter parties; but if bills of lading are issued in the case of a ship under a charter party, they shall comply with the terms of this chapter. Nothing in this chapter shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

(Apr. 16, 1936, ch. 229, § 5, 49 Stat. 1211.)

§ 1306. Special agreement as to particular goods.

Notwithstanding the provisions of sections 1303-1305 of this title, a carrier, master or agent of the carrier, and a shipper shall, in regard to any particular goods be at liberty to enter into any agreement in any terms as to the responsibility and liability of the carrier for such goods, and as to the rights and immunities of the carrier in respect to such goods, or his obligation as to seaworthiness (so far as the stipulation regarding seaworthiness is not contrary to public policy), or the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care, and discharge of the goods carried by sea: *Provided*, That in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a non-negotiable document and shall be marked as such.

Any agreement so entered into shall have full legal effect: *Provided*, That this section shall not apply to ordinary commercial shipments made in the ordinary course of trade but only to other shipments where the character or condition of the property to be carried or the circumstances, terms, and conditions under which the carriage is to be performed are such as reasonably to justify a special agreement.

(Apr. 16, 1936, ch. 229, § 6, 49 Stat. 1211.)

§ 1307. Agreement as to liability prior to loading or after discharge.

Nothing contained in this chapter shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation, or exemption as to the responsibility and liability of the carrier or the ship for the loss or damage to or in connection with the custody and care and handling of goods prior to the loading on and subsequent to the discharge from the ship on which the goods are carried by sea.

(Apr. 16, 1936, ch. 229, § 7, 49 Stat. 1212.)

§ 1308. Rights and liabilities under other provisions of Title 46.

The provisions of this chapter shall not affect the rights and obligations of the carrier under the provisions of the Shipping Act, 1916, or under the provisions of sections 175, 181-183, and 183b-188 of this title or of any amendments thereto; or under the provisions of any other enactment for

the time being in force relating to the limitation of the liability of the owners of seagoing vessels.

(Apr. 16, 1936, ch. 229, § 8, 49 Stat. 1212.)

§ 1309. Discrimination between competing shippers.

Nothing contained in this chapter shall be construed as permitting a common carrier by water to discriminate between competing shippers similarly placed in time and circumstances, either (a) with respect to their right to demand and receive bills of lading subject to the provisions of this chapter; or (b) when issuing such bills of lading, either in the surrender of any of the carrier's rights and immunities or in the increase of any of the carrier's responsibilities and liabilities pursuant to section 1305 of this title: or (c) in any other way prohibited by the Shipping Act, 1916, as amended.

(Apr. 16, 1936, ch. 229, § 6, 49 Stat. 1212.)

§ 1310. Weight of bulk cargo.

Where under the customs of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper, and the fact that the weight is so ascertained or accepted is stated in the bill of lading, then, notwithstanding anything in this chapter, the bill of lading shall not be deemed to be prima facie evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper.

(Apr. 16, 1936, ch. 229, § 11, 49 Stat. 1212.)

§ 1311. Liabilities before loading and after discharge; effect on other laws.

Nothing in this chapter shall be construed as superseding any part of sections 190-196 of this title, or of any other law which would be applicable in the absence of this chapter, insofar as they relate to the duties, responsibilities, and liabilities of the ship or carrier prior to the time when the goods are loaded on or after the time they are discharged from the ship.

(Apr. 16, 1936, ch. 229, § 12, 49 Stat. 1212.)

§ 1312. Scope of chapter; "United States"; "foreign trade."

This chapter shall apply to all contracts for carriage of goods by sea to or from ports of the United States in foreign trade. As used in this chapter the term "United States" includes its districts, territories, and possessions. The term "foreign trade" means the transportation of goods between the ports of the United States and ports of foreign countries. Nothing in this chapter

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shall be held to apply to contracts for carriage of goods by sea between any port of the United States or its possessions, and any other port of the United States or its possessions: *Provided, however,* That any bill of lading or similar document of title which is evidence of a contract for the carriage of goods by sea between such ports, containing an express statement that it shall be subject to the provisions of this chapter, shall be subject hereto as fully as if subject hereto by the express provisions of this chapter: *Provided, further,* That every bill of lading or similar document of title which is evidence of a contract for the carriage of goods by sea from ports of the United States in foreign trade, shall contain a statement that it shall have effect subject to the provisions of this chapter.

(Apr. 16, 1936, ch. 229, § 13, 49 Stat. 1212; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1532.)

§ 1313. Suspension of provisions by President.

Upon the certification of the Secretary of Commerce that the foreign commerce of the United States in its competition with that of foreign nations is prejudiced by the provisions, or any of them, of sections 1301-1308 of this title, or by the laws of any foreign country or countries relating to the carriage of goods by sea, the President of the United States may, from time to time, by proclamation, suspend any or all provisions of said sections for such periods of time or indefinitely as may be designated in the proclamation. The President may at any time rescind such suspen-

sion of said sections, and any provisions thereof which may have been suspended shall thereby be reinstated and again apply to contracts thereafter made for the carriage of goods by sea. Any proclamation of suspension or rescission of any such suspension shall take effect on a date named therein, which date shall be not less than ten days from the issue of the proclamation.

Any contract for the carriage of goods by sea, subject to the provisions of this chapter, effective during any period when sections 1301-1308 of this title, or any part thereof, are suspended, shall be subject to all provisions of law now or hereafter applicable to that part of said sections which may have thus been suspended.

(Apr. 16, 1936, ch. 229, § 14, 49 Stat. 1213.)

§ 1314. Effective date; retroactive effect.

This chapter shall take effect ninety days after April 16, 1936; but nothing in this chapter shall apply during a period not to exceed one year following April 16, 1936, to any contract for the carriage of goods by sea, made before April 16, 1936, nor to any bill of lading or similar document of title issued, whether before or after such date in pursuance of any such contract as aforesaid.

(Apr. 16, 1936, ch. 229, § 15, 49 Stat. 1213.)

§ 1315. Short title.

This chapter may be cited as the "Carriage of Goods by Sea Act."

(Apr. 16, 1936, ch. 229, § 16, 49 Stat. 1213.)

COAST GUARD PORT SECURITY CARDS

The United States Coast Guard is authorized to issue Coast Guard Port Security Cards as one means of identification of persons regularly employed on vessels or on waterfront facilities or of persons having regular public or private business connected with the operation, maintenance, or administration of vessels, their cargoes, or waterfront facilities. The practice is to limit the validity of these Coast Guard Port Security Cards to a definite period of time from the date of issuance. The Coast Guard Port Security Cards issued prior to October 1952 bear a date of expiration two years after the date of issuance. Coast Guard Port Security Cards issued between October 1952 and January 1954 indicate a period of validity of four years from the date of issuance. The Coast Guard Port Security Cards issued between January 1954 and January 1957 bear a validity period of six years from the date of issuance thereof. It is not deemed appropriate or necessary to require the rescreening of holders of Coast Guard Port Security Cards and the reissu-

ance of such cards at this time.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by 33 CFR 6.10-7 in Executive Order 10173, as amended by Executive Orders 10277 and 10352 (15 F.R. 7005, 7007, 7008, 16 F.R. 7537, 7538, 17 F.R. 4607), notice is given to holders of Coast Guard Port Security Cards (Form CG-2514) that the period of validity of such cards, unless sooner surrendered or canceled by proper authority, will be for a period of eight years from the date of issuance thereof instead of the various periods as indicated on the reverse of the cards.

This document supersedes Coast Guard Document CGFR 53-62 entitled "Coast Guard Port Security Cards", dated January 11, 1954, and published January 16, 1954 (19 F.R. 306).

Dated: January 22, 1957.

[SEAL]

J. A. HIRSHFIELD,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

(CGFR 57-3 published in Federal Register January 29, 1957)

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

PART 3—COAST GUARD DISTRICTS AND CAPTAIN OF THE PORT AREAS

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3.65	Thirteenth Coast Guard District
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AUTHORITY: §§ 3.05-1 to 3.85-65 issued under sec. 3.60 Stat. 238, and sec. 633, 63 Stat. 645; 5 U.S.C. 1002, 14 U.S.C. 633, Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-17, June 29, 1955, 20 F.R. 4076.

3.05—FIRST COAST GUARD DISTRICT

3.05-1 First district.

(a) The District Office is in Boston, Massachusetts.

(b) The First Coast Guard District shall comprise Maine and New Hampshire; Vermont, except the counties of Orleans, Franklin, Grand Isle, Chittenden, and Addison; Massachusetts, except the waters of Congamond Lakes; Rhode Island, with the exception of Watch Hill Light Station; that portion of Connecticut containing the waters of Beach Pond in New London County; all United States naval reservations on shore in Newfoundland; the ocean area north of a line from Watch Hill Light south to Montauk Point Light, thence 112° T.

3.05-55 Boston Captain of the Port.

(a) The Boston Captain of the Port Office is in Boston, Massachusetts.

(b) The Boston Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the $70^{\circ}50'$ W. meridian, on the south the $42^{\circ}13'$ N. parallel, on the west the $71^{\circ}05'$ W. meridian, and on the north the $42^{\circ}25'$ N. parallel.

3.05-60 Providence Captain of the Port.

(a) The Providence Captain of the Port Office is in Providence, Rhode Island.

(b) The Providence Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Point Judith, R.I., Light in an east-northeasterly direction to the southern tip of Sakonnet Point, R.I., thence in a north-northeasterly direction to $41^{\circ}45'$ N., $71^{\circ}07'40''$ W., thence westerly to $41^{\circ}45'00''$ N., $71^{\circ}20'$ W., thence in a north-northwesterly direction to $41^{\circ}48'$ N., $71^{\circ}22'$ W., thence northerly to $41^{\circ}53'00''$ N., $71^{\circ}22'$ W., thence westerly to $41^{\circ}53'$ N., $71^{\circ}29'$ W., thence southerly to Point Judith Light.

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3.05-70 Portland Captain of the Port.

(a) The Portland Captain of the Port Office is in Portland, Maine.

(b) The Portland Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Cape Elizabeth Light in a northeasterly direction to Halfway Rock Light, thence north to 43°50' N., 70°02'15" W., in Maquoit Bay, thence west to 43°50' N., 70°19' W., thence south to 43°34' N., thence easterly to Cape Elizabeth Light.

3.10—SECOND COAST GUARD DISTRICT

3.10-1 Second district.

(a) The District Office is in St. Louis, Missouri.

(b) The Second Coast Guard District shall comprise West Virginia, Kentucky, Tennessee, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Wyoming, Colorado, Iowa, Missouri, Pennsylvania south of latitude 41° N. and west of longitude 79° W.; those parts of Ohio and Indiana south of latitude 41° N.; Illinois, except that part north of latitude 41° N. and east of longitude 90° W.; Wisconsin south of latitude 46°20' N. and west of longitude 90° W.; Minnesota south of latitude 46°20' N.; and those parts of Arkansas, Mississippi, and Alabama north of latitude 34° N.

3.10-55 Cairo Captain of the Port.

(a) The Cairo Captain of the Port Office is in Cairo, Illinois.

(b) The Cairo Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: Starting at 41° N. latitude and 87°10' W. longitude; thence south to, but not including Fowler, Ind.; thence southwest to, but not including Urbana, Ill.; thence south to, but not including Arcola, Ill.; thence south to, but not including Mount Vernon, Ill.; thence southwest to, but not including Oak Ridge, Mo.; thence southeast to, but not including Benton, Mo.; thence south to, but not including Sikeston, Mo.; thence due east to Scottsville, Ky.; thence northwest to, but not including Mount Vernon, Ind.; thence northeast to 86°10' W. longitude and 40°45' N. latitude; thence northwest to 41° N. latitude and 86°30' W. longitude; thence due west to 87°10' W. longitude.

3.10-60 Cincinnati Captain of the Port.

(a) The Cincinnati Captain of the Port Office is in Cincinnati, Ohio.

(b) The Cincinnati Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: Starting at 86°30' W. longitude and 41° N. latitude; thence southeast to, but

not including Anderson, Ind.; thence southeast to, but not including Carrollton, Ky.; thence to, but not including Winchester, Ky.; thence to, but not including Cannel City, Ky.; thence to, but not including Jenkins, Ky.; thence east and north along the Kentucky State line to Louisa, Ky.; thence in a northerly direction to Portsmouth, Ohio; thence north to 41° N. latitude approximately 8 miles west of New Washington, Ohio; thence due west to 86°30' W. longitude.

3.10-65 Dubuque Captain of the Port.

(a) The Dubuque Captain of the Port Office is in Dubuque, Iowa.

(b) The Dubuque Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: Starting at a point where the Montana-North Dakota State line touches the Canadian border; thence east along the Canadian border until it meets the Red River of the North; thence south along this river to 46°25' N. latitude and 96°35' W. longitude; thence due east until this line meets 90° W. longitude; thence due south to 41°10' N. latitude; thence in a southwesterly direction to and including Keokuk, Iowa; thence in a northwesterly direction to and including Sioux City, Iowa; thence due west to the Idaho, Wyoming State line at 42°30' N. latitude and 111° W. longitude; thence north along the Idaho, Wyoming State line to 45° N. latitude; thence east along the Wyoming State line to 45° N. latitude and 104° W. longitude; thence due north along the Montana State line to the Canadian border.

3.10-70 Huntington Captain of the Port.

(a) The Huntington Captain of the Port Office is in Huntington, West Virginia.

(b) The Huntington Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: Starting at 41° N. latitude, approximately 8 miles west of New Washington, Ohio; thence proceeds south to, but not including Portsmouth, Ohio; thence southeast to Louisa, Ky.; thence along the Kentucky, West Virginia State line (Big Sandy River) to the Kentucky, West Virginia, and Virginia State line; thence north and east along the West Virginia, Virginia State line to West Virginia, Virginia, and Maryland State line (Potomac River); thence along the West Virginia, Maryland State line to Fairfax, W. Va.; thence northwest to, but not including Fairmont, W. Va.; thence northwest to Dam No. 13, Ohio River (about 3½ miles west of Wheeling, W. Va.); thence continuing northwest in a straight line to 81°40' W. longitude and 41° N. latitude; thence due west to approximately 8 miles west of New Washington, Ohio.

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3.10-75 Louisville Captain of the Port.

(a) The Louisville Captain of the Port Office is in Louisville, Kentucky.

(b) The Louisville Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: Starting at 86°10' W. longitude and 40°45' N. latitude; thence southwest to and including Mount Vernon, Ind.; thence southeast to, but not including Scottsville, Ky.; thence due east to the Virginia State line; thence northeast along the Virginia State line to Jenkins, Ky.; thence northwest to Cannel City, Ky.; thence northwest to Winchester, Ky.; thence northwest to Carrollton, Ky.; thence northwest to Anderson, Ind.; thence northwest to 86°10' W. longitude and 40°45' N. latitude.

3.10-80 Memphis Captain of the Port.

(a) The Memphis Captain of the Port Office is in Memphis, Tennessee.

(b) The Memphis Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: Starting at 38°30' N. latitude and 109° W. longitude, on the Utah, Colorado State line and runs due east to, but not including LaCrosse, Kans.; thence east to, but not including McPherson, Kans.; thence southeast to, but not including Greenfield, Mo.; thence southeast to, but not including Springfield, Mo.; thence east to, but not including Cabool, Mo.; thence northeast to, but not including Licking, Mo.; thence east to, but not including Oak Ridge, Mo.; thence southeast to and including Benton, Mo.; thence south to and including Sikeston, Mo.; thence east to and including Bardwell, Ky.; thence southeast to 34° N. latitude and 88° W. longitude; thence due west along 34° N. latitude to the Oklahoma, Arkansas State line; thence due south to the Red River; thence west, north, and west along the Oklahoma, Texas State line to the New Mexico State line; thence due north along the New Mexico, Oklahoma State line to 37° N. latitude; thence due west along the Colorado, New Mexico State line to 109° W. longitude; thence due north along the Utah, Colorado State line to 38°30' N. latitude.

3.10-85 Nashville Captain of the Port.

(a) The Nashville Captain of the Port Office is in Nashville, Tennessee.

(b) The Nashville Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: Starting at 88° W. longitude and 34° N. latitude; thence due east to the Georgia, Alabama State line; thence northwest to the Tennessee, Alabama State line; thence north and east

to the North Carolina State line; thence following the Tennessee, North Carolina State line; thence west along the Tennessee, Virginia State line to the Kentucky State line; thence northeast along the Kentucky, Virginia State line to 36°45' N. latitude, thence due west to and including Scottsville, Ky.; and continuing west to, but not including Bardwell, Ky.; thence southeast to 88° W. longitude and 34° N. latitude.

3.10-90 Pittsburgh Captain of the Port.

(a) The Pittsburgh Captain of the Port Office is in Pittsburgh, Pennsylvania.

(b) The Pittsburgh Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: Starting at 41° N. latitude and 79° W. longitude; thence due south to the junction of the Pennsylvania, Maryland State line; thence west and south along the Pennsylvania, Maryland State line to Fairfax, W. Va.; thence northwest to, and including Fairmont, W. Va.; thence northwest to, but not including Dam No. 13 Ohio River (about 3½ miles west of Wheeling, W. Va.); thence continuing in a straight line to 41° N. latitude and 81°40' W. longitude; thence due east to 79° W. longitude.

3.10-95 St. Louis Captain of the Port.

(a) The St. Louis Captain of the Port Office is in St. Louis, Missouri.

(b) The St. Louis Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: Starting at 42°30' N. latitude and 111° W. longitude, on the Wyoming, Idaho State line and runs due east to, but not including Sioux City, Iowa; thence southeast to, but not including Keokuk, Iowa; thence northeast to 41°10' N. latitude and 90° W. longitude; thence due south to 41° N. latitude; thence due east to 87°10' W. longitude; thence due south to and including Fowler, Ind.; thence southwest to Urbana, Ill.; thence south to Arcola, Ill.; thence south to Altamont, Ill.; thence south to Mount Vernon, Ill.; thence south to Oak Ridge, Mo.; thence west to Licking, Mo.; thence southwest to Cabool, Mo.; thence west to Springfield, Mo.; thence northwest to Greenfield, Mo.; thence northwest to McPherson, Kans.; thence west to LaCrosse, Kans.; thence due west to where this line touches the Utah, Colorado State line; thence north along the Utah, Colorado State line to 41° N. latitude and 109° W. longitude; thence due west along the Utah, Wyoming State line to 111° W. longitude; thence due north along the Wyoming State line to 42°30' N. latitude and 111° W. longitude.

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3.15—THIRD COAST GUARD DISTRICT

3.15-1 Third district.

- (a) The District Office is in New York, N.Y.
- (b) The Third Coast Guard District shall comprise the counties of Orleans, Franklin, Grand Isle, Chittenden, and Addison, in Vermont; Connecticut, but not including the waters of Beach Pond in New London County; Watch Hill Station in Rhode Island; that portion of Massachusetts containing the waters of Congamond Lakes in Hampden County; New York, except that part north of latitude 42° N. and west of longitude $74^{\circ}39'$ W.; New Jersey; Pennsylvania east of longitude 79° W.; Delaware, including Fenwick Island Light but not including that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal; the ocean area between a line from Watch Hill Light due south to Montauk Point Light, thence 112° T. and a line from the Coastal end of the Third-Fifth Coast Guard District boundary, thence 122° T.

3.15-50 Albany Captain of the Port.

- (a) The Albany Captain of the Port Office is located in Albany, N.Y.
- (b) The Albany Captain of the Port area comprises all the navigable waters of the United States and contiguous land areas within the following boundaries: On the east, the $73^{\circ}39'$ W. longitude; on the south, the $41^{\circ}33'$ N. latitude; on the west, the $74^{\circ}10'$ W. longitude; and on the north, the $42^{\circ}48'$ N. latitude.

3.15-55 New London Captain of the Port.

- (a) The New London Captain of the Port Office is in New London, Conn.
- (b) The New London Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the $72^{\circ}04'30''$ W. meridian, on the south a line extending through New London Harbor Light and Eastern Point, on the west the $72^{\circ}06'30''$ W. meridian, and on the north the parallel extending through Ice House Light.

3.15-60 New York Captain of the Port.

- (a) The New York Captain of the Port Office is located in New York, N.Y.
- (b) The New York Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Navesink South Tower through Ambrose Lightship to the $73^{\circ}39'00''$ W. meridian, $40^{\circ}35'$ N. parallel; thence due north to 41° N. parallel; thence due west to the $74^{\circ}10'$ W. meridian; thence southwest-

erly to a point located at $40^{\circ}30'$ N., $74^{\circ}30'$ W.; thence due south to the $40^{\circ}23'48''$ N. parallel; thence due east to Navesink South Tower.

3.15-65 Philadelphia Captain of the Port.

- (a) The Philadelphia Captain of the Port Office is located in Philadelphia, Pa.
- (b) The Philadelphia Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Hereford Inlet Light to the south tower at Indian River Inlet; thence northwesterly to a point on the Delaware-Maryland boundary at $39^{\circ}20'$ N. latitude; thence northerly along Delaware-Maryland boundary to a point at $39^{\circ}35'$ N. latitude (not including the Chesapeake and Delaware Canal); thence northeasterly to a point $40^{\circ}20'$ N. latitude, $74^{\circ}50'$ W. longitude; thence east to the $74^{\circ}40'$ W. longitude; thence south to the $40^{\circ}07'30''$ N. latitude; thence southwesterly to a point at $39^{\circ}35'$ N. latitude, $75^{\circ}20'$ W. longitude; thence southeasterly to a point $39^{\circ}20'$ N. latitude, $74^{\circ}55'$ W. longitude; thence south-southeasterly to Hereford Inlet Light.

3.25—FIFTH COAST GUARD DISTRICT

3.25-1 Fifth district.

- (a) The District Office is in Portsmouth, Va.
- (b) The Fifth Coast Guard District shall comprise Maryland, Virginia, District of Columbia, North Carolina, and that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal; and the ocean between a line from the coastal end of the Third-Fifth Coast Guard District boundary, thence 122° T., and a line from the coastal end of the Fifth-Seventh Coast Guard District boundary, thence 122° T.

3.25-55 Baltimore Captain of the Port.

- (a) The Baltimore Captain of the Port Office is in Baltimore, Md.
- (b) The Baltimore Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the $76^{\circ}15'$ W. meridian; on the south the $38^{\circ}53'30''$ N. parallel, on the west the $76^{\circ}40'$ W. meridian and on the north the $39^{\circ}18'$ N. parallel.

3.25-60 Norfolk Captain of the Port.

- (a) The Norfolk Captain of the Port Office is in Norfolk, Va.
- (b) The Norfolk Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Cape Charles

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Light in a south-southwesterly direction to a point located at $36^{\circ}45' \text{ N.}$, 76° W. , thence west to $76^{\circ}49' \text{ W.}$, thence north to $37^{\circ}15' \text{ N.}$, thence in an easterly direction to Cape Charles Light.

3.25-65 Wilmington Captain of the Port.

(a) The Wilmington Captain of the Port Office is in Wilmington, N.C.

(b) The Wilmington Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the $77^{\circ}55' \text{ W.}$ meridian, on the south the $33^{\circ}50' \text{ N.}$ parallel, on the west the $78^{\circ}02' \text{ W.}$ meridian, and on the north the $34^{\circ}17' \text{ N.}$ parallel.

3.35—SEVENTH COAST GUARD DISTRICT**3.35-1 Seventh district.**

(a) The District Office is in Miami, Fla.

(b) The Seventh Coast Guard District shall comprise South Carolina; Florida and Georgia, except that part of Florida west of the east bank of the Apalachicola River and part of Georgia west of the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River up-stream to Montezuma, Georgia and south and west of a line between Montezuma and West Point, Ga.; Panama Canal Zone; all of the island possessions of the United States pertaining to Puerto Rico and the Virgin Islands; all of the United States naval reservations in the islands of the West Indies and on the north coast of South America; and the ocean area between a line from the coastal end of the Fifth-Seventh Coast Guard District boundary, thence 122° T. and a line from the coastal end of the Seventh-Eighth Coast Guard District boundary, thence 193° T. and the ocean area bounded by a line from the border between Guatemala and Mexico on the Pacific Coast ($14^{\circ}38' \text{ N.}$, $92^{\circ}19' \text{ W.}$) southwesterly to latitude 5° S. , longitude 110° W. , thence due east to the Coast of South America.

3.35-55 Charleston Captain of the Port.

(a) The Charleston Captain of the Port Office is in Charleston, S.C.

(b) The Charleston Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from the eastern side of Little River Inlet at $33^{\circ}41' \text{ N.}$ latitude, $78^{\circ}33' \text{ W.}$ longitude, southwesterly to 33° N. latitude, $79^{\circ}18' \text{ W.}$ longitude; thence to $32^{\circ}20' \text{ N.}$ latitude, $80^{\circ}04' \text{ W.}$ longitude; thence to Bay Point, Edisto Island; thence along the eastern shore of Edisto River to $32^{\circ}41' \text{ N.}$ latitude; thence northeasterly to the South Carolina-North Carolina State boundary; thence to the point of beginning.

3.35-60 Jacksonville Captain of the Port.

(a) The Jacksonville Captain of the Port Office is in Jacksonville, Fla.

(b) The Jacksonville Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at $30^{\circ}50' \text{ N.}$ latitude, $81^{\circ}48' \text{ W.}$ longitude, east to $81^{\circ}20' \text{ W.}$ longitude; thence southeasterly to $30^{\circ}20' \text{ N.}$ latitude, $81^{\circ}10' \text{ W.}$ longitude; thence south to $29^{\circ}42.5' \text{ N.}$ latitude; thence west to $81^{\circ}48' \text{ W.}$ longitude; thence north to the point of beginning.

3.35-65 Key West Captain of the Port.

(a) The Key West Captain of the Port Office is in Key West, Fla.

(b) The Key West Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extended from a point located at $25^{\circ}16' \text{ N.}$ latitude, $80^{\circ}26' \text{ W.}$ longitude, along southwest shoreline of Barnes Sound to eastern shoreline; thence 120° T. to $25^{\circ}05' \text{ N.}$ latitude, $80^{\circ}12' \text{ W.}$ longitude; thence southwesterly to $24^{\circ}44' \text{ N.}$ latitude, $80^{\circ}45' \text{ W.}$ longitude; thence to $24^{\circ}37' \text{ N.}$ latitude, $81^{\circ}07' \text{ W.}$ longitude; thence to $24^{\circ}27' \text{ N.}$ latitude, $81^{\circ}44' \text{ W.}$ longitude; thence west to $82^{\circ}40' \text{ W.}$ longitude; thence north to $24^{\circ}39' \text{ N.}$ latitude; thence east to $81^{\circ}44' \text{ W.}$ longitude; thence northeasterly to $25^{\circ}05' \text{ N.}$ latitude, $81^{\circ}10' \text{ W.}$ longitude; thence northwesterly to $25^{\circ}41' \text{ N.}$ latitude, $81^{\circ}39' \text{ W.}$ longitude; thence northeasterly to $25^{\circ}48' \text{ N.}$ latitude, $81^{\circ}21' \text{ W.}$ longitude; thence to $25^{\circ}53' \text{ N.}$ latitude, $81^{\circ}16' \text{ W.}$ longitude; thence southeasterly to the point of beginning.

3.35-70 Miami Captain of the Port.

(a) The Miami Captain of the Port Office is in Miami, Fla.

(b) The Miami Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extended from a point located at $27^{\circ}09.5' \text{ N.}$ latitude, $80^{\circ}18' \text{ W.}$ longitude, east to $80^{\circ}05' \text{ W.}$ longitude; thence southeasterly to $26^{\circ}40' \text{ N.}$ latitude, $79^{\circ}55' \text{ W.}$ longitude; thence southerly to $25^{\circ}30' \text{ N.}$ latitude, $80^{\circ}02' \text{ W.}$ longitude; thence to $25^{\circ}05' \text{ N.}$ latitude, $80^{\circ}12' \text{ W.}$ longitude; thence 300° T. to the Key Largo western shoreline; thence along the southwest shoreline of Barnes Sound to $25^{\circ}16' \text{ N.}$ latitude, $80^{\circ}26' \text{ W.}$ longitude; thence northerly to $25^{\circ}30' \text{ N.}$ latitude, $80^{\circ}21' \text{ W.}$ longitude; thence to $26^{\circ}40' \text{ N.}$ latitude, $80^{\circ}11' \text{ W.}$ longitude; thence to the point of beginning.

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3.35-72 Port Canaveral Captain of the Port.

(a) The Port Canaveral Captain of the Port Office is in Port Canaveral, Fla.

(b) The Port Canaveral Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extended from a point located at 29°42.5' N. latitude, 81°28' W. longitude, east to 81°10' W. longitude; thence southeasterly to 28°30' N. latitude, 80°27' W. longitude; thence to 27°09.5' N. latitude, 80°05' W. longitude; thence west to 80°18' W. longitude; thence to the point of beginning.

3.35-75 San Juan Captain of the Port.

(a) The San Juan Captain of the Port Office is in San Juan, P.R.

(b) The San Juan Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the United States' Commonwealth of Puerto Rico and territory of the Virgin Islands.

3.35-80 Savannah Captain of the Port.

(a) The Savannah Captain of the Port Office is in Savannah, Ga.

(b) The Savannah Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extended from Bay Point Edisto Island, southeasterly to 32°20' N. latitude, 80°04' W. longitude; thence southwesterly to 31°45' N. latitude, 81° W. longitude; thence to 30°50' N. latitude, 81°23' W. longitude; thence west to 81°48' W. longitude; thence northerly to 31°54' N. latitude, 81°22' W. longitude; thence to 32°30' N. latitude, 80°55' W. longitude; thence to 32°41' N. latitude, and eastern shore of Edisto River; thence along the eastern shore of Edisto River to the point of the beginning.

3.35-85 Tampa Captain of the Port.

(a) The Tampa Captain of the Port Office is in Tampa, Fla.

(b) The Tampa Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extended from a point located at 25°53' N. latitude, 81°16' W. longitude, to 25°48' N. latitude, 81°21' W. longitude; thence southwesterly to 25°41' N. latitude, 81°39' W. longitude; thence northwesterly to 26°20' N. latitude, 82°00' W. longitude; thence to 26°30' N. latitude, 82°15' W. longitude; thence to 27°00' N. latitude, 82°30' W. longitude; thence to 27°30' N. latitude, 82°55' W. longitude; thence west to 83°05' W. longitude; thence north to 27°45' N. latitude; thence east to 82°55' W. longitude; thence north to 28°00' N. latitude; thence to 28°30' N. latitude,

82°50' W. longitude; thence to 29° N. latitude, 83°05' W. longitude; thence to 29°30' N. latitude, 83°30' W. longitude; thence to 29°50' N. latitude, 84°00' W. longitude; thence west to 84°20' W. longitude; thence south to 29°40' N. latitude; thence west to 84°40' W. longitude; thence to 29°32' N. latitude, 85°02' W. longitude; thence 013° T. to eastern shore of Apalachicola River Inlet; thence along the eastern shoreline of Apalachicola River to 29°49.5' N. latitude; thence to 30°10' N. latitude, 84°20' W. longitude; thence east to 84° W. longitude; thence southeasterly to 29°00' N. latitude, 82°30' W. longitude; thence south to 28°03' N. latitude; thence east to 82°20' W. longitude; thence south to 27°05' N. latitude; thence east to 82°00' W. longitude; thence southeasterly to 26°45' N. latitude, 81°46' W. longitude; thence to 26°00' N. latitude, 81°36' W. longitude; thence to the point of beginning.

3.40—EIGHTH COAST GUARD DISTRICT

3.40-1 Eighth district.

(a) The District Office is in New Orleans, La.

(b) The Eighth Coast Guard District shall comprise New Mexico, Texas and Louisiana; those parts of Alabama, Mississippi and Arkansas south of latitude 34° N.; and that part of Florida west of the east bank of the Apalachicola River and that part of Georgia west of the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River upstream to Montezuma, Ga., and south and west of a line between Montezuma and West Point, Ga.; the water of the Gulf of Mexico westward of a line from the coastal end of the Seventh-Eighth Coast Guard District boundary thence 193° T.

3.40-55 Corpus Christi Captain of the Port.

(a) The Corpus Christi Captain of the Port Office is in Corpus Christi, Tex.

(b) The Corpus Christi Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the Colorado River to the coast, thence southeasterly to a point located at 28°30' N. latitude, 95°50' W. longitude, then southwesterly to 27°15' N. latitude, 97° W. longitude; on the south the 27°15' N. latitude; on the west the 98° W. longitude; and on the north the 29° N. latitude.

3.40-60 Galveston Captain of the Port.

(a) The Galveston Captain of the Port Office is in Galveston, Texas.

(b) The Galveston Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 94°15' W. longitude;

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on the south a line extended from a point located at 29°20' N. latitude, 94°15' W. longitude, to a point located at 28°30' N. latitude, 95°50' W. longitude; on the west a line extended from a point located at 28°30' N. latitude, 95°50' W. longitude northwesterly to the mouth of the Colorado River, thence north-northwesterly along the Colorado River to the 29°40' N. latitude; on the north the 29°40' N. latitude to the 95° W. longitude, thence north to the 30° N. latitude, thence east to the 94°15' W. longitude.

3.40-65 Houston Captain of the Port.

(a) The Houston Captain of the Port Office is in Galena Park, Texas.

(b) The Houston Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 95° W. longitude; on the south the 29°40' N. latitude; on the west the Colorado River; and on the north the 30° N. latitude.

3.40-70 Mobile Captain of the Port.

(a) The Mobile Captain of the Port Office is in Mobile, Ala.

(b) The Mobile Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the East Bank of the Flint River, the East Bank of the Jim Woodruff Reservoir and the East Bank of the Apalachicola River to the Coast, thence southwesterly to a point located at 29°30' N. latitude, 85°10' W. longitude; on the south the 29°30' N. latitude; on the west the 88°10' W. longitude; on the north the 31° N. latitude.

3.40-75 New Orleans Captain of the Port.

(a) The New Orleans Captain of the Port Office is in New Orleans, La.

(b) The New Orleans Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 88°10' W. longitude; on the south the 28°50' N. latitude; on the west the 92°40' W. longitude; on the north the 31° N. latitude.

3.40-80 Sabine Captain of the Port.

(a) The Sabine Captain of the Port Office is in Sabine, Tex.

(b) The Sabine Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 92°40' W. longitude; on the south the 29°20' N. latitude; on the west the 94°15' W. longitude; on the north the 30°30' N. latitude.

3.40-85 Port Isabel Captain of the Port.

(a) The Port Isabel Captain of the Port Office is in Port Isabel, Tex.

(b) The Port Isabel Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 97° W. longitude; the south the North Bank of the Rio Grande River to the mouth of same, thence a line extended to a point located at 26° N. latitude, 97° W. longitude; on the west the 98° W. longitude; on the north the 27°15' N. latitude.

3.45—NINTH COAST GUARD DISTRICT**3.45-1 Ninth district.**

(a) The District Office is in Cleveland, Ohio.

(b) The Ninth Coast Guard District shall comprise Michigan, New York north of latitude 42° N. and west of longitude 74°39' W.; Pennsylvania north of latitude 41° N. and west of longitude 79° W.; those parts of Ohio and Indiana north of latitude 41° N.; Illinois north of latitude 41° N. and east of longitude 90° W.; Wisconsin, except that part south of latitude 46°20' N. and west of longitude 90° W.; and Minnesota north of latitude 46°20' N.

3.45-55 Buffalo Captain of the Port.

(a) The Buffalo Captain of the Port Office is in Buffalo, New York.

(b) The Buffalo Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From the Canadian border in Lake Erie at 80°17' W. longitude; thence southeast to 41° N. latitude and 80° W. longitude; thence due east to 79° W. longitude; thence north to 42° N. latitude; thence east to 77°28' W. longitude; thence due north to the Canadian border; thence west along the Canadian border to 80°17' W. longitude.

3.45-60 Chicago Captain of the Port.

(a) The Chicago Captain of the Port Office is in Chicago, Illinois.

(b) The Chicago Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From the Illinois-Wisconsin State line and 90° W. longitude; thence due east to 84°45' W. longitude; thence due south to 41° N. latitude; thence due west to 90° W. longitude; thence due north to the Illinois-Wisconsin State line.

3.45-65 Cleveland Captain of the Port.

(a) The Cleveland Captain of the Port Office is in Cleveland, Ohio.

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(b) The Cleveland Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From the Canadian border in Lake Erie at 82°25' W. longitude; thence due south to 41° N. latitude; thence due east to 80° W. longitude; thence northwest to 80°17' W. longitude on the Canadian border; thence west along the Canadian border to 82°25' W. longitude.

3.45-70 Detroit Captain of the Port.

(a) The Detroit Captain of the Port Office is in Detroit, Michigan.

(b) The Detroit Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From 84°45' W. longitude and 42° N. latitude; thence due east to the Canadian border; thence north along the Canadian border to 45° N. latitude; thence due west to 84°45' W. longitude; thence due south to 42° N. latitude.

3.45-75 Duluth Captain of the Port.

(a) The Duluth Captain of the Port Office is in Duluth, Minnesota.

(b) The Duluth Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From the intersection of the Red River of the North and the Canadian border; thence south along the Red River of the North to 46°20' N. latitude; thence due east to 88° W. longitude; thence northeast to the intersection of the International Boundary with 86°50' W. longitude; thence westward along the International Boundary to the Red River of the North.

3.45-80 Ludington Captain of the Port.

(a) The Ludington Captain of the Port Office is in Ludington, Michigan.

(b) The Ludington Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line starting from 42°30' N. latitude, 87° W. longitude; thence due east to 84°45' W. longitude; thence due north to 45° N. latitude; thence northwesterly to 45°22.5' N. latitude, 86°07.5' W. longitude; thence southwesterly to 44°30' N. latitude, 87° W. longitude; thence due south to starting point.

3.45-85 Milwaukee Captain of the Port.

(a) The Milwaukee Captain of the Port Office is in Milwaukee, Wisconsin.

(b) The Milwaukee Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From 42°30' N. latitude and 90° W. longitude; thence due east to 87° W. longitude;

thence due north to 44°30' N. latitude; thence northeasterly to 45°33' N. latitude and 85°56' W. longitude; thence due west to 88° W. longitude; thence due north to 46°20' N. latitude; thence due west to 90° W. longitude; thence due south to 42°30' N. latitude.

3.45-90 Oswego Captain of the Port.

(a) The Oswego Captain of the Port Office is in Oswego, New York.

(b) The Oswego Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From the Canadian border in Lake Ontario at 77°28' W. longitude; thence due south to 42° N. latitude; thence due east to 74°40' W. longitude; thence due north to the Canadian border; thence west and south along the Canadian border to 77°28' W. longitude.

3.45-95 Sault Ste. Marie Captain of the Port.

(a) The Sault Ste. Marie Captain of the Port Office is in Sault Ste. Marie, Michigan.

(b) The Sault Ste. Marie Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line starting from the International Boundary in Lake Huron at 45° N. latitude; thence along this boundary to 86°50' W. longitude; thence southwesterly to 46°20' N. latitude, 88° W. longitude; thence due south to 45°33' N. latitude; thence due east to 85°56' W. longitude; thence southwesterly to 45°22.5' N. latitude, 86°07.5' W. longitude; thence southeasterly to 45° N. latitude, 84°45' W. longitude; thence due east to starting point.

3.45-97 Toledo Captain of the Port.

(a) The Toledo Captain of the Port Office is in Toledo, Ohio.

(b) The Toledo Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: From 84°45' W. longitude and 42° N. latitude; thence due south to 41° N. latitude; thence due east to 82°25' W. longitude; thence due north to the Canadian border in Lake Erie; thence northwest along the Canadian border to 42° N. latitude; thence due west to 84°45' W. longitude.

3.55—ELEVENTH COAST GUARD DISTRICT

3.55-1 Eleventh district.

(a) The District Office is in Long Beach, Calif.

(b) The Eleventh Coast Guard District shall comprise Arizona; Clark County in Nevada; Washington, Kane, San Juan, and Garfield Counties in Utah; the southern part of California comprising the Counties of Santa Barbara, Kern, and

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San Bernardino, and all counties south thereof; and the ocean area bounded by a line from California coast at latitude $34^{\circ}58' N.$ (mouth of Santa Maria River) southwesterly to latitude $24^{\circ}15' N.$, longitude $134^{\circ}40' W.$; thence southeasterly to latitude $5^{\circ} S.$, longitude $110^{\circ} W.$; thence northeasterly to the border between Guatemala and Mexico on the Pacific Coast ($14^{\circ}38' N.$ latitude, $92^{\circ}19' W.$ longitude).

3.55-55 San Diego Captain of the Port.

The San Diego Captain of the Port is located in San Diego, Calif.

(b) The San Diego Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas within the following boundaries: A line starting from the California coast at $33^{\circ}23' N.$ latitude; thence due east to $117^{\circ} W.$ longitude; thence due south to the international border; thence westerly along this border to the Pacific Coast; thence northwesterly to $32^{\circ}48.2' N.$ latitude, $118^{\circ}25.5' W.$ longitude; thence northwesterly to $33^{\circ} N.$ latitude, $118^{\circ}45' W.$ longitude, thence northeasterly to the starting point.

3.55-60 Los Angeles Captain of the Port.

(a) The Los Angeles Captain of the Port is located in Long Beach, Calif.

(b) The Los Angeles Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas within the following boundaries: A line starting from the California coast at $34^{\circ}58' N.$ latitude (mouth of the Santa Maria River) due east to $120^{\circ} W.$ longitude; thence southeasterly to $34^{\circ} N.$ latitude, $117^{\circ} W.$ longitude; thence due west to the Pacific Coast; thence southwesterly to $33^{\circ} N.$ latitude, $118^{\circ}45' W.$ longitude; thence northwesterly to $33^{\circ}10' N.$ latitude, $119^{\circ}34' W.$ longitude; thence northwesterly to $34^{\circ}01.3' N.$ latitude, $120^{\circ}27.8' W.$ longitude; thence northerly to $34^{\circ}34.6' N.$ latitude, $120^{\circ}38.9' W.$ longitude (Point Arguello Light House); thence northerly along the Pacific Coast to the starting point.

3.60—TWELFTH COAST GUARD DISTRICT**3.60-1 Twelfth district.**

(a) The District Office is in San Francisco, Calif.

(b) The Twelfth Coast Guard District shall comprise Utah, except for Washington, Kane, San Juan and Garfield Counties; Nevada, except for Clark County; and the northern part of California comprising the Counties of San Luis Obispo, Kings, Tulare, and Inyo, and all counties

north thereof; the ocean area bounded by a line from the California Coast at latitude $34^{\circ}58' N.$ (mouth of the Santa Maria River) southwesterly to latitude $24^{\circ}15' N.$, longitude $134^{\circ}40' W.$; thence northwesterly to latitude $40^{\circ} N.$, longitude $150^{\circ} W.$; thence easterly to the California-Oregon State line.

3.60-55 San Francisco Captain of the Port.

(a) The San Francisco Captain of the Port Office is in San Francisco, Calif.

(b) The San Francisco Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Point Reyes Light in a north-northeasterly direction to a point located at $38^{\circ}16' N.$, $122^{\circ}42' W.$, thence in a general northeasterly direction to $38^{\circ}38' N.$, $121^{\circ}24' W.$, thence in a south-south-easterly direction to $37^{\circ}57' N.$, $121^{\circ}12' W.$, thence in a southwesterly direction to $37^{\circ}15' N.$, $121^{\circ}54' W.$, thence in a northwesterly direction to Point Reyes Light.

3.65—THIRTEENTH COAST GUARD DISTRICT**3.65-1 Thirteenth district.**

(a) The District Office is in Seattle, Wash.

(b) The Thirteenth Coast Guard District shall comprise Washington, Oregon, Idaho, and Montana; and the ocean area bounded by a line from California-Oregon State line westerly to latitude $40^{\circ} N.$ longitude, $150^{\circ} W.$, thence northeasterly to latitude $54^{\circ}40' N.$, longitude $140^{\circ} W.$, thence due east to the Canadian coast.

3.65-55 Portland Captain of the Port.

(a) The Portland Captain of the Port Office is in Portland, Oreg.

(b) The Portland Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line starting at Cape Disappointment, Wash., running in an easterly direction to $46^{\circ}55' N.$ latitude, $118^{\circ} W.$ longitude; thence due south to $45^{\circ}20' N.$ latitude; thence due west to $122^{\circ} W.$ longitude; thence due south to $44^{\circ} N.$ latitude; thence due west to $123^{\circ} W.$ longitude; thence due south to the California-Oregon State line; thence west along the California-Oregon State line to the Pacific Ocean; thence northerly following the coastline to Point Adams; thence northwesterly to the Columbia River Lightship; thence northeasterly to starting point.

3.65-60 Seattle Captain of the Port.

(a) The Seattle Captain of the Port Office is in Seattle, Wash.

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(b) The Seattle Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line starting from 46°30' N. latitude, 122° W. longitude due north to the International Boundary; thence west, southerly and northwesterly along this boundary to 48°29'35" N. latitude, 124°43'45" W. longitude; thence southerly following the Pacific Ocean coastline to 46°20' N. latitude, 124° W. longitude; thence easterly to starting point.

3.70—FOURTEENTH COAST GUARD DISTRICT

3.70-1 Fourteenth district.

(a) The District Office is in Honolulu, Hawaii.
(b) The Fourteenth Coast Guard District shall comprise the State of Hawaii; and the Pacific Islands belonging to the United States south of latitude 40° N., and west of a line running from 40° N., 150° W. through latitude 5° S., 110° W.; and the ocean area west and south of a line from latitude 53°15' N., longitude 160° E. (Cape Shipunski), due south to latitude 40° N., thence due east to longitude 150° W., thence southeasterly through latitude 5° S., longitude 110° W.

3.70-55 Honolulu Captain of the Port.

(a) The Honolulu Captain of the Port Office is in Honolulu, Hawaii.
(b) The Honolulu Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 154° W. meridian, on the south the 18° N. parallel, on the west the 162° W. meridian, and on the north the 23° N. parallel.

3.70-60 Guam Captain of the Port.

(a) The Guam Captain of the Port Office is in Agana, Guam.
(b) The Guam Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 145° E. meridian; on the south 13°11' N. parallel; on the west 144°34' E. meridian; and on the north 13°42' N. parallel.

3.85—SEVENTEENTH COAST GUARD DISTRICT

3.85-1 Seventeenth district.

(a) The District Office is in Juneau, Alaska.
(b) The Seventeenth Coast Guard District shall comprise the State of Alaska; and the ocean area

bounded by a line from the Canadian coast at latitude 54°40' N. due west to longitude 140° W., thence southwesterly to latitude 40° N., longitude 150° W., thence due west to longitude 160° E., thence due north to latitude 53°15' N. (Cape Shipunski), thence southeasterly to the southern terminus of the U.S.-Russian boundary at latitude 50°36' N., longitude 167° E., thence northeasterly along that boundary to the Arctic Ocean.

3.85-55 Anchorage Captain of the Port.

(a) The Anchorage Captain of the Port Office is in Anchorage, Alaska.
(b) The Anchorage Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas within the following boundaries: A line commencing at a point 60°50' N. and 149° W., thence north to the north shoreline of Turnagain Arm, thence northwesterly along the shoreline to the junction of 149°40' W., thence north to 61°25' N., thence west to 150° W., thence south to the north shoreline of Knik Arm, thence westerly along the shoreline to 150°20' W., thence south to the south shoreline of Turnagain Arm, thence easterly along the shoreline to the point of origin.

3.85-60 Juneau Captain of the Port.

(a) The Juneau Captain of the Port Office is in Juneau, Alaska.
(b) The Juneau Captain of the Port area shall comprise all navigable waters and contiguous land areas within the following boundaries: Commencing at a point 58°35' N., and the east bank of the Lynn Canal, due west to 135° W., thence due south to 58°10' N., thence due east to 134°10' W., thence northwesterly along the east bank of the Gastineau Channel to 58°20' N., thence a straight northwesterly line from this point to the point of origin.

3.85-65 Ketchikan Captain of the Port.

(a) The Ketchikan Captain of the Port Office is in Ketchikan, Alaska.
(b) The Ketchikan Captain of the Port area shall comprise all navigable waters and contiguous land areas encompassed within the following boundaries: Commencing at a point 55°27' N., and 131°49'50" W. due south to the west bank of the Tongass Narrows, thence southeasterly along the west bank of the Tongass Narrows to 55°17'30" N., thence due east to 131°32' W., thence due north to the north bank of Revillagigedo Channel, then to follow from that point along the shoreline westerly and northerly to the point of origin.

SECURITY ZONE PORT CANAVERAL—CAPE KENNEDY AND ADJACENT AREAS AT JOHN F. KENNEDY SPACE CENTER

Designation and Establishment

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521), and Executive Order 10173, as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the Federal Register the order of G. R. Reynolds, Captain, U.S. Coast Guard, Acting Commander, 7th Coast Guard District, who has exercised authority as District Commander, to be effective upon publication in the Federal Register, such order reading as follows:

Special Notice Security Zone Port Canaveral— Cape Kennedy

Pursuant to the request of the Commander, Air Force Eastern Test Range and the Director, Kennedy Space Center, and acting under the authority of the Act of June 15, 1917 (40 Stat. 220), as amended, and the regulations in Part 6, Subchapter A, Chapter I, Title 33 of the Code of Federal Regulations, and as Captain of the Port, Port Canaveral, Fla., I hereby designate and establish a security zone as follows:

All land, water, and land and water bounded by and within the perimeter commencing at the northeast corner of the intersection of the Cape Canaveral Barge Canal and Intra-Coastal Waterway in the Banana River, at position 28°24.5' N., 80°38.7' W., northerly along the east side of the Intra-Coastal Waterway to NASA Causeway East (Orsino Causeway), thence westerly along the southern edge of NASA Parkway to the intersection with Kennedy Parkway North, thence northerly along the western edge of Kennedy Parkway North to NASA Permanent Gate No. 4, thence northeasterly to NASA Permanent Gate No. 6 and extending therefrom, on the same line, to a point 3 miles offshore at position 28°40.3' N., 80°34.6' W., thence southerly along a line 3 miles from the coast to wreck buoy WR6, thence to Port Canaveral Channel Lighted Buoy 10, thence westerly along the northern edge of the Port Canaveral and the Barge Canal to the starting point.

The area designated herein shall be closed to all vessels and persons, except those vessels and persons authorized by Commander, 7th Coast Guard District, or Captain of the Port, Port Canaveral, Fla., whenever space vehicles are to be launched by the U.S. Government. Under normal conditions the area will be closed commencing at 6 a.m. on the day a space vehicle is scheduled for launching and will continue to be closed until one hour after launching. The closing of the area will be signified by the display of a red ball from a 90-foot pole near the shoreline at approximately 28°35' N., 80°34.6' W. and from a 90-foot pole near the shoreline at approximately 28°25.3' N., 80°35' W. When circumstances permit, the closing of the aforementioned area will be announced in Local Notices to Mariners.

All persons and vessels are directed to remain outside of the closed area when the aforesaid signals are displayed. This order will be enforced by the Captain of the Port, Port Canaveral, Fla., and by U.S. Coast Guard personnel and vessels under his command. The aid of other Federal, State, Municipal and private agencies may be enlisted under the authority of the Captain of the Port in the enforcement of this order.

Penalties for violation of the above order: Section 2, Title II of the Act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows: If any owner, agent, master, officer or person in charge, or any member of the crew of any such vessel fails to comply with any regulations or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than \$10,000.

Dated: March 4, 1966.

[SEAL]

W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[CGFR 66-15, 31 F.R. 4246, Mar. 10, 1966]

CHANGES MADE IN TEXT SINCE LAST EDITION

33 CFR SUBCHAPTERS A, K, AND L

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Federal Register, October 9, 1965, Vol. 30, No. 196, page 12882.
Federal Register, October 13, 1965, Vol. 30, No. 198, page 13001.
Federal Register, March 10, 1966, Vol. 31, No. 47, page 4246.
Federal Register, March 22, 1966, Vol. 31, No. 55, page 4787.
Federal Register, July 30, 1966, Vol. 31, No. 147, page 10319.
Federal Register, August 2, 1966, Vol. 31, No. 148, page 10359.

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DEPARTMENT OF DEFENSE • DEFENSE SUPPLY AGENCY • OFFICE OF INDUSTRIAL SECURITY



INDUSTRIAL SECURITY LETTER

Industrial Security Letters will be issued periodically to inform Industry, User Agencies and DoD Activities of developments relating to industrial security. Local reproduction of these letters in their original form for the internal use of addressees is authorized. Suggestions and articles for inclusion in the letter will be appreciated. Articles or ideas contributed will become the property of DSA.

No. 68L-2

29 February 1968

1. THE PRIVACY PERSONNEL SECURITY QUESTIONNAIRE (PSQ)

As has been previously announced, the decision has been made to place the privacy PSQ into effect. While there has been much discussion about the form, the purpose of this letter is to provide an initial look at some of the principles and procedures that will be involved in its implementation.

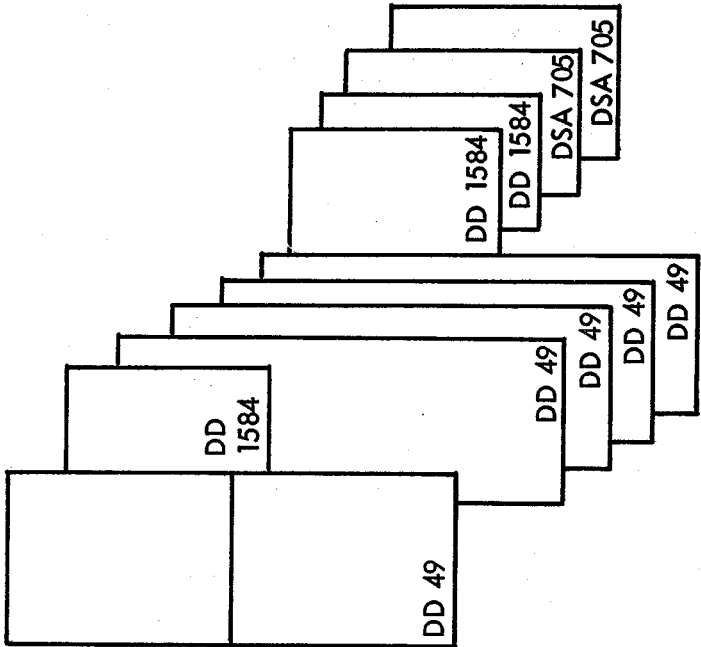
The personal information which is considered of a privacy nature and warrants special handling in the clearance program includes: arrest records; type of discharge from military service; prior security clearance suspension, denial or revocation; history of mental or nervous disorders; drug addiction; excessive use of alcohol; and membership in organizations cited by the Attorney General. Under the revised policy the employee will provide this information to the Government as a privileged communication. The procedures outlined below have been developed to implement this policy decision.

The revised DD Form 48, Personnel Security Questionnaire (Industrial), will generally be used in those cases where the contractor is requesting a SECRET or CONFIDENTIAL clearance for a U. S. citizen employee.

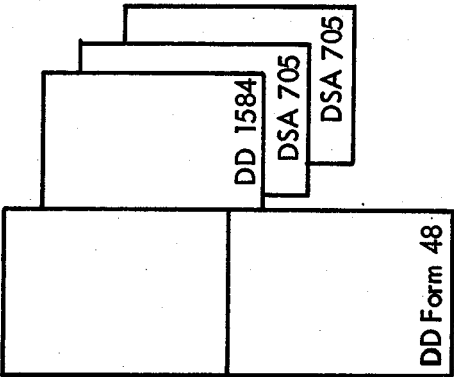
The DD Form 49, previously known as the Immigrant Alien Questionnaire, has been redesignated "Personnel Security Questionnaire (Industrial) (Multiple Purpose)." This new DD Form 49 will continue to be used in requesting clearance for immigrant aliens. It will also be used when requesting reciprocal clearances for Canadian and United Kingdom nationals. In addition the new DD Form 49 will be used in certain situations when requesting a clearance for U.S. citizens. These include requests for TOP SECRET clearance, requests involving an individual who is a representative of a foreign interest and requests where the applicant has relatives residing in Communist countries.

The DD Forms 48 and 49 are almost identical in terms of information required on the form. The only difference is that the DD Form 49 includes certain questions applicable only to immigrant aliens. Another significant distinction between the DD Form 48 and the DD Form 49 is the make-up of the forms. Henceforth both the DD Form 48 and DD Form 49 will be assembled in packets with interleaved carbon, so all information will be typed in register. The DD Form 48 packet will consist of a single copy of the DD Form 48 and three additional forms - the DD Form 1584 and two DSA Forms 705 (see illustration on page 2). (The DD Form 1584 and DSA Form 705 are used by the Government in the processing of the case and therefore the contractor need not concern himself with these forms, per se.)

Arrangement of
DD Form 49



Arrangement of
DD Form 48



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The DD Form 49 will be assembled in a packet which will include five copies of the DD Form 49 and five additional forms used for internal processing by the Government.

Further, the DD Form 48-1, Certificate of Nonaffiliation with Certain Organizations, will be eliminated. Questions pertaining to the employee's affiliation with organizations cited by the Attorney General as having interests in conflict with those of the United States will be included in the basic Personnel Security Questionnaire. The list of cited organizations will be provided separately as part of the instruction for the preparation of the form. This list will also be included as a new appendix to the Industrial Security Manual. The elimination of the DD Form 48-1 as a separate form will promote overall efficiency in requesting and processing personnel security clearances.

The DD Form 48-2, Application and Authorization for Access to CONFIDENTIAL Information, and the DD Form 48-3, Personnel Security Questionnaire (Updating), have also been changed. The changes to the DD Form 48-2 are related only to the removal of privileged information from that form. The most significant change in this regard is that the questions relative to membership or association with cited organizations have been deleted. However, the revised DD Form 48-2 will include in the certification that the individual is not a member of any organization which has been cited by the Attorney General pursuant to Executive Order 10450. Therefore, in those cases when an applicant cannot sign this certification he will so advise his employer. The employer will then have the employee complete the DD Form 49 as described above.

The revised DD Form 48-3, Personnel Security Questionnaire (Updating), will be used in the same manner as it is currently used, that is, for converting or transferring a personnel security clearance. The revised DD Form 48-3 has been amended so that privileged information is incorporated at the bottom of the form.

Each cleared facility will receive an initial distribution of the new forms prior to the effective date. The distribution, in late April 1968, will consist of a standard package containing a six-month supply of forms for the average facility. Each package will include: 10 DD Form 48 packets, 3 DD Form 49 packets, 20 DD Forms 48-2, 10 DD Forms 48-3, 2 Instruction Sheets, 15 Worksheets (DSA Form 707), 23 DSA Form 703 envelopes, and 2 DSA Form 704 envelopes. It is recognized that under this standard distribution approach, some contractors may receive too many forms and others too few. In those cases where the initial distribution is not sufficient for the facility's needs, the contractor should order the additional quantities needed from DISCO. A sample reorder blank will be provided in the next issue of the Industrial Security Letter. In those cases where the initial distribution far exceeds the facility's anticipated six-month need, the contractor should return surplus forms to the Industrial Security Representative at the time of his next inspection or visit to the facility.

As shown in the illustration of page 5, a contractor will first have the employee complete the Worksheet (DSA Form 707), which will be provided for the applicant's use in connection with the completion of the DD Forms

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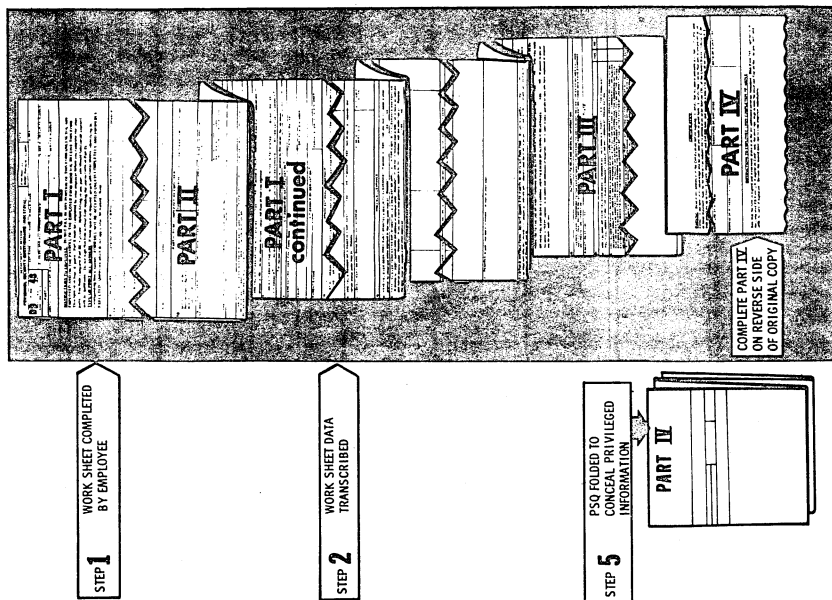
48 and 49 (Step 1). The Worksheet (DSA Form 707) will not contain any of the privileged information questions. Special instructions relative to the completion of the form will be provided to assist the applicant in the completion of the form. When the Worksheet (DSA Form 707) is completed, the contractor or the employee should type the DD Form 48 or 49 packet (Step 2). Part II of the form is the portion to be completed by the employer (Step 3). It contains about the same information as is called for on the top portion of the present DD Forms 48 and 49. This part of the new forms will now be found at the bottom of the first page of both the DD Form 48 and DD Form 49.

When all of the information has been transcribed from the Worksheet (DSA Form 707) onto the DD Form 48 or 49, the contractor should check the form to make sure all questions are properly answered. The form will then be returned to the employee and he will be requested to complete the questions in Part III of the form containing the privileged information discussed previously. This will be done in private (Step 4).

When the employee has completed this portion of the form he will fold the form so that his responses to the privileged questions are concealed (Step 5). Then, in the presence of a witness, the employee will sign the form and date it. The witness shall also sign attesting that he has witnessed the signature (Step 6). The employer should then give the completed Fingerprint Card to the employee. The employee, in the presence of a representative of the employer, will then place the completed DD Form 48 or 49, together with the Fingerprint Card, in an envelope which will be provided. This preprinted envelope, addressed to DISCO, has been designated as DSA Form 703. The employee will seal the envelope, sign across the flap of the envelope and return it immediately to his employer (Step 7). In those cases involving owners, officers, directors, partners, regents, trustees or executive personnel (OODEPs) - who are cleared as part of a facility security clearance - the contractor should not use the preaddressed envelope, DSA Form 703. Instead, the contractor shall transmit the forms to his cognizant security office. The DSA Form 704 envelope should be used for this purpose. The contractor will be required to address the DSA Form 704 to his cognizant security office.

Because privileged information is being provided, new procedures have been adopted for the handling of those cases in which the DD Form 48 or 49 is not properly completed. Under the new procedures, if the information pertains to the nonprivileged (open) portion of the form, the employer will be queried. If the information concerns the privileged portion of the form, a letter will be sent to the employee via the contractor. The letter to the employee will advise him with respect to the additional information which must be provided. This letter will be in a sealed envelope as an attachment to a letter to the contractor. The contractor will be advised to deliver the sealed envelope to the employee and to have the employee complete the privileged information in the same manner as when the original form was completed. The employee will then place his reply in the envelope provided. This envelope, after being sealed by the employee, will be given to the contractor who will mail it to DISCO.

STEPS IN PREPARATION OF PSQ



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It is essential that a representative of the contractor carefully review the nonprivileged (open) portion of the form for completeness and accuracy. Further, he shall assure that the employer, or his designated representative, has signed Part II. He shall ask the employee whether each question in the privileged section has been answered. Before the form is mailed, both the employee and the witness shall be asked whether they have signed and witnessed the form. By following this simple procedure, the return of the forms for correction can be prevented, thereby reducing unnecessary lost time in processing.

Changes in the procedures for requesting personnel security clearances will require rather significant modification of the procedures currently used by contractors in processing and preparing clearance applications. In order to assist industry during the transition period, the Department of Defense is planning a series of conferences throughout the country for the purpose of providing more detailed guidance. These conferences will also provide industry with an opportunity to resolve questions which they may have regarding the new PSQ procedure. Additional subjects will be presented at these conferences relative to the new "Contract Security Classification Specification" (DD Form 254) and the administrative termination of personnel security clearances. By the middle of March, each contractor will receive a notification from his cognizant security office advising of the date, time and place of the conferences in his Defense Contract Administration Services Region (DCASR). A team from HQ DSA CAS will conduct at least one conference in each metropolitan area in which the DCASR headquarters is located. The DCASRs will schedule additional conferences when needed in other locations throughout the region. These presentations will be given by DCASR personnel. Contractors may elect to attend the HQ DSA CAS or DCASR presentation, whichever is more convenient for them.

The changes to the Industrial Security Manual necessary to implement these new procedures will be published and distributed on or about 1 April 1968. The anticipated effective date for these new procedures is 1 May 1968.

It is emphasized that the partnership presently enjoyed and being effectively implemented by both industry and Government in the Industrial Security Program will continue undisturbed. With the cooperation of all concerned, the new PSQ can be placed into use without materially disrupting the industrial security clearance processing system. At the same time, the individual employee who requires access to classified information will be assured that his constitutional right to enjoy privacy on privileged or personal matters remains inviolate.

2. INDUSTRIAL SECURITY MANAGEMENT COURSE

Contractors are advised that the Department of Defense, during the balance of FY68, will hold 5 Industrial Security Management Courses according to the schedule given below:

AMENDING SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950 1813

FORT HOLABIRD, MARYLAND

Convening Date

18 March 1968

8 April 1968

Closing Date

22 March 1968

12 April 1968

Contractors interested in attending the Industrial Security Management Course at Fort Holabird should contact their cognizant security offices for reservations.

DENVER, COLORADO (Field Extension)

The course will be held 6-10 May 1968 at the Sheraton-Malibu Motor Inn, 6160 Smith Road, Denver, Colorado 80216. Contractors desiring reservations should address their requests to Mr. Homer A. Grove, Defense Contract Administration Services Area Office, Denver, Room 392, New Customs House, 19th and Stout Street, Denver, Colorado 80202. Telephone: Area Code 303, 297-3707.

SANTA BARBARA, CALIFORNIA (Field Extension)

The course will be held 13-17 May 1968 at the Santa Barbara U.S. Army Reserve Center, 3227 State Street, Santa Barbara, California, 93105. Contractors desiring reservations should address their requests to Mr. Philip W. Jolin, Defense Contract Administration Services Region, Los Angeles, 11099 S. LaCienega Boulevard, Los Angeles, California 90045. Telephone: Area Code 213, 643-0192, 643-1086.

NOTE: Because of limited accommodations at the Santa Barbara U.S. Army Reserve Center, contractors in the Santa Barbara, Ventura, Santa Maria and Lompoc areas will be given priority consideration.

LOS ANGELES, CALIFORNIA (Field Extension)

The course will be held 20-24 May 1968 at the Hollywood Roosevelt Hotel, 7000 Hollywood Boulevard, Hollywood, California 90028. Contractors desiring reservations should address their request to Mr. Philip W. Jolin, DCASR Los Angeles, 11099 S. LaCienega Boulevard, Los Angeles, California 90045. Telephone: Area Code 213, 643-0192, 643-1086.

The above information supersedes Industrial Security Letter No. 67L-7, 30 November 1967, Item 4, subject: Industrial Security Management Course - Field Extensions.


BENJAMIN C. MARSHALL
Colonel, USAF
Chief, Office of Industrial Security
Contract Administration Services

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